

**MERIDIAN TOWNSHIP POLICE DEPARTMENT
GENERAL ORDER**

Subject: TRAFFIC ENFORCEMENT	General Order: 701
Effective Date: December 15, 2016 Revised Date: November 10, 2022	Distribution: Sworn Personnel

I. PURPOSE

The purpose of this directive is to establish procedures for conducting professional traffic stops and for the enforcement of traffic laws.

II. POLICY

It is the policy of this Department to enforce traffic laws involving drivers, pedestrians and bicyclists through guided enforcement. Traffic enforcement activities should be directed at reducing violations through preventive patrol and active enforcement of identified hazardous violations. Officers are expected to enforce all traffic related laws in a uniform and consistent manner. Enforcement will comply with Motor Vehicle Code (MVC), Uniform Traffic Code (UTC) and applicable State laws and Township ordinances.

Officers shall not stop drivers based solely upon their race or ethnicity nor engage in bias based policing practices. Biased based policing is the selection of individuals based solely on a common trait of a group, including: race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

The content of this directive shall not be interpreted to supersede or violate the provisions of existing or newly enacted laws or regulations.

III. PROCEDURES

A. Conducting Professional Traffic Stops

Traffic stops shall be conducted in a courteous and friendly manner consistent with the circumstances present. Officers must be able to explain the probable cause basis for their belief that the operator of a motor vehicle has violated a section of the MVC or UTC if they stop the vehicle. Absent exigent circumstances, officers are expected to approach traffic violators in the following manner:

1. Greet the driver courteously and inform them of the specific reason for the stop. Providing the name of the officer and department would be an appropriate component in the greeting.

2. Request the driver's operator's license, vehicle registration and proof of insurance documentation.
3. Upon return to the violator's vehicle, return their documents and explain any citation or warning issued.
4. Officers shall provide a Meridian Township Police "Traffic Stops" brochure to all drivers stopped by Meridian Township Police Officers.
5. Release the driver from the stop.

New

B. Unknown Risk and High Risk Traffic Stops

The following procedures should be employed by officers when executing an unknown risk or high risk traffic stop:

1. Whenever possible, officers should wait for back-up units before initiating an unknown risk or high risk stop, unless the urgency of the situation demands immediate action. If the stop is initiated prior to back up units arriving and the vehicle stops, officers shall wait for back up units to arrive before continuing with the unknown risk or high risk stop. Officer shall advise dispatch of the traffic stop location, exit their patrol vehicle, and assume positions of cover by using their patrol vehicles or as otherwise appropriate to ensure officer safety and tactical advantage.
2. When planning to stop the vehicle, the officer shall notify dispatch of the vehicle's description (including vehicle make, model, and color if known), plate, location, and direction of travel. The officer should also communicate the reason for the high risk stop and other appropriate information such as the number of occupants, if weapons are known to be in the vehicle, etc. to aid assisting units.
3. Whenever possible, unknown risk and high risk traffic stops should be conducted in a location with tactical advantage (consider other traffic, pedestrians, lighting, road grade, etc.). Care should be given to minimizing the potential of harm to the public yet maintaining tactical advantage over the unknown risk or high risk stop.
4. Officers should use all available light sources to illuminate the suspect vehicle and the suspect.

5. Once the vehicle has stopped, officers should assume positions of cover by using their patrol vehicles or as otherwise appropriate.
6. Whenever possible and practical, instructions to the occupants of the stopped vehicle should be given using the patrol vehicle's public address system.
7. The officer in charge shall first identify themselves and then notify the occupants they must follow all instructions. Only one officer should issue instructions. The occupants shall be given appropriate instructions that allows them to safely exit the vehicle and be detained by assisting officers.
8. Once all occupants have exited the vehicle and been safely detained, officers should approach the vehicle using appropriate cover and visually inspect the passenger compartment, trunk, etc. as may be necessary and justified under the given circumstances.
9. Additional tools such as a canine or UAV may be utilized to maximize officer safety and occupant safety during a high risk or unknown risk traffic stop.

C. Obstructing Traffic Flow

Officers should avoid unnecessary obstruction of vehicular traffic, whether on the roadway or private property, while conducting traffic stops. When appropriate, after the initial contact, violators should be requested to move the vehicle to a location off a main/busy thoroughfare. They must be able to legally and safely operate their vehicles. Driveways and business lots, such as gasoline station service drives should not be obstructed.

D. Enforcement Action

1. A driver whose license has been suspended or revoked (DWLS/DWLR) shall be cited/charged.
2. Enforcement action in the form of a Uniform Law Citation (ULC) should be taken against drivers committing speed and/or hazardous traffic violations, where the officer believes that the driver's actions were not inadvertent. When determining whether a violation was inadvertent, the officer

should consider weather, traffic, and roadway conditions, and any other factors present at the time the violation occurred.

a. Inadvertent violations where other persons or property have been endangered should result in enforcement action.

3. Enforcement action should be taken against drivers committing non-hazardous and equipment violations, if the officer believes this will cause the driver to comply with correcting the equipment or other statutory requirement.

4. Enforcement action should be taken against public carriers, commercial vehicles, pedestrians, and bicyclists the same as it is applied in the above sections.

5. Enforcement action should be taken against drivers who commit violations off the public roadway based upon the provisions stated in applicable laws and/or corresponding local ordinances.

6. Enforcement action in the form of a ULC should be taken against drivers involved in a traffic accident, when upon investigation by the officer has reasonable cause to believe the driver is responsible for a violation (civil infraction or misdemeanor).

a. Supervisors are responsible to review traffic accidents for appropriate and consistent enforcement action by officers.

7. Enforcement action should be taken for all occupant restraint violations as allowed under statute and ordinances.

New

8. Enforcement action should be taken against drivers who commit licensing, registration, or insurance violations.

9. Violations issued to a driver shall be written under local ordinances, unless the State law is more appropriate or other action is required by prosecutorial guidelines. Multiple violations should all be issued either under state or local jurisdictions.

- a. Written warnings shall only be issued in conjunction with a citation issued for another charge.

E. Ticket Quotas

Per MCLA §257.750 a police officer shall not be required to issue a predetermined or specified number of citations, including parking or standing violations. A police officer's performance evaluation shall not require a predetermined or specified number of citations to be issued.

F. Arrests, Citations, Warnings

1. Physical Arrests or Warrant Requests:

- a. Physical arrests will be made for traffic related felonies consistent with applicable state laws and contingent upon satisfying the probable cause standard, except as noted herein.
- b. Fatal or Serious Injury Accidents: These cases should be reviewed by the Ingham County Prosecutor's Office or the Township Prosecutor as circumstances may warrant, prior to physical arrest or final disposition. *Citations shall not be issued prior to prosecutorial review and approval.* Safety or liability issues such as a drunk driver being involved in a fatal collision would require lodging the subject to protect the public. In some cases, the likelihood that a driver won't appear for arraignment may necessitate lodging or taking bond of the individual. In such cases, the investigating officer should contact the on-call prosecutor (with supervisory approval) from the scene prior to making a disposition.

Citations for Other Felony Arrests: Citations should not be issued in conjunction with traffic related felony arrests.

- c. In cases of non-alcohol traffic misdemeanors, and/or second and subsequent traffic offenses, committed in the presence of an officer, a physical arrest may be made when circumstances suggest.

If a misdemeanor is committed, however not in the officer's presence, a physical arrest may be made if the officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it. This includes Michigan motor vehicle violations under §764.15

- d. OUIL/OUID/Zero Tolerance Driving offenses will be handled pursuant to the requirements of the directive for Alcohol Related Driving Offenses, General Order 704.
2. Citations and Verbal Warnings: When traffic violations committed in the officer's presence and the criteria for a physical arrest/warrant request (cited above) do not apply, a ULC may be issued. Violations for which fines and costs are waived upon correction or compliance with the statute shall be indicted as such on the citation by checking the appropriate box.
- a. When a violation is committed in an officer's presence, a verbal warning may be issued to a driver if in the officer's opinion the violation was inadvertent. The verbal warning to the offender shall be courteous and tactful. It should inform the driver of the danger associated with the violation, in order to gain future compliance with traffic laws and safe driving practices. (Note: Written Warnings shall only be issued in conjunction with a citation issued for another charge).
 - b. A police officer should issue a misdemeanor or civil infraction citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation; the officer has reasonable cause to believe that the person had committed a traffic violation in connection with the accident. (MCLA 257.728, 257.742).
 - c. When traffic misdemeanors are not committed in the officer's presence, the suspected driver will be released and a warrant will be sought from the Ingham County Prosecutor or the Township Attorney, whichever is appropriate.

Revised

- d. An officer may issue a civil infraction to a traffic violator based upon a written complaint as reported by a citizen witnessing the violation, if the officer has reasonable cause to believe that the driver is responsible, and the Ingham County Prosecutor or Township Attorney authorizes in writing the issuance of the citation, pursuant to MCLA 257.742. (Note: The procedure for processing School Bus Violations is covered by MCL 257.682(3).)
3. Citation Issuance:
 - a. Citations shall contain all information required under state law and consistent with departmental guidelines for completion of documents.
 - b. The issuing officer shall provide the appropriate copy of the form to the violator and turn the remaining copies in to the on-duty supervisor prior to the end of the officer's workday.
 - c. Officers should inform the driver whether it is mandatory or optional to personally appear in court and the appearance date or time frame for answering the citation.
4. Confiscating Registration Plates

Registration plates shall be confiscated from stopped vehicles when:

 - a. The plate has been illegally used on a vehicle other than the vehicle to which it was assigned.
 - b. The driver of the vehicle is subject to "repeat offender" actions, the plate shall be confiscated and a temporary registration issued according to Michigan SOS guidelines.
 - c. Plates shall be disposed according to the SOS guidelines and Departmental procedures for handling property and evidence.

G. Out of state drivers

- Revised
1. If an out of state driver so requests, and a judge or magistrate is immediately available, the officer shall take the driver before the court.
 2. Officers shall not take money or a driver's license in lieu of bond when issuing a civil infraction citation to an out of state driver per MCL 257.749.
 3. In the case of a misdemeanor violation, in lieu of arrest, or if a judge or magistrate is not available, the violator may post a cash bond or certificate as described in section 2 above, but may not post their driver's license.
 4. If a bond is taken from an out of state driver, it shall be taken in accordance with interim bond procedures.

H. Juvenile Violators

- Revised
- Violators under the age of eighteen years issued civil infractions will be processed in the same manner as any civil infraction through District Court. When a driver under the age of eighteen years is issued a misdemeanor traffic violation or is arrested on a traffic felony, the charge will be processed through juvenile court. When issuing traffic misdemeanor citations to juveniles, check the box "Juvenile Court will notify."

I. Special Circumstances

1. Diplomatic officers, career consular officers, United States Legislators and State Legislators may be immune from arrest and/or prosecution under certain conditions. The officer may not be able to discern the extent of the immunity immediately in the field. Such persons should be released on minor traffic offenses and lesser traffic offenses. In more serious crimes, the officer shall contact the on-duty supervisor to contact the on-call prosecutor and the crime should be reported consistent with the provision stated in the directive for "Arrest Management."
2. A peace officer may take into custody and detain for the military police, any member of the Armed Forces, found in violation of civilian or military law. An officer issuing a civil infraction to a person in "active" Military Service shall mark the appropriate box on the citation form. Active Military personnel shall then not be detained further for a civil infraction charge.

J. Driver Referrals for Re-examination

1. Officers who have reason to believe that a driver may be unable to operate a motor vehicle safely due to a mental or physical infirmity, or disability, should refer the driver to the Michigan Secretary of State (SOS), Bureau of Driver Improvement for re-examination as provided in MCLA §257.320.
2. During their contact with drivers, officers should be alert for evidence that may justify re-examination. This may include mental infirmities or disabilities, vision deficiencies, convulsions, seizures, blackout episodes, or any other reason driving may be affected. In cases where an officer has reason to believe a condition exists, the officer shall complete the Request for Re-examination, State of Michigan form OC 88.

K. Detention and release of traffic law violators

1. An officer may detain a person for the purpose of issuing a traffic citation. However, once the purpose of the initial traffic stop is completed the officer cannot detain the vehicle or its occupants any longer. If an officer observes something occurred during the traffic stop to generate reasonable suspicion of criminal activity then a longer period of detention may be justified.
2. An officer may order the driver/violator and passengers of a lawfully stopped vehicle, out of the vehicle, for the increased safety of the officer(s).
3. If an officer wishes to conduct a consensual interrogation beyond the normal activities of the stop and without reasonable suspicion of wrong doing, then:
 - a. The citizen should be clearly informed that they are free to go, and
 - b. The citizen should be released at any time they withdraw their consent to remain, unless criminal activity or contraband has been uncovered.
4. Consent searches of motor vehicles: Officers should request consent to search from a driver only when there is an

articulable reason for this course of action to be pursued.
(See also General Order 961, Search and Seizure; Consent Searches)

L. General Traffic Assistance

Officers are expected to respond to the motoring public and offer general and emergency assistance to protect life, to protect property and to facilitate the safe and efficient movement of traffic. When a citizen makes a request seeking information or directions, the officer will make a reasonable attempt to assist the person in securing that information.

1. Upon observing or responding to stranded motorists, officers should use the patrol vehicle and emergency lights to protect the scene. The officer is responsible to determine if an emergency exists and if so, provide first aid and/or summon the appropriate emergency assistance.
2. When no emergency exists, the officer should reduce the hazard on the roadway by arranging assistance for the motorist, such as a wrecker service or the summoning of additional help.
3. Officers may utilize the cadet desk personnel or dispatch center assistance to make reasonable telephone calls for the motorist to secure assistance.
4. Officers shall not abandon motorists in or along the roadway unless some type of assistance has been secured, except to respond to an emergency call for service. If the officer must leave the motorist before securing help, they shall notify the dispatch center of that situation.

M. Parking Enforcement Procedures

Officers are expected to enforce parking violations encountered while on patrol and parking violations encountered as a result of a citizen complaint.

1. Vehicles obstructing vehicular traffic on the roadway should be ticketed unless the owner/driver is actively attempting to remove the vehicle from the traveled portion of the roadway. (Vehicles left or abandoned in the traffic lane may also be

impounded in accord with General Order 706 Impound and Inventory of Motor Vehicles).

2. Vehicles parked in violation of properly designated handicapped space should be ticketed; except, if the driver, or a responsible passenger, is present and agrees to promptly remove the vehicle, then the officer may issue a verbal warning for the violation.
 - a. Enforcement of handicapped parking is limited to public property or private property, which is readily open to the public, unless, a specific complaint/request for enforcement is received from the owner/agent of the property, which is not open to the general public.
3. Vehicles parked in violation of a designated fire lane should be ticketed; except, if the driver, or a responsible passenger, is present and agrees to promptly remove the vehicle then the officer may issue a verbal warning.
4. Impound of vehicles for a violation of the parking ordinance will not usually occur, however, when necessary it is governed by General Order 706 Impound and Inventory of Motor Vehicles.

N. Identifying and Reporting Roadway Hazards

Officers shall remain alert during their patrols to identify unsafe driving conditions or roadway hazards. If an unsafe condition or hazard may be safely and readily corrected then the officer should take that action. Otherwise, if the situation cannot be readily corrected, the officer will complete appropriate notice to the Ingham County Road Commission, MDOT, or other responsible entity.

1. If the situation presents an immediate risk to public safety, then the officer should remain at the scene to warn approaching motorists until the situation is corrected or sufficiently controlled.
2. If officers observe road debris, trash or other items in the road, they should stop and remove items from the road or call appropriate authorities to have the items removed, if too big or dangerous to move.

New O. Newly Enacted Traffic Laws

1. Officers shall stay informed on newly enacted traffic laws via MTPD training briefs and Michigan State Police legal updates.
2. Officers should give motorists a reasonable amount of time once a new traffic law is enacted, traffic control devices are changed, or traffic pattern is changed before issuing citations for violations.

IV. CANCELLATIONS

None

Authorized by:



Ken Plaga, Chief of Police

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Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.