DEPARTMENTAL GENERAL ORDER

OLIVETTE POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

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## ENFORCEMENT OF TRAFFIC VIOLATIONS

I.  PURPOSE:

A. It is the purpose of this General Order to establish aggressive and equitable means by which to enforce laws and ordinances. The primary objective of enforcement being the promotion of traffic safety and the reduction of traffic crashes.  All officers shall take appropriate enforcement action for each violation of law or ordinance witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial, and courteous manner for both residents and non-residents alike.  Traffic stops will never be made based on a motorist's race, national origin, creed, color, disability, age, religion, gender, sexual orientation or gender identity/expression, socio-economic status or any other class protected by law, but rather on reasonable suspicion or actual violation of law or ordinance.

B. When enforcing traffic violations, officer and citizen safety is paramount.  Officers will make a conscientious effort to ensure the following.  While this list is not exhaustive, it provides a foundation for the individual officer's discretion:

   1. Officers should avoid stationing their patrol vehicles on the inside shoulder of I-170;

   2. Officers should avoid running radar in inclement weather;

   3. Officers should move the traffic violator to a side street or parking lot, if possible; and

   4. Officers may utilize a passenger-side approach, if necessary.

C. Officers must realize that, because of the nature of traffic enforcement, there is a high probability of negative public perception of police practices.  Therefore, when enforcing

traffic violations, especially DWI, speeding and other hazardous moving violations, equipment and public carrier/commercial vehicle violations, officers should use their best judgment when deciding where and when to enforce traffic ordinances.

D. This Agency prohibits practice requiring officers to issue a predetermined number of citations, arrests, or summonses, or to initiate investigative contacts with citizens for reasons not directly related to improving public safety.

II. ARRESTS, CITATIONS AND WARNINGS:

A. The exercise of the power to arrest should be accompanied by prudence and discretion, with enough probable cause and supporting evidence to support the arrest. Except for specific offenses outlined herein, officers generally have the discretion to use the following levels of enforcement action:

1. No Action,

2. Written Warning, or

3. Uniform Traffic Citation, or

4. Physical Arrest.

B. Officers will decide the appropriate enforcement action based on a combination of training, experience, and common sense. The officer should also consider the severity of the violation and the violator's driving history to determine what level of action is necessary to achieve future voluntary compliance with traffic laws and ordinances. If enforcement action is taken, officers shall issue for the violation observed and not lessen or amend the violation to any other charge.

C. When a violator is arrested for a violation that usually would result in only a citation being issued, the arrest report will include the justification for the arrest.

D. The following violations require an arrest, unless otherwise directed by the Shift Commander. If an arrest is not made, a memo documenting the circumstances will be forwarded through the chain of command to the Chief of Police.

If an arrest is not made (except for #2 below), the officer must make appropriate arrangements to ensure the driver does not drive away from the stop. If the subject's vehicle is left properly parked, the location of the vehicle will be documented. If another party takes possession of the vehicle, their driving status will be verified, and their identity will be documented.

1. Driving under the influence of alcohol and/or drugs.

2. Leaving the scene of an accident.

3.  No operator's license in possession, when the violator's identity cannot be verified.

E.  Violations that may result in arrest, citation, or warning, based on the officer's discretion, include but are not limited to:

1.  Moving violations.

2.  Non-moving violations.

3.  Off-road violations.

4.  Equipment violations.

5.  Driving while Revoked/Suspended.

6.  No State Operator's License Issued.

7. All public carrier or commercial vehicle violations.

8. Pedestrian and bicyclist violations.

If an arrest is not made for #5 or #6 above, the officer must make appropriate arrangements to ensure the driver does not drive away from the stop.  If the subject's vehicle is left properly parked, the location of the vehicle will be documented. If another party takes possession of the vehicle, their driving status will be verified, and their identity will be documented. A CARE report shall be completed to accompany citations issued for violations of #5 or #6 above.

III. INFORMATION FOR VIOLATORS WHO HAVE BEEN CITED:

Per Missouri Supreme Court Rule 37.33(b), any time a motorist is cited on a traffic violation, the officer issuing the citation shall provide information about the violation and court appearance to the violator.

A. Court appearance date, time, and location.

B. Whether court appearance by the motorist is mandatory.

C. Whether the motorist may be allowed to enter a plea, and/or pay the fine by mail or otherwise; and

D. The specified fine and costs for the violation.

IV.  MULTIPLE VIOLATIONS:

A.  Any person found to be in violation of multiple violations may be charged accordingly.  Each charge will be written on a separate citation.

B.  A second charge may not be issued if the first charge is all-inclusive.

C.  The emphasis on traffic enforcement is qualitative not quantitative enforcement.

D. Officers who stop a driver for an equipment violation will not issue the driver a citation for the violation if the driver can prove that he/she has received a citation for the same violation, from any law enforcement jurisdiction, within the last 60 days.  Instead, officers will issue the driver a written warning for the violation.

V.  NEWLY ENACTED LEGISLATION:

When new laws or ordinances are enacted, officers may consider allowing a thirty (30) day grace period before violations are cited to court. Depending upon the nature of the law, officers may elect to warn violators during this grace period.

VI.  SELECTIVE ENFORCEMENT PROGRAMS:

The objective of selective enforcement is the direction of appropriate enforcement efforts toward violations, based upon the analysis of crash data, enforcement data, traffic patterns, and engineering or construction activities.

> 1. All officers are responsible for carrying out selective enforcement activities in the areas to which they are assigned.
>
> 2. Officers involved in traffic enforcement activities will follow strategies and tactics for enforcement consistent with the nature of the violation and the potential for interfering with the free and safe flow of traffic.  Such strategies may be carried out utilizing either:
>
> > a. Increased patrol of the officer's sector or area of assignment; or
> >
> > b. Stationary assignment, either overt or covert, as best addresses the situation.
>
> 3. Traffic enforcement will generally be carried out in fully marked or semi-marked vehicles.  If the Shift Commander authorizes the use of an unmarked car, the unmarked car must be equipped with a red emergency light and siren.
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> 4. The Chief of Police or his/her designee will review and evaluate the results of Selective Enforcement Programs and make recommendations for revised programs or personnel deployment as determined by the analysis.

# OPD - 21.1

*This General Order supersedes all prior directives and orders inconsistent therewith.*

BY ORDER OF:

<u>*Signature on File*</u>
Beth M. Andreski
Chief of Police
Effective Date: 06/05/2009
Revised: 10/4/2010
Revised: 01/05/2011
Revised: 7/22/2016
Revised: 3/22/2018
Revised: 5/19/2020
Revised: 7/29/2020
Revised: 8/17/2020
Revised: 03/15/2023
Expiration:  Indefinite