




**Department of Public Safety
Police Division
Policies and Procedures**

<u>Title</u> Traffic Enforcement and Activities	<u>SOP Number</u> 10.1.100
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Traffic Enforcement and Activities

- I. **Purpose:** The purpose of this policy is to establish guidelines for the enforcement of traffic laws and regulations.
- II. **Policy:** It shall be the policy of the University of Cincinnati Police Division (UCPD) that traffic laws and regulations be enforced fairly, equitably, and uniformly to promote efficient traffic flow, reduce vehicular accidents, and provide effective police service to the community.

It is also the policy of this Division that motor vehicle stops be performed professionally and courteously. It is a priority of the Division to educate the public regarding traffic safety and take steps to minimize the dangers for motorists, pedestrians, and other users of the roadways.

Most persons form their perceptions of the police based on brief encounters with officers. Therefore, officers should adopt a customer service and educational approach when dealing with otherwise law-abiding members of the public who have violated traffic laws.

For motor vehicle stops, the UCPD jurisdiction stops at the borders of campus property. UCPD has a secondary jurisdiction within a limited area of the City of Cincinnati, by written agreement with the City that is designed to cover the area where a large number of UC students reside. These areas are included in the UCPD patrol zones. This written agreement (Memo of Understanding or MOU) only authorizes off-campus involuntary traffic stops in an emergency. The UCPD mission while patrolling these zones is to provide for public safety and protect the University community by the least intrusive means possible.

Additionally, UCPD is included in the Hamilton County Mutual Aid agreement, which grants jurisdiction to UCPD officers in the event of an emergency. In the event of an emergency, the Mutual Aid agreement allows a non-primary jurisdiction officer to take immediate police action to abate the emergency until the primary jurisdiction can arrive and take over. The spirit of the Mutual Aid agreement is NOT to stretch jurisdictional boundaries; it is a public-safety provision that every jurisdiction has signed as a stop-gap measure if a non-jurisdictional officer happens to be nearby when an emergency occurs; or if a jurisdiction needs more resources than it possesses for a specific period.

If UCPD conducts a traffic stop outside its normal jurisdiction (off-campus), see section N of this procedure for specific follow-up instructions.

If UCPD conducts a traffic stop outside its normal jurisdiction (off-campus), for a violation that occurred inside its normal jurisdiction, (on-campus), the stop must be immediate and without delay. If there is a delay or a separation in time between the violation and the officer's intent to stop the vehicle, the officer will NOT travel off campus to make the traffic stop. The exceptions are those offenses that would be permitted under the mutual aid agreement.

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III. Definitions:

Emergency: An event in which serious physical harm or death has occurred, is occurring, or is likely to occur should the actions of the individual continue.

Reasonable Suspicion: In the present context, the totality of the circumstances in each incident or situation that provides an officer with a particularized and objective basis for suspecting legal wrongdoing. The process allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them. Reasonable suspicion is more than a hunch or feeling that an officer might have about an individual or circumstances. It is based on specific facts that, when taken together with rational inferences, reasonably warrant the vehicle's stop. Reasonable suspicion justifies a vehicular stop. But, to arrest the motorist, passengers, or both, the officer must establish probable cause.

Probable Cause: In determining probable cause the arresting officer must examine all of the factors and events leading up to the arrest and decide whether these facts, viewed from the standpoint of an objectively reasonable police officer, support the belief that an individual has committed, is committing, or is about to commit a crime.

IV. Procedures:

A. Legal Basis for Stopping Motor Vehicles

1. Officers have legal justification to stop a motor vehicle based on reasonable suspicion of a traffic or criminal offense.
2. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
3. A motor vehicle may be stopped only for a period that is reasonable to issue a citation or conduct other legitimate police business.

B. Stopping and Approaching Traffic Violators

The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, the volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions.

1. Activate all available camera systems (Body Worn Camera, Vehicle Mobile Video, etc.).
2. Officers shall select an area that provides reasonable safety, avoiding curves, hills, heavily trafficked and poorly lit areas, and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations, and areas where a large volume of spectators are likely to gather.
3. When a location has been selected for the stop, the officer shall notify the Emergency Communications Center (ECC) of the nature of the stop providing the unit location, a description of the vehicle, the vehicle tag number, and the

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- number of occupants before approaching the vehicle. At the officer's discretion or ECC's request, additional information may be exchanged.
4. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or the safest shoulder by activating the overhead emergency lights and siren as necessary.
 - a. On multi-lane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or location, the officer should instruct the driver to move by using the appropriate hand signals or by activating the vehicle's public address system.
 5. Once properly stopped, the officer should position the police vehicle about 20-30 feet behind the violator's vehicle and at a slight angle, with the front approximately two feet to the traffic side of the violator's vehicle.
 6. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
 7. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers. When possible, a backup should be requested.
 8. Officers will approach vehicles following training.
 - a. Barring exigent circumstances, (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence.
 - b. Where circumstances dictate, particularly where traffic is close enough to create a potential problem or when a high-risk approach is required, the officer may choose to approach the violator's vehicle from the right-hand side and stop at the trailing edge of the right front door.
 - c. When the violator's vehicle has occupants in the rear seat, the officer should approach at a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.
 - d. In two-officer police vehicles, the contact/cover principles will be utilized for the stop and contact.
 9. If deemed necessary for the officer's protection and safety, the driver and any or all passengers may be ordered out of the vehicle or directed to remain in the vehicle.
 10. The Conducted Electrical Weapon (CEW) should not be used against subjects operating or riding in any moving device or vehicle, except in exigent circumstances.
 11. If probable cause is established to search the vehicle, the belongings of passengers may also be searched, provided that the belongings are capable of concealing the type of object for which officers have probable cause to search the vehicle.

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12. Where contraband, fruits, or instrumentalities of a crime are uncovered during the search of a vehicle, the driver and any passengers may be arrested. To do so, the officer must have probable cause to believe that such passengers had common knowledge of and control over the illegal items or evidence or where engaged in a common enterprise with the driver to conceal the fruits or evidence of a crime.
13. Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not make vehicle stops for traffic violations. In situations where failure to act would create unreasonable risks of injury, death, or significant property damage, such personnel shall contact the communications center to request a marked patrol unit to make the stop. Depending upon the urgency of the situation, an officer may activate emergency lights and siren to make a traffic stop.

C. Stopping an Approaching Vehicle

1. In cases when an approaching vehicle must be stopped:
 - a. Officers should not move into or remain in the path of a vehicle, and doing so is not justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle should attempt to move to a position of safety rather than discharging a firearm at the vehicle.
 - b. Because of the potential hazard involved, an officer should not leave his or her vehicle when attempting to stop oncoming motorists.
2. In cases where an officer wishes to stop a traffic violator coming from the opposite direction, the following actions may be taken:
 - a. Drive the police vehicle to the extreme right portion of the roadway and, as the violator approaches, signal him or her to stop by using hand signals and emergency lights.
 - b. If the subject motorist complies with the instructions, the police vehicle may then be turned around and appropriately positioned to the rear of the violator's vehicle.
 - c. Should the motorist fail to comply with the officer's instructions, the officer should turn the vehicle around and attempt to stop, and approach the violator in the prescribed manner.

D. Stopping a Following Vehicle

When stopping a motorist at the rear of the police vehicle, the officer should drive to the right shoulder of the road, reduce speed, allow the violator to pass, and then conduct a stop following the procedures outlined here.

E. Making High-Risk Vehicle Stops

The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:

1. When planning to stop the suspect vehicle, the officer shall notify the communications center; describe the nature or reason for the stop; provide information on the vehicle, tag number, and the number of occupants; and

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- request appropriate assistance to make the stop.
 2. An officer should not individually initiate high-risk vehicle stops unless backup units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
 3. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop. Officers shall then follow Divisional training for vehicle positioning, and the removal and securing of occupants.
 4. Officers should not place themselves or another person in jeopardy in an attempt to stop a vehicle unless the failure to act would create a greater risk of harm to the officer or the public.
- F. Stopping Oversize and Overweight Public Carrier/Commercial Vehicles
- In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be followed:
1. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight, and allow the operator sufficient time and distance to make the stop.
 2. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
 3. Never climb onto or reach in the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask him or her to exit the vehicle, if and when necessary.
- G. Communication during Traffic Stops
- A customer service and educational approach shall be used when communicating during a traffic stop. This approach includes the following measures:
1. Apply non-escalation and de-escalation techniques throughout the contact.
 2. Introduce yourself as a UCPD Officer and state your name. Specify the reason for making the vehicle stop, and solicit the necessary documents.
 3. Be courteous and respectful.
 4. Use command presence as compared to an aggressive or condescending approach, tone of voice, or facial expressions.
 5. Provide the violator with any information deemed appropriate to educate rather than lecture them about the infraction.
 6. Be positive and friendly but not familiar and avoid the use of language that provokes guilt, hostility, fear, or intimidation.
 7. When dealing with motorists who become troublesome, uncooperative, or argumentative, maintain an information mode by using a calm, friendly, and assertive voice in which only information is provided.
 8. Ask if there are any questions concerning court dates and similar issues.
- H. Issuing Citations
1. When the operator is out of the vehicle to issue a citation, conduct roadside sobriety tests, or converse with the operator, the officer, and other parties shall

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- be positioned to the side of the road, clear of the motor vehicles. At no time shall the officer or others stand in front of, between, or behind the stopped vehicles.
2. Officers should not arrest operators of motor vehicles for traffic violations in which a citation is authorized unless special circumstances exist or there is probable cause to believe that a more serious offense has been or is about to be committed.
 3. When issuing a citation, the officer shall communicate the following information when applicable:
 - a. court appearance date, time, and location,
 - b. if the court appearance by the person is mandatory,
 - c. If the person may be allowed to enter a plea/and or pay the fine by mail, and
 - d. Ohio insurance requirements or any other pertinent information before release.
- I. Physical Arrests
1. UCPD officers may make a physical arrest in the following circumstances:
 - a. If there is probable cause to believe the operator is violating laws pertaining to driving under the influence of alcohol or other intoxicants (4511.19);
 - b. If there is probable cause to believe the operator has committed a felony;
 - c. When the operator of a vehicle attempts to elude a law enforcement officer;
 - d. When the operator cannot produce sufficient identification to verify their identity and a charge is to be made;
 - e. In some instances of Driving Under Suspension, if required by law;
 - f. If the occupant has a valid warrant for arrest.
- J. Warnings
1. Officers should consider the use of warnings for operators who commit minor, non-hazardous traffic or minor equipment violations.
 2. Warnings may be written or verbal and the violation will be entered in the CAD entry for the stop.
- K. Special operation situations
1. Non-state residents
 - a. If enforcement action is taken against non-resident traffic law violators, the officer will comply with the procedures set forth in the Non-resident Violator Compact for reciprocal states.
 2. Juveniles
 - a. Police officers may issue citations to and/or arrest juveniles who commit traffic violations in the same manner they would adult violators. Juveniles will be cited to the juvenile court and will not be given a court date as the juvenile court will set the date.
 3. Foreign Diplomats and Other Consular Officials
 - a. Diplomatic immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity.
 - b. Diplomats and their families have full immunity.

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- c. Employees of diplomatic missions have immunity from acts performed in the course of their official duties.
 - d. The burden is on the diplomat to claim immunity and show valid credentials.
- 4. Military Personnel
 - a. Military personnel who are passing through the area may be treated as non-residents or if from Ohio, as residents.
- 5. Members of the United States Congress
 - a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
 - b. If a member of Congress is stopped for an infraction, they shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a summons for the observed violation and make arrangements to serve the summons at a time the member is not in transit to or from Congress, or on official business.
- 6. Requiring Reexamination
 - a. During routine traffic enforcement activities, officers will encounter persons whom they suspect of being incompetent, physically or mentally disabled, or have other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
 - b. In such cases, in addition to whatever enforcement action is taken, the officer will notify the Ohio Bureau of Motor Vehicles of his/her findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief explanation of the disability noted. The officer should use the OHIO BMV Drivers' Reexamination Form.
- L. Uniform Enforcement Policies
 - 1. Alcohol/Drug Enforcement
 - a. Persons operating a vehicle while under the influence of alcohol/drugs may be arrested based on probable cause.
 - b. If an arrest is made the officer, impounds the vehicle or secures it if parked in a legal location.
 - c. The officer will transport the subject to the appropriate Cincinnati Police District for testing and processing. The officer will complete the required paperwork.
 - 2. No Operator's License/Suspended/Revoked Privileges
 - a. There is no legal requirement for the operator of a motor vehicle to physically possess their driver's license when operating a motor vehicle. In Ohio, a driver must be issued a valid driver's license and must furnish sufficient information to a peace officer, upon request, to satisfactorily prove they have been issued a valid driver's license. This proof must include the driver's name and sufficient personal information (i.e. DOB, address, etc.) that allows an officer to use existing law enforcement databases to verify the validity of their driver's license. Lacking physical possession of a driver's license does not, by itself, constitute probable cause to arrest the person.
 - b. Persons operating motor vehicles who are not licensed to operate a vehicle

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or whose driving privileges have been suspended or revoked may be arrested following Ohio Revised Code. Not all DUS charges require arrest so officers must ensure that it is an arrestable offense. If the offense does not require an arrest, officers are to use discretion as to the arrest and may cite and release. If the vehicle is not in a location that allows it to be secured, the officer may have the vehicle towed.

3. Speed Enforcement and other moving violations
 - a. Officers may normally issue warnings for speed violations within ten miles per hour of the posted speed limit.
 - b. Officers will normally issue a citation when a violator's speed exceeds the posted speed limit by ten or more miles per hour, or is operating at a speed that is unreasonable for the existing conditions (wet or icy roadway, etc.).
 - c. If speed-measuring devices are used for traffic enforcement, the following criteria will be met:
 - 1) Only speed-measuring devices purchased/acquired by the UCPD and approved by the Police Chief will be used in an official capacity by UCPD.
 - 2) The general care and calibration checks of each speed-measuring device will be the responsibility of the officer operating the device.
 - 3) The Evidence and Property Specialist will be responsible for the required maintenance and calibration service of each speed-measuring device.
 - 4) Any officer using a speed measuring device in an official capacity will have completed state-required operator training and certification before any use.
 - d. Officers may issue a warning or citation for other moving violations based on the circumstances (violation, road conditions, pedestrian traffic, weather, etc) of the violation.
 - 1) Examples of other moving violations include a stop sign, traffic signal or sign, and pavement marking violations.
4. Hazardous violations
 - a. Due to safety concerns, the Division will enforce hazardous moving traffic violations that endanger the public.
 - b. Consideration shall be given to the type of violation, the area of occurrence, the time of occurrence, and the volume of traffic in the decision to take enforcement action.
 - c. Hazardous moving traffic violations include, but are not limited to:
 - Reckless operation
 - Drag racing
 - Fleeing and eluding
 - Failure to obey a law enforcement officer
 - OVI
5. Equipment Violations
 - a. Generally, a warning will be issued for a first-time violation;
 - b. When a vehicle is found to violate multiple equipment violations, if a citation is issued, it should be for the most serious violation.
6. Public Carrier/Commercial Vehicle Violations
 - a. The enforcement actions described in this Policy shall also apply to the

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operators of public carriers and commercial vehicles.

7. Non-hazardous Violations

- a. Officers may, at their discretion, issue either a warning or a uniform citation to persons who commit non-hazardous violations. Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same incident.

8. Off-Road Vehicle Violations

- a. The enforcement actions described in this Policy shall also apply to the operators of off-road vehicles. All laws and regulations that apply to off-road areas will be enforced following this policy.

9. Multiple Violations

- a. In situations where the officer determines there are multiple traffic violations, officers will generally only issue a citation for the most serious violation and advise the operator of other minor violations. However, when the officer determines there are multiple hazardous violations, officers may issue a citation for multiple violations.

10. Newly Enacted Laws and/or Regulations

- a. It shall be the policy of this Division to issue warnings for thirty (30) days after the date a law or ordinance becomes effective.

11. Violations Resulting in Traffic Accidents

- a. Officers are not required to issue a citation when a traffic accident occurs, however, if the officer can determine fault, the officer may issue a citation for the violation that caused the accident.

12. Pedestrian and Bicycle Violations

a. Pedestrian Violations

- 1) Generally, officers should educate and issue a warning for pedestrian violations.

b. Bicycle Violations

- 1) Generally, officers should educate and issue a warning for bicycle violations.

M. Contact card

1. After any traffic stop, in addition to any paperwork associated with the stop, the officer shall also complete a Contact Card, Form-10 as prescribed in policy 4.1.300 Bias-Free Policing.
2. Officers do not need to complete contact cards for vehicle passengers unless they are specifically part of the reasonable suspicion for the stop.
3. When a UCPD officer is on a scene with another agency, approaches and participates in a contact cover technique with that agency, regardless of how many officers are on scene, this action is considered as collective participation in the detention, and a contact card is required.

N. Traffic Stops outside UCPD jurisdiction

1. If a UCPD officer conducts a traffic stop outside of UCPDs jurisdiction (off-campus property), the officer **shall notify the Communications Center.**
2. **The officer conducting the stop will notify the appropriate jurisdiction**

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where the traffic stop is occurring.

- a. If the scene is not safe for the officer to make the notification, they may request the Communications Center to make the notification.
3. The Communications Center will ensure the shift supervisor is aware of the stop.
4. The officer making the stop will articulate to the supervisor the emergency that prompted the off-campus stop as soon as practical.

O. Parking Enforcement Activities

1. Parking enforcement activities on campus should take the form of a UC Vehicle Violation Tag or State citation.
2. If an officer determines a parking citation is appropriate and the vehicle is parked in violation of UC parking regulations, a UC Vehicle Violation Tag will be issued to the vehicle.
3. If an officer determines a parking citation is appropriate and the vehicle is parked in violation of state parking ordinances, a Uniform Traffic Citation will be issued to the vehicle.

References:

UCPD Policy 4.1.300 Bias-Free Policing

UCPD Policy 11.2.800 Command Staff Situational Awareness Notification