

**GENERAL ORDERS MANUAL  
WESTERN MICHIGAN UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY**

**I. PURPOSE**

The purpose of this general order is to establish procedures regarding traffic safety and traffic law enforcement. (3.6.1)

**II. POLICY**

All Western Michigan University Department of Public Safety police officers shall be familiar with the Michigan Vehicle Code and the Western Michigan University Traffic, Parking and Pedestrian Ordinance. It shall be the responsibility of each officer to enforce traffic laws in a safe, fair and impartial manner.

**III. PROCEDURE**

- A. Officers of this department shall enforce the Michigan Vehicle Code primarily on the campus of Western Michigan University and city streets passing through and bordering upon the campus.
- B. In a case where the violation is not covered by the Michigan Vehicle Code, but it is a violation of a section of the Western Michigan University Traffic, Parking and Pedestrian Ordinance, the officer shall enforce the WMU Ordinance. The violation must; however, be on University property.
- C. Officers shall be courteous and business-like in their approach. They should not argue with the violator over a citation. If there is a difference of opinion, contesting the citation may be offered to the violator as an option. (3.6.1)
- D. Citation or Warning (3.6.3.a, 3.6.3.b)

Officer discretion, depending on the totality of the circumstances, should guide the action taken by the officer. Officers are to enforce traffic laws in a uniform manner. The department does not have a quota, and officers will not engage in quota-type activities.

- 1. Suspended license: enforcement should be taken.
- 2. Speed violation: officer's discretion and totality of the circumstances. (3.6.2.c)
- 3. Other hazardous moving violations: officer's discretion and totality of circumstances. (3.6.2.d)
- 4. Off-road or off-road vehicle violations: officer's discretion and totality of circumstances. (3.6.2.e)
- 5. Equipment violations: officer's discretion and totality of circumstances. (3.6.2.f)
- 6. Public carrier or commercial vehicle violations: officer discretion given totality of circumstances, to include type of conveyance and cargo. (3.6.2.g)
- 7. Licensing, registration or insurance violations: officer's discretion and totality of circumstances. (3.6.2.h)

8. Parking violations: officer's discretion but expected to enforce the WMU Parking Regulations. (3.6.2.i)
9. Newly enacted traffic laws: officer discretion, with a preference being to explain the new law/regulations and warn. (3.6.2.j)
10. Enforcement at the scenes of traffic collisions: enforcement should be taken in most cases. (3.6.2.k)
11. Pedestrian/bicycle/motorized bicycle violations: officer discretion given totality of circumstances. (3.6.2.l, 3.6.2.m).

E. Physical Arrest (3.6.3.c)

There are very few traffic violations in Michigan that can result in a physical arrest. Most violations are civil infractions. If an officer does make a physical arrest for one of the allowable offenses, the same procedures will be followed as for any arrest. The following situations are normally handled by arrest:

1. Operating While Intoxicated (OWI), Operating Under the Influence of Drugs (OUID), Operating with the Presence of Drugs (OWPD), or Operating While Visibly Impaired. (3.6.2.a)
2. Fleeing and Eluding a Police Officer.
3. Felonious Driving.
4. Manslaughter.
5. Reckless Driving.

**IV. HIGH RISK STOPS (3.6.1.)**

- A. Notify dispatch of the traffic stop. When appropriate, position cruiser to the rear and offset at least half the width of the stopped vehicle, bearing in mind traffic flow.
- B. If the vehicle being stopped is known to contain dangerous wanted subjects, the subject of an officer safety broadcast or BOL, officers should request backup and instruct the occupants to remain in the vehicle, using the cruiser's PA system. If circumstances are such that the occupants must be removed prior to backups' arrival or the occupants start to exit the vehicle, the officer is to take cover using the cruiser as a shield. The officer should order the subjects to raise their hands and approach backwards, stopping several feet in front of the officer's vehicle. The subjects should be ordered to the ground until backup arrives.

**V. VIOLATIONS COMMITTED BY**

A. Juvenile (3.6.4.b)

1. Civil infraction citations issued to juveniles are handled the same as if they were issued to an adult.
2. All misdemeanor traffic offenses require a juvenile referral and a petition. When referring to a Juvenile Court, a juvenile petition must be completed, even though the juvenile was not taken into custody. These will primarily be handled by a detective.

3. Arrests are handled as any other juvenile arrest.

B. Nonresidents (3.6.4.a)

When a nonresident is stopped for either a civil infraction, the police officer making the stop may issue a citation, but no longer has the authority to seize the nonresident's operator's license. The officer shall release the nonresident upon his or her personal recognizance. No money deposit or guaranteed appearance certificate is required. MCL 257.749 (2).

C. Government Officials (3.6.4.d)

United States Senators and Representatives are exempt from arrest during sessions and while traveling to and from the same. Officers may issue notices to appear, but may not make custodial arrests, except in cases of treason, felony or breaches of peace, such as assault or OWI. Legislators are not exempt from receiving traffic violations and should be treated the same as any other person.

D. Foreign Diplomats (3.6.4.e)

Foreign diplomats are immune from arrest; however, if a felony, misdemeanor, or ordinance violation is committed in the presence of an officers, such as OWI, the officer will not allow the driver to continue but will make arrangements for the vehicle and driver to be safely removed. A complete report of the incident will be sent to the State Department.

Officers may refer to Department of State Publication 10969, "Consular Notification and Access" for requirements if foreign diplomats or consular officials are detained longer than required for a normal traffic stop. Officers may also refer to US Department of State Publication "Diplomatic and Consular Immunity Guidance for Law Enforcement and Judicial Authorities" for immunity guidelines.

E. Military Personnel (3.6.4.f)

When issuing a civil infraction, the officer must check the box "yes" or "no" on the citation relating to the subject's active military status. Other than this, military personnel are handled the same as any other person. If the subject on active duty is arrested for a felony, the operations lieutenant or designee will contact the local military branch office the next business day and advise them of the arrest.

**VI. SUSPENDED, REVOKED, DENIED CITATIONS (3.6.2.b)**

A. When an officer stops a driver whom he/she feels may be suspended, revoked, or denied, the officer shall check on the status of the license, via LEIN, with the Secretary of State (SOS). If the reply from SOS indicates that the subject is suspended, revoked, or denied, the officer shall do the following:

1. Issue a citation for the appropriate violation.
2. Do not allow the subject cited to drive the vehicle away. If another person with a valid license is available in the vehicle, this option may be provided as opposed to towing

- the vehicle. If the vehicle is legally parked on a roadway or in a parking lot, this option may be provided. The vehicle should be secured by the driver.
3. Document the details of the LEIN response in the report.
- B. If the reply from SOS is questionable or no reply is received, the officer shall do the following:
1. Issue a citation for "No Ops on Person," if applicable, and/or any other violation observed.
  2. Document the details of the LEIN response in the report.

#### VII. DRIVER RE-EXAMINATION (3.6.4.c)

If an officer feels a subject's ability to safely operate a motor vehicle is affected by a physical or mental condition, the officer will document observations in a CFS report or if needed, a police report. The officer should submit a Request of Driver Re-examination to the Secretary of State and make alternate travel arrangements for the driver and vehicle.

**Issued Date:** 01/02/87

**Revised Date:** 08/25/16, 05/09/17, 10/14/2020

**Issued by**

A handwritten signature in blue ink, appearing to read "Scott Merlo".

**Scott Merlo**  
**Director of Public Safety**