

# UW Whitewater Police



## Procedures for Traffic Enforcement

Number: 61.1	No. Pages: 5
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Special Instructions: CALEA 61.1.2, 61.1.4, 61.1.5			
Approved By: Chief Kiederlen	Effective Date: 1/19/2023	Revised Date: New	Revision number:

### I. Purpose

The purpose of this policy is to establish uniform procedures and any special processing requirements for taking enforcement action incidental to traffic law violations, to include: physical arrest, citation or notice to appear; and warnings.

### II. Definitions

**Hazardous Moving Violation:** A traffic law violation that poses a direct threat to the safe movement of vehicular or pedestrian traffic.

### III. Policy

The UW-Whitewater Police Department (UWWPD), shall promote traffic safety through the implementation of a variety of analytical, preventative, enforcement, and educational measures.

### IV. Procedure

#### A. Uniform Enforcement Procedures (CALEA 61.1.2)

1. Officers shall take appropriate enforcement action for violations which are witnessed or investigated. Enforcement actions shall be based upon sound legal principles and commensurate with applicable laws.
2. Officers may handle a traffic law violation with a verbal warning, a written warning, traffic diversion program referral, a traffic citation or a custodial arrest. The course of action taken by the officer shall be determined by the circumstances of the incident. Discretion shall be exercised and the severity of violations considered when non-arrest enforcement action is contemplated.
  - a. Warnings: A verbal or written warning, or a referral to the Traffic Diversion Program, may be issued to a violator whenever there is a minor traffic infraction committed, the officer believes the warning will achieve voluntary compliance, and no custodial arrest is made nor citation issued.
  - b. Citations: Citations issued shall commensurate with applicable traffic-related state statutes. The degree and the severity of the violation shall be considered when determining whether or not a citation will be issued.

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- c. Physical Arrests: Physical arrests shall be made when persons violate traffic-related statutes of a serious nature, unless there are extenuating circumstances such as hospitalization.
  3. Driving Status: The driving status of all motorists stopped for any traffic or equipment violation shall be checked through the Communications Center or mobile data computer at the time of the stop, assuming the Department of Transportation (DOT) Driver's Records are available, or as soon thereafter as possible.
- B. **Discretion**: Officers shall exercise discretion in electing the type of enforcement action to be taken in accordance with the following criteria:
  1. The role of the weather, condition of the roadway, and volume of other traffic, and the presence of pedestrians in the area.
  2. Whether the violation was intentional or inadvertent.
  3. The seriousness of the violation, including whether or not the violation may have resulted in injury and/or property damage.
  4. The extent of any injury and/or property damage.
  5. Whether the enforcement action protects the interests of other persons or drivers involved in the incident.
  6. Whether the enforcement action accomplishes a legitimate police purpose.
  7. Whether the violator has committed similar violations in the past.
  8. Whether, in the officer's judgment, the proposed enforcement action will be sufficient to deter the violator from committing similar violations in the future.
  9. Whether the violation is a target of selective enforcement activities, or in response to expressed citizen concerns.
- C. **Uniform Enforcement Policies for Specific Circumstances (CALEA 61.1.5)**
  1. Operation of a Vehicle after Driving Privileges have been Suspended or Revoked:
    - a. When an officer has evidence that the operator knowingly operated the vehicle with a suspended, revoked or cancelled driver's license, the operator should be issued a citation. Except in very unusual circumstances, a driver's status report of "Revoked" or "Suspended" from the DOT Driver's Records Files, coupled with the officer's observation of operation of a vehicle, is sufficient probable cause to issue a citation for OAR or OWS. All OWS violations are traffic forfeitures and the offender need only be issued a traffic citation and released.
    - b. Officers shall not permit continued operation of the motor vehicle by the offender, but may permit operation by another person at the scene who has a valid license. In lieu of a valid driver, officers may make arrangements to tow the vehicle or move the vehicle to a legally parked stall if feasible and if requested by the operator.
  2. Moving and Non-Moving Violations:
    - a. Non-Hazardous Violations: Non-hazardous violations include, but are not limited to, equipment violations, parking violations, operator licensing and registration violations. Enforcement of non-hazardous violations shall be

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governed by officer discretion. Violations should be dealt with on an individual basis.

- b. **Hazardous Violations:** Officers are expected to act upon detecting hazardous moving violations. Hazardous violations include, but are not limited to: offenses involving excess speed, disregarding traffic control signs or signals, alcohol offenses involving the use of a vehicle, reckless driving and attempting to elude an officer.
3. **Public Carrier/Commercial Vehicle Violations:** Public carrier and commercial vehicle violations shall be treated in the same manner as violations committed by the general public, except as provided by statute.
4. **Multiple Violations:** It is within the discretion of the investigating officer whether to issue multiple citations for multiple violations from the same incident. License and registration violations discovered during the course of a traffic stop for a moving violation, such as speeding or a stop sign violation, may be charged in addition to the violation leading to the traffic stop, at the discretion of the officer.
5. **Newly Enacted Laws and/or Regulations:** Officers should use discretion when enforcing newly enacted or amended traffic regulations.
  - a. Unless otherwise directed, for a period of 45 days after the enactment or major amendment of a traffic law or regulation, officers should issue warnings for violations if it appears the public may not be familiar with the new law or amendment.
  - b. This section does not prevent an officer from taking more stringent enforcement action if the officer is satisfied the offender was aware of the new law or amendment and deliberately violated the section or if the violation is of such a hazardous nature, stronger enforcement action is necessary to address the violation.
6. **Violations Resulting in Traffic Collision/Crashes:**
  - a. Officers' specific enforcement actions arising from traffic collisions shall be consistent with the nature of the alleged violation and with the Department's directives concerning traffic law enforcement.
  - b. Citations should generally be issued when hazardous violations are a contributing cause to a traffic collision. Written warnings or citations should be issued to persons committing all other violations. Enforcement actions may be determined by attendant conditions and circumstances.
  - c. For traffic collisions, the officer must establish the elements of the violation prior to taking enforcement action. Elements that the officer has not personally witnessed should be established through investigation.
7. **Pedestrian and Bicycle Violations:** The enforcement of traffic laws pertaining to pedestrians and bicycles requires broad discretion from officers. Officers should be familiar with traffic regulations relating to the safe operation of bicycles. Enforcement actions may be determined by conditions and circumstances.

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8. Operating While Intoxicated: For policies on enforcement for operation of a vehicle by a driver under the influence of alcohol or drugs, please view GO 61.1.10 OWI Procedures.
- D. **Special Traffic Violation Processing**: Violations committed by persons who may require special processing.
1. According to the Wisconsin Preamble for Forfeiture and Misdemeanor Bail Schedules residents and non-residents of the Department's service area arrested for a violation of a state or municipal forfeiture shall be released from custody without a cash bond if either of the following exists:
    - a. They have a valid Wisconsin driver's license or can show sufficient evidence of ties to the community.
    - b. The arresting officer is otherwise satisfied that the accused will make future court appearances.
  2. All persons arrested for a misdemeanor, including a misdemeanor traffic offense, shall be released from custody without a cash bond unless any of the following exist:
    - a. The accused does not have proper identification.
    - b. The accused appears to represent a danger of harm to themselves, another person or property.
    - c. The accused cannot show sufficient evidence of ties to the community.
    - d. The accused has previously failed to appear in court or failed to respond to a citation.
    - e. Arrest or further detention is necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.
  3. All persons not released pursuant to section 1 and 2 for a forfeiture, misdemeanor or misdemeanor traffic offense shall be released upon compliance with the state deposit or misdemeanor bail schedule unless bail is otherwise set by the court. These guidelines do not supersede specific statutorily mandated detention.
  4. Juvenile traffic offenders are generally subject to the same requirements as adult traffic offenders. Juveniles shall be processed in accordance with existing state statutes and directives.
- E. **Information Provided to Traffic Violators (CALEA 61.1.4)**
1. At the time a motorist is charged with a traffic violation, the officer shall provide information relative to the specific charge, to include: court appearance schedule, optional or mandatory nature of court appearance by the motorist, notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau, and other information that must be provided to the motorist prior to release.
  2. Court brochures shall be provided to all suspected traffic offenders who are issued a citation by UWSPD officers on a traffic stop.