

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 05/31/2014	<b>Supersedes Policy Dated:</b> 08/15/2013	<b>Rescinds:</b>	<b>SOG Number:</b>  <b>405.3</b>
<b>Accreditation Index:</b> 61.1.2, 61.1.3, 61.1.4, 61.1.5			
<b>Part Title:</b> Operations		<b>Chapter Title:</b> Traffic Operations	
<b>Chief of Police:</b>			

## Traffic Enforcement Procedures

### I Policy

It is the policy of the Springfield Police Department to take an aggressive, proactive approach to the enforcement of laws and ordinances governing the operation of motor vehicles. The enforcement of traffic laws is the responsibility of all sworn personnel assigned to the Uniform Operations Bureau. The goal of such traffic enforcement is to reduce the number of people killed or injured and the amount of property damage caused by motor vehicle crashes. The procedures established in regards to traffic enforcement are intended to promote an aggressive but equitable enforcement practice by members of the Springfield Police Department. The goal of any enforcement action is to gain voluntary compliance with traffic laws.

### II Definitions

### III Procedure

#### 1 ENFORCEMENT ACTIONS

- 1.1 Upon stopping a traffic law violator, personnel shall take one of the following enforcement actions. The nature and location of the violation shall be considered when deciding on the appropriate action to be taken.
  - 1.1.1 On minor, non-hazardous moving violations personnel may issue the violator a verbal or written warning. The issuance of a warning shall be considered in cases of minor, inadvertent violations. (CALEA 61.1.2(c))

## **SOG 405.3**

### Traffic Enforcement Procedures

Effective Date: 05/31/2014

- 1.1.2 Citations shall be issued to traffic violators in lieu of a custodial arrest in cases that do not fit the criteria for the issuance of a warning. Personnel are expected to issue citations to violators of hazardous moving violations, particularly for violations that commonly contribute to motor vehicle crashes. While issuing traffic citations, emphasis shall be placed upon the quality of the case and not solely on the quantity of citations issued. (CALEA 61.1.2(b))
- 1.1.3 Custodial arrests solely for traffic violations are not authorized except in cases of intoxicated drivers or when otherwise authorized by a Bureau supervisor. (CALEA 61.1.2(a) and 61.1.5(a))

## **2 SPECIAL TRAFFIC LAW VIOLATORS**

- 2.1 A number of individuals who are stopped for traffic law violations may require special handling due to their status.
  - 2.1.1 Non-residents of the Springfield area should be handled in the same manner as residents unless they request special accommodations to be made. (CALEA 61.1.3(a))
    - 2.1.1(a) Officers may attempt to make arrangements with the proper court to take a non-resident violator immediately to court if the summons is issued during normal court hours of operation and the violator requests it.
    - 2.1.1(b) If approved by the court, officers may cite the violator to court at a time that the non-resident would be available to attend.
  - 2.1.2 Juveniles may require special handling on traffic violations. (CALEA 61.1.3(b))
    - 2.1.2(a) Missouri law allows juveniles 15 years old or older to operate a motor vehicle when in possession of a learner's permit. Violations by such persons should be handled in the same manner as adult violators.
    - 2.1.2(b) Violators 15 years of age or older shall be cited to Municipal or Associate Circuit Court, depending on the type of violation.
    - 2.1.2(c) Juveniles under the age of 15 shall be directed to report to Greene County Juvenile Court.
  - 2.1.3 Both State and Federal legislators have legal privileges in certain circumstances. (CALEA 61.1.3(c))
    - 2.1.3(a) Members of the United States Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the U.S.

## **SOG 405.3**

### **Traffic Enforcement Procedures**

Effective Date: 05/31/2014

- 2.1.3(b) State Senators and Representatives shall be privileged from arrest in all cases except treason, a felony or a breach of the peace during the session of the General Assembly and for 15 days before the commencement and after the termination of each session.
- 2.1.4 Foreign diplomats, their families and their employees are granted certain privileges by the United States Government. (CALEA 61.1.3(d))
  - 2.1.4(a) Diplomats and their families enjoy full immunity.
  - 2.1.4(b) Employees of diplomatic missions and members of their families enjoy immunity only with respect to acts performed in the course of their official duties.
  - 2.1.4(c) The burden to claim immunity is upon the diplomat through the presentation of valid credentials. Verification of diplomatic status may be made through the State Department Consular Office during daytime hours, by calling 202-647-1985 and after hours, by calling 202-647-7277.
- 2.1.5 Military personnel shall be treated in the same manner as residents. (CALEA 61.1.3(e))

## **3 INFORMATION FOR VIOLATORS CITED TO COURT**

- 3.1 Any time a motorist is cited to appear in court on a traffic violation, the officer issuing the citation shall provide information about the violation and court appearance to the violator.
  - 3.1.1 The violator shall be informed as to the specific charge for which they have been cited. (CALEA 61.1.4(d))
  - 3.1.2 The violator shall be informed of the court in which they are to appear, the date and time of that appearance and the requirement that they appear. (CALEA 61.1.4(a) and 61.1.4(b))
  - 3.1.3 Violators cited into Municipal Court for violations listed on the Municipal Court "pay by mail envelope" shall be supplied with an envelope and shall have the procedures for using the envelope explained to them. (CALEA 61.1.4(b) and 61.1.4(c))

## **4 OPERATOR'S LICENSE REEXAMINATION REFERRALS**

- 4.1 During traffic enforcement activities and other activities related to the operation of motor vehicles, personnel may contact individuals who have suspected conditions that might prevent them from exercising reasonable and ordinary care over a motor vehicle.

### **SOG 405.3**

#### Traffic Enforcement Procedures

Effective Date: 05/31/2014

- 4.1.1 Persons who fail to demonstrate an acceptable level of skill to operate a motor vehicle due to age, physical or mental disabilities, disease or other conditions shall be reported to Missouri Department of Revenue.
  - 4.1.1(a) Personnel encountering such persons shall complete a Missouri Department of Revenue, Driver Condition Report, DOR Form # DOR-4319.

## **5 PARKING ENFORCEMENT ACTIVITIES**

- 5.1 Police personnel shall respond to citizens' complaints and take the initiative to enforce parking violations within the city. Some special programs exist to handle some of these violations.
- 5.2 The primary responsibility of the Traffic Services Officers (TSO's) is parking violation enforcement. These officers should be used for parking violations when they are available. TSO's respond to dispatch calls for service, complaints from City of Springfield Public Information Office, and at the direction of the supervisor(s). In addition, when patrol time is available they self-initiate parking enforcement.
- 5.3 Personnel may issue parking summonses for violations or they may elect to attempt to contact the owner of the vehicle to have it moved. The decision on enforcement is at the officer or TSO's discretion or at the direction of their supervisor.
  - 5.3.1 Following are some of the most frequently encountered parking violations:
    - 5.3.1(a) Prohibited Parking Area (Posted No Parking)
    - 5.3.1(b) Wrong Side of Roadway
    - 5.3.1(c) Front Yard Parking
    - 5.3.1(d) Handicapped Parking
    - 5.3.1(e) Bus Zone
    - 5.3.1(f) Blocking Mail Boxes
    - 5.3.1(g) Blocking or Within 5 feet of public/private Driveway
    - 5.3.1(h) Within 30 feet of an intersection
    - 5.3.1(i) Obstructing Traffic
    - 5.3.1(j) Overtime Parking
    - 5.3.1(k) Within 8 feet of Fire Hydrant
    - 5.3.1(l) Within 20 feet of Railroad Crossing
    - 5.3.1(m) Within 20 feet of Crosswalk
  - 5.3.2 At the direction of City Council, certain areas of Springfield have been designated as Urban Conservation Districts. Each district has specific guidelines to their ordinance.

**SOG 405.3**

Traffic Enforcement Procedures

Effective Date: 05/31/2014

- 5.3.3 Officers/TSOs may enforce Fire Lane violations if proper marking of the area is present and compliant with Municipal Fire Prevention Code 54-32.
- 5.3.4 When enforcing timed parking violations, personnel shall mark the tires of the suspected vehicle with either chalk or a wax marker.
  - 5.3.4(a) After the time limit has expired, the officer or Traffic Services Officer returns and issues an overtime parking summons if the vehicle is in violation.
    - 5.3.4(a.1) Time parking zones in the City of Springfield range from 3 minutes to 3 hours, depending on the location.
    - 5.3.4(a.2) Traffic Services Officers or Police Officers shall check the location for signs indicating the length of time prior to issuing a summons for overtime parking.
- 5.4 Volunteer members of the Handicap Enforcement Action Team (HEAT) may take enforcement action on vehicles parked in spaces dedicated for use by handicapped individuals.

**6 VEHICLE IMMOBILIZATION**

6.1 Under certain circumstances, vehicles may be “booted” with a mechanical device that renders the vehicle immobile.

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6.2 Routing: The installing employee will complete a Vehicle Immobilization Form (VIF), [SPD Form # 07-OP-0561](#) and retain the form until the end of shift.

6.2.1 If release is granted prior to the end of tour, the installing employee will respond back to the immobilized vehicle and remove the boot.

6.2.2 If no release is made, the installing employee will submit the first two copies of the VIF to the front desk and retain the third copy for follow-up.

### **SOG 405.3**

#### Traffic Enforcement Procedures

Effective Date: 05/31/2014

- 6.2.2(a) The front desk will maintain the original copy of the VIF.
    - 6.2.2(b) The second copy will be sent to Municipal Court.
  - 6.3 Removal: Release of the boot will not be granted until payment of fines owed and the booting fee are made at the Front Desk of the Springfield Police Department Headquarters, 321 E. Chestnut Exp.
    - 6.3.1 Only CASH payments will be accepted.
    - 6.3.2 After payment, the Front Desk employee will notify the installing employee of payment and request the boot be removed.
    - 6.3.3 During hours when no TSO is on duty, the Front Desk employee will request an Officer respond to Headquarters, to obtain the boot and padlock key. Then the Officer will respond to the immobilized vehicle and remove the boot. This call for service will be a priority 3.
    - 6.3.4 The front desk employee will also complete the payment portion of the VIF and make two copies of the completed form.
      - 6.3.4(a) One copy will be routed to Municipal Court.
      - 6.3.4(b) One copy will be routed to the appropriate TSO, serving the following purposes:
        - 6.3.4(b.1) Notifying them of the disposition;
        - 6.3.4(b.2) Allowing for the TSO to destroy the copy they retained and to disregard any further follow up;
        - 6.3.4(b.3) Collect the reclaimed boot from the area outside the Quartermaster's office.
    - 6.3.5 After removal, the boot will be returned to HQ and placed outside the Quartermasters Office. The Officer will also return the boot key and padlock key to the front desk.
    - 6.3.6 The monies accepted for payment, will be delivered to Municipal Court, by a designated records employee during normal business hours.
  - 6.4 Towing: The installing employee will follow-up with re-checking the location for the immobilized vehicle. If the vehicle has remained immobilized for 72 hours and no release has been obtained, the installing employee will tow the vehicle under violation of city code 78-35(G), Failure to Appear.
    - 6.4.1 No summons is required under this ordinance.
    - 6.4.2 A state tow form will be completed and routed to Records no later than the end of shift. Mark the tow form "Hold for boot fees".
    - 6.4.3 If the vehicle is towed by the installing employee, the tow information will be completed on the VIF and attached to the state tow form.
    - 6.4.4 Prior to the release of an impounded vehicle, due to vehicle immobilization, full CASH payment of fines owed, plus the booting fee

## **SOG 405.3**

### Traffic Enforcement Procedures

Effective Date: 05/31/2014

must be made at the Front Desk of the Springfield Police Department Headquarters, 321 E. Chestnut Exp.

- 6.4.5 If the tow is protested, Records personnel shall assist the protesting party with initiation of such action, under authority of Springfield Municipal Code 118-178.<sup>1</sup>

## **7 AUTHORIZED DISPOSAL OF TRAFFIC CHARGES**

### **7.1 Municipal Traffic Charges**

- 7.1.1 Municipal traffic charges shall be voided only when the officer, through further investigation, determines that there is evidence that no such offense has occurred.

7.1.1(a) Evidence does not support all elements of the offense.

### **7.1.2 Procedure**

7.1.2(a) The officer shall write VOID across the face of the summons.

7.1.2(b) ALL copies of the summons shall be retrieved and attached.

7.1.2(b.1) If a copy cannot be retrieved, the summons must be forwarded to the prosecutor with an explanation and further action must be taken by the Prosecutor's Office.

7.1.2(c) The officer shall attach an IDC to the summons addressed to their supervisor, which shall explain the justification for voiding the summons.

7.1.2(d) A supervisor shall review and approve the voiding of the summons.

### **7.2 State Traffic Charges**

#### **7.2.1 Proof of Insurance/Motor Vehicle Registration**

7.2.1(a) Even in the event a summons has been completed, if a driver produces proof of insurance or registration during the traffic stop, the enforcing officer shall accept such proof and shall void the summon in the manner described in 7.1.2.

## **IV Attachments**

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<sup>1</sup> Section 6.4.5, replaced the reference to the Records Section Duty Manual with Springfield Municipal Code 118-178, per Policy Change Order 14-047, Effective Date 05/31/2014.