



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



TRAFFIC LAW ENFORCEMENT AND SAFETY 300.14

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APPROVED:


Chief of Police

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I. PURPOSE

To maintain order on streets and highways, to make their use safe and expeditious, as well as provide public education and awareness. The traffic law enforcement and safety objectives shall include reducing losses due to crashes, gathering of facts about crash occurrences, educating motorists, pedestrians and bicyclists, and issuing citations to traffic violators.

II. POLICY

To provide education and enforcement of traffic laws in a safe and professional manner.

III. SCOPE

This policy applies to all sworn members and Public Service Aides.

IV. TRAFFIC ENFORCEMENT CONSIDERATIONS

- A. The Officer/PSA must be certain of the violation and be able to explain the violation to the driver while acting in a professional manner. The member will explain to the violator that they have the right to contest the citation by requesting a court date. The Officer/PSA must have the instructional pamphlet ready to give to the violator.
- B. Juveniles: When enforcing Florida traffic laws where a juvenile is concerned, the officer should enforce the law the same as if the violator were an adult. In the event the juvenile is arrested for a traffic-related violation, the juvenile will not be placed in any vehicle with an arrested adult, unless the adult is involved in the same offense or transaction with the juvenile. The Juvenile Assessment Center (JAC) will only accept juvenile criminal traffic offenders (fleeing and eluding and leaving the scene of a crash with injuries). Juveniles charged with other criminal traffic violations will be issued a citation and be released to a parent or legal guardian. **CFA 18.01B**
- C. Non-residents: Enforcing Florida traffic laws where non-residents are concerned, the Officer/PSA may take into consideration that the violator may be in an unfamiliar area. **CFA 18.01A**
- D. Consular Officer or Foreign Diplomats:
 - 1. Stopping a diplomatic or consular officer and issuing a traffic citation does not constitute arrest or detention and is permissible, although signature of the citation by such individual may not be required.
 - 2. If an officer stops a person committing a moving violation, he/she should issue a citation if appropriate.
 - 3. If the officer judges the individual to be intoxicated, the officer should not (even in the case of diplomatic agents) permit the individual to continue to drive. The officer, with the individual's permission, may take the individual to the police station or other location where he/she may recover sufficiently to drive; the officer

may summon, or allow the individual to summon a friend or relative to drive; or the officer may call a taxi for the individual. In any event, the officer should document the facts of the incident and the identity of the individual and a written report of the incident will be promptly forwarded to the Department of State. (For further information, refer to Florida Legal Guidelines concerning Diplomatic Immunity). **CFA 18.01C**

- E. Legislators: When enforcing Florida traffic laws where a legislator is involved, the Officer/PSA will follow the same criteria as for any other violator.
- F. Military Personnel: When enforcing Florida traffic laws where a member of the military is involved, the Officer/PSA will follow the same criteria as for any other violator.

V. INFORMATION ON CITATIONS

Each issuing Department member is responsible for maintaining the “officer’s copy” of any written citations. When an Officer/PSA issues a traffic citation to a violator, he/she will provide information to the person charged with the violation, to include:

- A. Issuance of the traffic citation.
- B. Issuance of a traffic citation informational pamphlet, which includes the motorist’s rights and responsibilities, to include:
 - 1. Whether the citation has an optional or mandatory court appearance.
 - 2. The amount of the fine.
 - 3. An explanation of all the options available to the motorist, such as to enter a plea and/or pay the fine by mail or at a traffic court, or attend a driver improvement school.

VI. STANDARDIZED TRAFFIC ENFORCEMENT

Traffic law enforcement and education are essentially parts of traffic safety. Officers shall take an active part in the enforcement and education of state, county, and municipal laws regarding traffic regulations within the City limits.

Officers will emphasize speed safety, Driving Under the Influence (DUI), child safety seat, seatbelt, and pedestrian and bicyclist enforcement in conjunction with enforcement of aggressive vehicle operators, distracted drivers, and aggressive motorcycle riders.

- A. Criminal traffic violations: Charging a violator with DUI requires that the violator be physically arrested, processed at a designated facility, and then transported to Turner, Guilford, Knight Correctional Facility (TGK). If the DUI driver is a juvenile, after processing, they will be issued a PTA and be released to a parent or legal guardian. For further information on DUI violators, refer to the DUI policy, 300.29.

With all other criminal traffic violations, the officer has the following options: **CFA 18.02A**

1. Issue a criminal citation only.
2. Issue a criminal citation and a PTA.
3. Issue a criminal citation, Arrest form and transport to TGK.
4. For juveniles, issue a criminal citation, Arrest form and transport to the JAC for felony violations only (fleeing and eluding and leaving the scene of a crash with injuries).
5. If a criminal traffic arrest is made, a citation is required.

The violator must sign all documentation on a criminal violation.

- B. Moving violations: Persons stopped for speeding or other moving violations. When violators are issued a Uniform Traffic Citation, they have the following options: **CFA 18.02B**
1. Pay the applicable penalty by mail or in person.
 2. Request driver improvement school.
 3. Request a court date.
- C. Non-moving violations: Violators observed with illegal, faulty, inadequate, or unsafe equipment may be issued a Uniform Traffic Citation. Citations for faulty equipment may be issued alone, or in addition to any other citations. **CFA 18.02C**
- D. Commercial vehicles/public carriers: Specially trained officers may cite these drivers for specific violations; however, routine violations may be written by any Officer/PSA. **CFA 18.02D**
- E. Multiple violations: Under circumstances where the violator has violated more than one traffic law, officers may issue a traffic citation for each

violation observed. If there is a violation of FSS 316.1923, the “Aggressive Driving” box will be checked on the citation (Aggressive Careless Driving requires two (2) or more moving infractions.).

F. Newly-enacted laws and/or regulations: Officers/PSAs may charge violators under newly enacted laws and/or regulations; however, consideration may be given to the unfamiliarity of the general public in these cases.

G. Verbal Traffic Warnings:

1. The NMPD does not issue written traffic warnings.
2. Officers will not issue verbal traffic warnings for criminal traffic violations.
3. When the traffic violation is hazardous in nature, or when it becomes apparent that voluntary compliance to traffic regulations may not be accomplished through issuing a verbal warning, a Florida Uniform Traffic Citation should be issued.
4. Verbal traffic warnings should not be issued under the following circumstances:
 - a. Driver’s License Violations
 - b. Aggressive Driving
 - c. Traffic crashes
 - d. No Proof of Insurance
 - e. Faulty Equipment
 - f. Seatbelt and Child Restraint Violations

H. Bicycle/Pedestrian Traffic Enforcement:

1. Verbal traffic warnings and Uniform Traffic Citations may be issued to bicycle operators or pedestrians who violate traffic laws.
2. Officers shall exercise discretion when enforcing bicycle and pedestrian traffic laws. Emphasis is directed toward the education of the pedestrian or bicycle operator.
3. The Records Unit will maintain records of all bicycle and pedestrian traffic citations and crashes. The data will be reviewed to develop crash countermeasures to reduce or eliminate human actions, decisions and events that contribute to the cause of these incidents.

4. Further enforcement information is found in FSS Section 316.2065 (bicycle) and Section 316.130 (pedestrian), for obedience to traffic devices and traffic regulations.

VII. STOPPING AND APPROACHING STOPPED VEHICLES

Upon observing a traffic violator, the officer will stop the violator in a safe manner, whether the traffic stop entails a high-risk, or an unknown-risk stop. This will include, but not be limited to:

- A. Cautiously pulling into the traffic lanes to effect a traffic stop of the violator.
- B. The proper use of emergency equipment (lights, siren, etc.).
- C. Officers in unmarked vehicles will, when feasible, request a marked patrol vehicle to initiate the stop.
- D. Under no circumstances will an officer make a traffic stop in their personal vehicle.
- E. When possible, the officer will attempt to pull the vehicle over in a manner as not to block driveways or interfere with the normal business of any establishment.
- F. Officers shall notify the Communications Unit of the traffic stop, the location of the stop, the license plate, and the vehicle description, prior to, whenever possible, exiting the vehicle.
- G. When an officer initiates a traffic stop, another unit, if available, will respond as a backup, or be dispatched, and will advise their unit number and starting location over the police radio.
- H. The officer has the discretion to approach the vehicle, or have the violator and/or passengers exit the stopped vehicle.
- I. The officer will request the driver's license, vehicle registration, and proof of insurance. The officer will explain the violation and define the procedures to be taken in order to satisfy the citation.
- J. The officer will present the citation to the violator for signature, if required.

VIII. DRIVERS WITH SUSPENDED/REVOKED LICENSES

In cases where a motorist operates a motor vehicle after driving privileges have been suspended, revoked, or canceled, the officer will exercise discretion following the guidelines below:

- A. In cases where the motorist does not have knowledge of the license's suspension for "failure to appear" or "financial responsibility," the motorist may be cited under FSS 322.34(1).
- B. In cases where the motorist has knowledge of the license's suspension, or has previously received a conviction/plea for DUI, he/she is subject to a citation and/or arrest.

IX. DRIVERS SUSPECTED OF D.U.I.

Drivers who are suspected of being under the influence of drugs/alcohol, are subject to further investigation. Officers will follow the investigative procedures established under the Driving Under the Influence (DUI) policy, 300.29.

X. TOWING OF VEHICLES

If an arrest is made resulting from a traffic violation, the vehicle will be towed in accordance with the City's Towing Permit Administrative Regulation 110-6, and the Traffic Crash Investigations policy, 300.12.