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# UW-Madison Police Department

**Policy: 61.1**

**SUBJECT: TRAFFIC ENFORCEMENT**

**EFFECTIVE DATE: 06/01/10**

**REVISED DATE: 04/30/16; 10/01/17; 12/19/18; 12/18/19**

**REVIEWED DATE: 04/01/14; 11/25/20; 09/07/21**

**STANDARD: CALEA 61.1.1 – 61.1.13 IACLEA 10.1.6**

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## **POLICY:**

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

The department shall not tolerate discrimination against a person as defined in department directive 1.2 Limits of Authority.

## **DEFINITIONS:**

“Area patrol” refers to moving patrol or stationary observation in an area or beat that includes a number of streets, roads or sections of highway.

“Directed patrol” shall mean visible patrol or stationary observation based upon assigned locations and/or times.

“Hazardous moving violation” refers to a traffic law violation that poses a direct threat to the safe movement of vehicular or pedestrian traffic.

“Line patrol” refers to moving patrol or stationary observation of a specified route between two points, usually on one street or a section of a highway.

“Selective traffic enforcement” refers to the assignment of personnel to traffic enforcement activities at times or locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience and frequency of traffic violations.

## **PROCEDURE:**

### **61.1.1 SELECTIVE TRAFFIC ENFORCEMENT ACTIVITIES**

The following shall establish procedures governing Departmental selective traffic enforcement activities:

- A. The ultimate goal of selective traffic enforcement should be to reduce the number and severity of collisions. This may be achieved through assigning personnel based on geographic and temporal factors, utilizing specialized equipment, and establishing preventative patrols targeting specific categories of unlawful driving behavior. Selective enforcement may be based upon, but not limited to, the following: traffic collision data, enforcement activity records, traffic volume, traffic conditions, and community complaints and/or requests.
- B. Traffic collisions and enforcement activities shall be analyzed on an ongoing basis.
  - 1. The Field Services Captain or Designee shall be responsible for the preparation and dissemination of annual collision summary reports. These reports may include: types of collision, comparative information, day of week, time of day, leading locations, leading causative factors, and assigned officer recommendations.
  - 2. The Field Services Captain or Designee shall be responsible for the preparation and dissemination of annual enforcement summary reports. These reports may include: citation/warning issuance by type and offense, day of week, time of day, issuing officer, arrests, leading offenses, and leading locations. Plans and recommendations should then be made to field services personnel regarding selective enforcement activities.
  - 3. The Field Services Captain or Designee shall be responsible for completing a documented annual review of selective traffic enforcement activities. These evaluations may include: tabulations of all enforcement activity, overviews of special enforcement operations, trends observed in enforcement and offenses, narrative summaries of the overall effectiveness and efficiency of Departmental efforts, and recommendations for future activities.
- 4. Supervisory personnel shall be responsible for deploying traffic enforcement personnel and the implementation of selective enforcement techniques and procedures to include: conducting patrols; performing covert and overt stationary observation, using unmarked or unconventional vehicles; conducting specialized operations; and assigning priorities to violations requiring attention. Deployment of traffic enforcement personnel should be based upon analyses of traffic collisions and traffic-related calls for services covering the most recent review period. Officers should take enforcement action against collision causative violations and utilize enforcement-specific countermeasures.

#### **61.1.2 PROCEDURES FOR TRAFFIC LAW ENFORCEMENT**

The following shall establish uniform procedures for taking enforcement action incidental to traffic law violations:

- A. 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.
- B. Physical arrests shall be made when persons violate traffic-related statutes of a serious nature, unless there are extenuating circumstances such as hospitalization. Such offenses may include, but are not limited to: homicide or serious injury by vehicle, fleeing or eluding, or operating while intoxicated.
- C. Discretion shall be exercised and the severity of violations considered when non-arrest enforcement action is contemplated. Citations issued shall be commensurate with applicable traffic-related state statutes. The degree and the severity of the violation shall be taken into account when determining whether or not a citation will be issued.
- D. A verbal or written warning 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.
- E. 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.

#### **61.1.3 SPECIAL TRAFFIC VIOLATION PROCESSING**

The following shall establish procedures for handling traffic law violations committed by persons who may require special processing:

- A. 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:
  - 1. They have a valid Wisconsin driver's license or can show sufficient evidence of ties to the community.
  - 2. The arresting officer is otherwise satisfied that the accused will make future court appearances.

- B. 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:
  - 1. The accused does not have proper identification.
  - 2. The accused appears to represent a danger of harm to themselves, another person or property.
  - 3. The accused cannot show sufficient evidence of ties to the community.
  - 4. The accused has previously failed to appear in court or failed to respond to a citation.
  - 5. Arrest or further detention is necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.
- C. All persons not released pursuant to A and B 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.
- D. 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. Legislators shall be processed in accordance with existing federal laws and state statutes. Members of the U.S. Congress may not be arrested or detained for the issuance of a citation while in transit to or from the Congress of the United States.
- F. Diplomatic and consular immunity is granted by the U.S. government under the Diplomatic Relations Act, U.S.C. 254 and the Vienna Convention on Consular Relations. Diplomats, consular officials, their families, and staff enjoy varying levels of immunity from arrest and prosecution. Immunity has many levels. For example, "Official Acts Immunity," of consular officials must be asserted in court as an affirmative defense. All foreign mission members and dependents are accountable for traffic violations. Stopping a foreign mission member or dependent, and issuing a citation, does not constitute an arrest or detention and is permitted. Foreign diplomats and consular officers shall not be arrested or detained except when public safety is endangered. Family members of diplomatic officers, their servants, and employees of a diplomatic mission, shall be entitled to the same immunities if they are not nationals of, or a permanent resident in, the receiving state.
- G. If an investigating officer becomes aware that an active duty member of the armed forces, or a civilian employee of the military acting within the scope of their employment, is involved in an accident resulting in death, or injury requiring hospitalization, and military authorities have not been notified by other means, the investigating officer shall notify the military law enforcement authorities of the nearest active duty military installation of that person's branch of service and apprise them of the incident. If a Reservist or National Guardsman on active duty orders, or while performing any military duties, including weekend drills, is injured or killed and notification is required, the individual's Reserve or National Guard unit or the nearest Reserve Center or National Guard Armory shall be notified. All active duty military personnel who possess a valid Wisconsin driver's license, or who are assigned to military installations within the State of Wisconsin, even if a legal resident of another state, shall be considered residents of this state for purposes of requiring the posting of bond.

#### **61.1.4 INFORMATION PROVIDED TO TRAFFIC VIOLATORS**

The following shall establish procedures for providing motorists with information relative to specific charges:

- A. 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.
- B. Traffic stop brochures shall be provided to all suspected traffic offenders contacted by UW-Madison Police Officers on a traffic stop. These brochures contain information about what can be expected during a traffic stop and how to provide feedback regarding those experiences, as well as the name/ID Number of the officer who initiated the stop.

#### **61.1.5.1 TRAFFIC LAW ENFORCEMENT POLICIES**

The provisions set forth in this directive are intended to encourage good judgment in deciding what enforcement action is appropriate, based on the situation, prior training, experience, and common sense. The following establishes uniform policies for traffic law violations:

- A. Officers shall take appropriate enforcement action when they have probable cause to believe, either through personal observation or after an investigation, that a state traffic law violation has occurred.
- B. Officers may handle a traffic law violation with a verbal warning, a written warning, a traffic citation or a custodial arrest. The course of action taken by the officer shall be determined by the circumstances of the incident.
- C. Officers shall have discretion in determining the type of enforcement action to be applied. They shall be guided in the application of this discretion by the enforcement parameters established. 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.

#### **61.1.5.2 OMVWI ENFORCEMENT**

The following shall establish procedures for Operating a Motor Vehicle While under the Influence enforcement efforts:

- A. Drivers impaired by alcohol or other drugs represent a serious threat to the safety of others. The overall objective of OWI enforcement is to remove the impaired driver from the roadway and reduce the loss of life and property from OWI-related collisions.
- B. Patrol officers shall receive training in OWI enforcement during the Police Training and Evaluation period. This includes training in detection and processing of OWI arrestees and standardized field sobriety testing training. Officers may also be trained by the Wisconsin Department of Transportation Chemical Test section as Intoximeter operators and / or P.B.T. operators.
- C. In addition to routine enforcement activities, field services supervisors may schedule special enforcement efforts during particular times of the year.
- D. All officers should be alert for behavior that may indicate a driver is operating a vehicle while under the influence of an alcoholic beverage and/or drugs. Furthermore, upon contacting operators stopped for other violations or drivers encountered at the scene of an accident, officers should be observant for signs or symptoms of alcohol and/or drug intoxication. The primary objective of OWI enforcement is to reduce the number of alcohol and/or drug related traffic offenses and accidents.
- E. Upon observing behavior indicative of intoxicated operation, officers shall gather sufficient evidence to establish reasonable suspicion to stop the vehicle. However, officers should not permit unsafe driving to continue for an unreasonable length of time so as to endanger other motorists or pedestrians. Officers should attempt to stop the vehicle in an area that will not interfere with or endanger other traffic or the officer.
- F. When an officer suspects intoxication, and prior to the administration of field sobriety tests, he or she shall request an additional unit at the scene. Back-up officers shall assist until an arrest decision is made or until assistance is no longer required by the arresting officer. In most circumstances, the investigating officer should initiate field sobriety tests only after their back-up officer has arrived on scene.
- G. During field sobriety testing, careful attention should be given to the demeanor and actions of the operator as many symptoms of intoxication (speech, walking, balance, and odors of intoxicants, etc.), may be observed throughout the subsequent contact. These observations may become critical during prosecution if the driver becomes uncooperative and refuses to perform field sobriety tests and/or to submit to an evidentiary chemical test for intoxication. Unless the

driver is uncooperative or physically unable to perform the tests, field sobriety tests should be conducted on drivers suspected of OWI to determine if the driver's physical and mental condition has been impaired by the use of alcohol and/or drugs. The information gathered by the officer during these tests is often the strongest evidence of impaired driving ability. Field sobriety tests should be conducted at the scene of the traffic stop or accident unless weather conditions, injuries or other factors necessitate performing the tests at another location. The officer should attempt to perform the tests on a flat, well lighted area away from traffic, such as a sidewalk or parking lot. The tests should be conducted in a consistent manner from incident to incident to establish a foundation for evaluating the driver's performance based on the officer's experience.

1. Officers who have received training in Standardized Field Sobriety Testing should conduct the following tests:
  - a. Horizontal Gaze Nystagmus (HGN) Testing
  - b. Walk and Turn Test (Heel to Toe)
  - c. One Leg Stand Test
2. Any officer may use additional tests, including but not limited to:
  - a. Alphabet Test
  - b. Finger to Nose Test

H. Results of the field sobriety tests for persons taken into custody for OWI shall be documented in the arresting officer's incident report.

I. Officers may administer a Preliminary Breath Test (PBT) prior to making the arrest to assist them in detecting drivers suspected of OWI. The test should be administered after the field sobriety tests to confirm the officer's observations are due to alcohol consumption and not due to any other form of impairment.

If the officer concludes that the results of Standardized Field Sobriety Testing do not support an arrest for impairment, but signs of impairment are present, the officer shall assist the subject in arranging transportation to their destination.

J. After establishing that probable cause exists for a violation of the operating while under the influence laws, officers shall effect a custodial arrest of the violator. Officers shall not release OWI suspects or arrange for alternative transportation in lieu of making arrests unless exigent circumstances exist.

K. Arrest for OWI suspects with an enforceable prohibited alcohol concentration (PAC) of .02 may readily be made without a corresponding arrest for OWI. Officers should adhere to the following guidelines when investigating a P.A.C. violation by an operator with an enforceable .02 P.A.C. restriction.

1. Probable cause to arrest for a .02 PAC violation is less than that required for OWI
2. Officers encountering a violator with an enforceable .02 restriction should first process the situation consistent with the standard OWI guidelines. Field sobriety tests should be conducted and, if probable cause exists, an arrest for OWI made.
3. If probable cause for OWI is insufficient, the officer should determine whether there are reasons to ask the operator to submit to a P.B.T.
4. If the P.B.T. results indicate a P.A.C. of .02 or greater and the results are consistent with the officer's observations of the operator's physical appearance and motor skills, officer's observations at the scene, driving behavior, odor of intoxicants, or statements made by the operator, an arrest for prohibited alcohol concentration should be made. If the operator refuses the P.B.T., the officer must use all available evidence to determine whether probable cause exists to arrest for prohibited alcohol concentration. Upon issuing a citation for P.A.C., the officer should read the Informing the Accused and ask the operator to submit to a chemical evidentiary test of his or her breath or blood.

L. Upon arrest, the driver shall be handcuffed and searched. A search of the vehicle should be conducted if there is probable cause to believe there is evidence related to the crime for which he or she is arrested.

M. Prior to leaving the scene of the traffic stop or accident, the arresting officer should secure the arrested person's vehicle and its contents in the following manner:

1. The driver may have already parked the vehicle in a legal parking location. In this case, the officer should secure the vehicle in place.
2. If there is a person at the scene who is willing to take responsibility for the vehicle, the vehicle may be released if the driver or registered owner gives consent for this vehicle to be removed from the scene by this person; AND the person possesses a valid driver's license; AND the person is not under the influence of an intoxicant and/or drugs in the opinion of the arresting officer. The officer may perform field sobriety tests and/or a P.B.T. test on the

person to ensure the person's ability to drive. Persons under age 21, including the driver if not arrested for OWI, are subject to the absolute sobriety law and shall not be permitted to operate the vehicle from the scene if they have consumed any alcoholic beverages.

3. If the vehicle is in the roadway or not legally parked and a parking location is nearby, the driver may authorize an officer to move his or her vehicle to a legally parked stall. In this case, the officer should secure the vehicle after moving it.
  4. If no one is immediately available to take possession of the vehicle and it is not in a legal parking location, a tow company shall be contacted to move the vehicle. When the vehicle is towed and there are other occupants in the vehicle, the officer shall attempt to make reasonable arrangements for the other occupants to reach their destination. Officers should assist in contacting taxi services or other transportation.
  5. The vehicle may be impounded if the officer determines it should be held for evidentiary purposes.
- N. The Department utilizes two chemical evidentiary tests to determine blood alcohol concentration. The primary evidentiary test is a breath test, which should be conducted at a certified Intoximeter site. The alternate evidentiary test is a blood test, which should be conducted at a hospital.
1. If a chemical test of the driver's breath is to be conducted, they should be transported to a certified Intoximeter site and read the Informing the Accused form and asked to submit to an evidentiary chemical test of their breath. If the driver consents, the citation for OWI should then be issued and, after a twenty minute observation period, the chemical test administered. The officer should then complete a citation for prohibited alcohol concentration if the test results reveal above the limit of legal operation. The officer should then complete the Notice of Intent to Suspend. The driver's copy of the citation or citations and copies of the Informing the Accused form and Notice of Intent to Suspend should be given to the operator. The Alcohol / Drug Influence Report, including issuing the Miranda warning, should then be completed. The officer should then follow incarceration or release procedures.
  2. If the driver becomes disorderly during the chemical testing process, he or she will be deemed to have refused the test. If a driver refuses to submit to an evidentiary chemical breath test, the Intoximeter test procedure should be completed and the driver's refusal noted in lieu of a breath sample. The Notice of Intent to Revoke Operating Privileges should be issued and the driver's copy of all citations provided.
  3. If circumstances exist requiring an evidentiary chemical test of the person's blood, the officer should record reading the Informing the Accused form by body camera and/or squad camera to the driver and ask the driver to submit to an evidentiary chemical test of their blood. If consent is given, the officer shall transport the driver to a medical hospital. Medical staff should administer the blood draw and the officer should issue the citation for OWI
  4. For OWI third or subsequent offenses, a search warrant for the collection of a blood sample should be applied for when the arrestee refuses the request to submit to an evidentiary test.
  5. In all arrests where a blood sample is taken, the blood sample shall be drawn by a medical technician in the presence of the arresting officer. The sample should be labeled, sealed and packaged by the officer or the technician in the officer's presence. The sample shall remain in the officer's physical custody until transported to the UWPD and placed into an evidence locker. The court officer is responsible for transporting or arranging transport of blood evidence to the Wisconsin State Laboratory of Hygiene. Chain of custody should be maintained during this process. After the blood results are received, if the analysis indicates the driver's B.A.C. is over the legal limit, or if the presence of a restricted controlled substance is present, the officer should then complete the applicable citation. The officer should then complete the Notice of Intent to Suspend. The driver's copy of the citation(s) and copies of the Informing the Accused form and Notice of Intent to Suspend should then be mailed to the operator. A supplemental report shall then be completed.
  6. Under certain circumstances, the officer may proceed with a forced blood draw. . Officers should not proceed with a forced blood draw under this provision if the level of force necessary for accomplishing it becomes unreasonable. As a general rule, officers shall not apply an intervention option solely for the purpose of forcibly drawing blood that requires force greater than passive countermeasures.
  7. Whenever a person is arrested for homicide by intoxicated use of a motor vehicle, Wis. Stats. 940.09, or injury by intoxicated use of a motor vehicle, Wis. Stats. 940.25, and refuses to submit to a chemical test for intoxication, the officer shall proceed with the search warrant process for a blood draw.
  8. If an officer requires the withdrawal of a blood sample from a person who is unconscious or otherwise not capable of withdrawing his/her implied consent to an evidentiary chemical test, the officer should proceed with the search warrant process. The absence of a refusal from a subject is no longer considered consent under implied consent. The search warrant process should be utilized if the officer has probable cause to believe the person has violated Section 346.63(1), (2), or (2m) or Section 940.25 or 940.09, Wis. Stats., or a local ordinance in conformity with sec. 346.63(1) or (2m).

9. If the driver submits to a test, they may also request the alternate test administered and paid for by the Department, or a reasonable opportunity to have any qualified person of their choice administer a second chemical test at the driver's expense.
  10. Officers shall attempt to complete the Alcohol/Drug Influence Report at the end of the process to assist with the investigation and potential data collection.
- O. Persons arrested for OWI may be released after all processing is completed, and assuming no other charges have been filed requiring the posting of bond, under the following circumstances:
1. If the driver has a valid Wisconsin driver's license or sufficient contacts within the community that future court appearance is likely; OR
  2. The driver posts a cash bond; AND
  3. A responsible, sober adult, who is a licensed driver (if driving the arrested person from the site) will come to the Police Department, hospital or jail and take responsibility for the driver. The persons eligible for release and who wished to be released within 12 hours of the arrest must read and sign an OWI Driver Release Form prior to release. The person accepting responsibility for the arrested driver must also read the form, agree to accept responsibility for the driver and sign the OWI Driver Release Form. If the responsible party refuses to sign the form, the driver shall be transported to Dane County Jail and a 12 hour hold placed on that individual.
- P. Complete investigations and accurate, detailed, narrative reports are critical to successful OWI arrests and prosecutions. All OWI arrests shall have, in addition to OWI citations and related forms, an incident report completed by the arresting officer. Back-up officers, or other officers who assist in the arrest/investigation, shall also prepare supplemental reports, if appropriate.

### **61.1.5.3 LICENSE VIOLATIONS**

The following provides uniform guidelines for driver's license violation contacts:

- 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 for s. 341.03. 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.
- C. The Wisconsin State Statute manual should be referenced to determine the appropriate civil or criminal charge. If the driver's status of a person cannot be readily determined at the time of the stop, either through DOT or Department records, officers should gather as much identifying information as possible and release the operator, assuming no other violations requiring enforcement action are present. Subsequent determination of a "revoked" or "suspended" status should result in a follow-up investigation with appropriate enforcement action.

### **61.1.5.4 SPEED VIOLATIONS**

The following provides uniform guidelines for speeding contacts:

- A. There is no affirmative defense for exceeding the posted speed limit or for driving faster than conditions permit. However, strict adherence to a set policy should not be substituted for common sense and human understanding. Officers should consider factors such as traffic volume, weather conditions, and location, and should exercise discretion in determining whether to issue a warning or a citation.
- B. Speed violations may be enforced by use of radar, laser or vehicle paces with squad cars. Officers conducting squad paces of speeding vehicles should attempt to pace the vehicle for approximately 1/10th mile while neither gaining nor losing distance from the paced vehicle.

### **61.1.5.5 HAZARDOUS MOVING VIOLATIONS**

The following provides uniform guidelines for hazardous moving violations:

- A. Officers are expected to take action upon detecting hazardous 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. Sound judgment should be used to determine what type of enforcement action is taken.
- B. For a hazardous moving offense, a violator may be issued a verbal or written warning, a citation, or subject to custodial arrest based upon the specific circumstances of the violation and the offense or offenses committed.

#### **61.1.5.6 OFF-ROAD VEHICLE VIOLATIONS**

The following provides uniform guidelines for off-road vehicle violations:

- A. Off-road vehicles include dirt bikes, mini-bikes, and all-terrain vehicles. Officers should take appropriate enforcement action for violations committed by operators of off-road vehicles. Educational efforts for off-road vehicle use should accompany any enforcement effort.
- B. Enforcement efforts for off road vehicle violations may include contacts for:
  - 1. Illegal operation on or adjacent to roadways and traffic way crossings including moving violations as well as licensing, registration and equipment violations.
  - 2. Illegal operation on public or private property including public trails and bicycle trails.

#### **61.1.5.7 EQUIPMENT&NON-HAZARDOUS MOVING VIOLATIONS**

The following provides uniform guidelines for equipment and non-hazardous moving violations:

- A. 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 governed by officer discretion. Violations should be dealt with on an individual basis.
- B. Officers may issue a verbal or written warning or traffic citation, at their discretion, for vehicle equipment and non-hazardous moving violations. Individuals who fail to take timely corrective action once a written warning has been issued may be issued a citation for the offense. Voluntary compliance should be the purpose of enforcement action for minor violations.

#### **61.1.5.8 PUBLIC CARRIER&COMMERCIAL VEHICLE VIOLATIONS**

The following provides uniform guidelines for Public carrier/commercial vehicle violations:

- A. 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.

#### **61.1.5.9 MULTIPLE VIOLATIONS**

The following provides uniform guidelines for offenders who have committed multiple violations:

- A. It is within the discretion of the investigating officer whether to issue multiple citations for multiple violations from the same incident.
- B. 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.

#### **61.1.5.10 NEWLY ENACTED TRAFFIC LAWS & REGULATIONS**

The following provides uniform guidelines for offenders who have committed violations of a newly enacted traffic laws and/or regulations:

- A. Officers should use discretion when enforcing newly enacted or amended traffic regulations. 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.

#### **61.1.5.11 VIOLATIONS RESULTING IN TRAFFIC COLLISIONS**

The following provides uniform guidelines for violations resulting in traffic collisions:

- 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. The investigation may include:
  1. Statements made to the officer by the alleged violator.
  2. Statements of witnesses.
  3. Collision scene measurements.
  4. Physical evidence.

#### **61.1.5.12 PEDESTRIAN AND BICYCLE VIOLATIONS**

The following provides uniform guidelines for pedestrian and bicycle violations:

- A. 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.
- B. Enforcement actions may be determined by conditions and circumstances.

#### **61.1.6 TRAFFIC ENFORCEMENT PRACTICES**

The following shall govern traffic law enforcement practices:

- A. Field services supervisors shall be responsible for guiding general traffic law enforcement activities and developing selective traffic enforcement programs. Officers are encouraged to initiate traffic law enforcement patrol practices involving area and line patrol techniques based upon their personal experiences and observations of traffic conditions within their districts. These highly visible patrol techniques may offer a deterrence to traffic violations for the average motorist. Directed patrol may be conducted in response to specific violations, selective enforcement data, citizen complaints, and special events. Supervisory personnel may instruct personnel to conduct and/or oversee activities associated with directed patrol.
- B. Stationary observation, whether covert or overt, should be conducted in response to specific violations, at times and locations experiencing significant numbers of collisions and/or traffic-related complaints. In situations or areas where stationary observation (either visible/overt or concealed/covert) is necessary to maximize the effectiveness of a selective enforcement effort, officers shall park in a location and in such a manner that traffic flow is not impeded.
- C. Unmarked police vehicles or unconventional vehicles may be utilized during traffic enforcement activities. Such vehicles may be effective when used to collect enforcement/compliance information.
- D. Roadside safety checks are not performed by the Department in an effort to enforce traffic laws.

#### **61.1.7 TRAFFIC STOP PROCEDURES**

The following establishes procedures for motorist stops:

- A. Officer safety shall be a primary consideration when making any vehicle contact. Officers should avoid choosing a stop location that may inherently endanger the officer or motorist. Conditions to avoid include roadway factors, such as hills, curves, and intersections; environmental factors, such as ice or fog; or subject factors, such as the presence of persons who might interfere in the stop. Officers should be aware of their location and immediate surroundings should it be necessary to seek cover during the stop.

- B. Officers shall advise the Communications Center of the vehicle's registration number and state and the location of the stop prior to, or immediately upon initiating, the vehicle contact. In the absence of registration plates, the officer shall provide a thorough description of the vehicle.
- C. Authorized red and blue emergency lighting shall be used to initiate a stop and shall remain in use until the stop is complete.
- D. Due to the unpredictable nature of high risk traffic stops, these contacts shall be conducted in accordance with state statutes, DOJ Training Guidelines, Department Policy, and/or procedures established in the department training reference guides.

#### **61.1.8 PROCEDURES FOR CONTACT WITH TRAFFIC VIOLATORS**

The following establishes procedures for officers to follow in their contacts with traffic violators:

- A. During traffic contacts, officers shall conduct themselves in a courteous, business-like manner treating offenders and citizens with respect and compassion.
- B. Upon making contact, the officer shall identify themselves and the Department and advise the motorist of the reason for the stop. Officers should then attempt to gather the driver's justification for committing the violation and request their driver's license.
- C. After issuing a warning or citation, the officers should explain why a course of enforcement action is being taken, the elements of the offense, if requested, the consequences of the enforcement action, if any, and any applicable paperwork.

#### **61.1.9 SPEED MEASURING DEVICES**

The following establishes procedures for use of speed measuring devices:

- A. Radar and laser equipment used by the Department shall meet specifications established by the National Highway Traffic Safety Administration.
- B. Officers should choose radar/laser locations having a high incidence of speed related accidents or speeding violations and under conditions where the officer is able to properly observe traffic to confirm radar/laser.
- C. Prior to use of a radar unit, officers shall perform the following inspections and tests of the unit:
  - 1. Visually inspect the unit to ensure there is no external damage, including frayed power cords.
  - 2. Perform an internal calibration test, light segment tests and external tuning fork tests in accordance with manufacturer's guidelines and specifications. Tests should also be conducted following each use of the radar unit as probable cause for a stop and at the completion of radar operation. Test results should be recorded on the back of the citation, if an arrest is made.
- D. Prior to use of the laser unit, officers shall perform the following inspections and tests of the laser unit:
  - 1. Visually inspect the unit to ensure there is no external damage, including frayed power cords.
  - 2. Perform the laser internal calibrations self-test sequence.
  - 3. Perform a distance calibration test.
  - 4. All test results shall be recorded on the back of the citation, if an arrest is made.
- E. Any external damage to the radar/laser, or unit failure during accuracy and calibration tests, shall result in the removal of the radar unit from use and repair of the unit. Officers using radar or laser equipment are responsible for proper care and upkeep, as well as, reporting malfunctions, problems, or damage to their immediate supervisor.
- F. Department radar and laser units shall be inspected and certified every three years. If a unit malfunctions, it shall be repaired and recertified. The Fleet manager shall maintain all certification and maintenance records.
- G. Operator Training and/or Certification. The Department utilizes specific training programs for training of officers in the operation of radar and/or laser. All officers using radars/lasers shall receive training in their use by an instructor certified by the State of Wisconsin Department of Training and Standards to instruct those topics.

#### **61.1.10 REFERRAL OF DRIVERS FOR RE-EXAMINATION**

The following establishes procedures for identification and referral of drivers recommended for reexamination:

- A. Officers should be observant for persons whose ability to operate a motor vehicle is in question due to physical or mental deficiencies, chronic use of alcohol or drugs, lack of knowledge of traffic laws, or lack of driving skill. These persons should be referred to the Department of Transportation for reexamination by completing and mailing a Driver Condition or Behavior Report, DOT Form MV3141.
- B. It is not required that an officer take enforcement action prior to the referral of a driver for reexamination. The final determination of driving ability is left with the Department of Transportation.

#### **61.1.11 PARKING ENFORCEMENT**

The following describes the Department's parking enforcement objectives and activities:

- A. Transportation Services is primarily responsible for parking enforcement on the University of Wisconsin-Madison campus during normal business hours. However, both Department police officers and security officers may issue parking citations.
- B. Security officers may issue parking citations as part of a contractual agreement with Transportation Services or as part of a particular problem solving method.
- C. Police officers are responsible for responding and resolving parking complaints outside of normal business hours or when Transportation Services personnel are unable to respond. Police officers may enforce parking violations within the jurisdiction at any time upon personal observation or upon citizen complaint.
- D. The Department's objectives are as follows;
  - 1. Address parking enforcement related issues when Transportation Services is not available.
  - 2. Utilize parking enforcement (issuance of citations and/or towing of vehicles) as a crime prevention tool when deemed necessary.
  - 3. Respond when requested by Transportation Services to address issues beyond their capabilities and/or scope of duties.