

PURPOSE: The department's primary purpose in traffic enforcement is the safe and expeditious movement of traffic. A department goal is to reduce traffic accidents; accidents can be reduced in part by increased enforcement. There is a direct relationship between the quantity and quality of enforcement and the degree of safety with which citizens use the public roadways. A motoring public that recognizes a high probability of being detected, ticketed, prosecuted, and convicted of violations will respond more effectively to traffic laws and police patrol enforcement.

POLICY: It is the policy of this department to direct enforcement efforts to traffic violations. Although any public roadway in the city is subject to police patrol and traffic enforcement, particular enforcement will be directed to areas susceptible to violations that create potentially hazardous situations or have a higher probability to result in accidents. The department actively and rigidly enforces traffic law for serious traffic offenses such as reckless driving and DUI.

DEFINITIONS: IVC - Illinois Vehicle Code; DWLS - Driving While License Suspended; DWLR - Driving While License Revoked; DUI - Driving Under the Influence; DL - Driver's License

PROCEDURE:

I. Traffic Enforcement Methods and Vehicles

A. Traffic enforcement efforts will be made by visible traffic patrol.

1. Zone car patrol: the city is divided into police zones; each zone is staffed at all times by at least one patrol unit. One of the zone car's patrol functions is visible traffic patrol, which consists of a mobile patrol while being observant in regard to traffic-related incidents and violations.
2. Directed patrol: Officers may be assigned to a specific street or area to enforce specific violations, commonly referred to as a directed patrol.
3. Stationary patrol: this refers to the stationary observation of traffic for violations. Officers are encouraged to engage in stationary patrol at various locations throughout the assigned zone or throughout the city.
 - a. Overt: patrol units may conspicuously monitor traffic from a stationary point, with the intention of being seen by the motoring public to create a visible police presence.
 - b. Covert: patrol units may monitor traffic from a concealed or somewhat concealed stationary point, with the intention of detecting violators without being readily seen by the motoring public.]
4. Traffic Unit: the department may designate an officer or officers to a dedicated Traffic Unit. The officer(s) assigned to the Traffic Unit will enforce traffic laws during scheduled times, usually at or near high-accident locations determined by the Patrol Commander.

B. Vehicle Use

1. Marked patrol units may always be used for traffic enforcement efforts.
2. Unmarked patrol units may be used for traffic enforcement efforts. Officers need to be aware of the following:
 - a. Unmarked patrol units are not as easily distinguishable as police units. Officers may encounter motorists that are unsure that the unmarked patrol unit does in fact belong to the police. Officers should understand that some motorists may delay in pulling over or may elect to pull over in a more open or lighted area.

Subject: **Traffic Enforcement**Policy #: **403.2**

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- b. Unmarked patrol units may not have emergency lighting as readily seen as marked patrol units. Traffic stops should be made in open areas as much as practically possible.
- c. Unmarked patrol units may not have spotlights, cages, or other safety features usually found in marked units.
- 3. Unconventional vehicles: city-owned ordinary vehicles may be used for traffic monitoring, or to operate speed detection equipment from, but will not be used to conduct traffic stops or to respond to other calls for service except in cases of exigent circumstances.

II. Enforcement Options and Officer Discretion

- A. Officers must be in compliance with Policy 103.4, Biased Enforcement.
- B. Officers are expected to enforce traffic law appropriately, fairly, and maintain a professional and courteous climate with violators.
- C. Officers should have a good working knowledge of the IVC and charge the appropriate violations when applicable.
- D. The City has adopted numerous IVC violations into city ordinance (City Ordinance 51.02); officers should possess the current list and use city ordinance charges when possible.
- E. Officers are authorized and expected to use reasonable discretion when enforcing traffic law. Use of discretion must be based upon sound legal principles. The following are traffic law enforcement options:
 - 1. **Warnings**: it is proper and permissible to issue a warning, when in the opinion of the officer, the violation was relatively minor, and the violator indicates that the violation will be corrected or not be intentionally committed again. The warning serves notice to the violator that an equipment or registration violation needs immediate attention, or a driving error has been noted and will be documented with the department. [ILEAP OPR.06.01(c)]
 - 2. **Citations**: it is proper and permissible to issue a citation when the officer reasonably believes that the defendant has violated a traffic law, notwithstanding the officer's ability to issue warnings.
 - a. The officer should ensure that all of the elements of the violation have taken place and there is sufficient evidence to support the traffic charge.
 - b. Drivers at fault in accidents can expect to receive a citation for the driving violation that is believed to have caused the accident.
 - c. Drivers who have been previously warned or cited for the same or similar violations can also expect to receive a citation.
 - d. Drivers committing obvious or blatant violations of traffic law, or driving in considerable excess of the speed limit, can expect to receive a citation. [ILEAP OPR.06.01(b)]
 - 3. **Custodial arrest**: appropriate for serious offenses such as DUI, Reckless Driving, Fleeing & Eluding, DWLS, DWLR, or other traffic-related jailable misdemeanors and felonies. Officers are expected to rigidly enforce traffic violations of a serious nature. [ILEAP OPR.06.01(a)]
- F. Officers must complete the mandatory racial profiling and search information required by state or federal guidelines.
- G. **Uniform Enforcement Guidelines**: The intent of these guidelines is to provide standards for uniform enforcement actions. Uniform enforcement supports the ultimate goal of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. These guidelines are not intended to supplant officer judgment, as it is impossible for foresee every conceivable situation involving traffic-related violations. In

unusual circumstances, the officers should decide what enforcement, if any, is appropriate on the basis of a combination of training, experience, and common sense. Supervisors can always be consulted for guidance in enforcement actions. To assist officers in determining appropriate enforcement actions, the following are guidelines for required or preferred enforcement for a variety of offenses:

1. DUI: Officers are expected to rigidly enforce DUI violations with an arrest. Where there is clear probable cause for a DUI arrest, officers shall in no case allow the offender to continue driving. In these cases, it is not appropriate for officers to only give a warning, give the subject a ride home, arrange for a ride, take the vehicle keys, or tow the vehicle without arrest. For borderline cases or instances where the subject has been drinking but is not over the legal limit, the preceding may provide options for the officer, who can always seek guidance from the shift supervisor. See Policy 403.6 for complete DUI procedure.
[ILEAP OPR.06.03(a)]
2. DWLS or DWLR: Citations and a long-form NTA for these offenses will be issued. A custodial arrest with cash bond is preferred and appropriate; with permission of the shift supervisor, an on-scene I-bond in lieu of custodial arrest can be made. The shift supervisor will authorize an on-scene I-bond generally in cases only when call for service volume is high, the offender does not pose a flight risk, the offender is not an habitual violator, or other pertinent circumstances.
 - a. If the driver still possesses his actual driver's license, it shall be confiscated and forwarded to the Secretary of State.
 - b. If the driver is suspended or revoked for DUI or other qualifying serious traffic offenses and is operating a vehicle that he owns or co-owns, the officer should initiate a motor vehicle forfeiture (see Policy 406.5, Motor Vehicle Forfeitures).
[ILEAP OPR.06.03(b)]
3. No Valid DL: A citation and a NTA for this offense will be issued.
 - a. A custodial arrest and cash bond is preferred and appropriate in cases where the offender has no driver's license at all.
 - b. If the driver's license is expired, a written warning or on-scene NTA citation will be issued in cases where the driver's license has been expired for less than one year;
 - c. in cases where the driver's license has been expired for over one year, a custodial arrest can be made but is not required.
4. Speed Violations: For general speed limit enforcement, the following guidelines are in effect:
 - a. up to 9 miles per hour over the limit: a citation may be issued but the violation is probably best remedied with a written warning except in hazardous locations such as a school zone, construction zone, public park area, narrow street, etc.
 - b. 10-11 miles per hour over the limit: at this point the scales are tipping towards a citation being written, but the officer should take into account the full circumstances surrounding the offense in determining whether a warning or citation should be issued.
 - c. 12 or more miles per hour over the limit: violators should expect to receive a citation unless the officer has determined there are circumstances that mitigate the situation.
[ILEAP OPR.06.03(c)]
5. Hazardous Violations: Violations stemming from blatant disregard for the safety of persons or property will result in the issuance of a citation for the applicable offense. Hazardous violations could include but are not limited to:

excessive speeding in a school or construction zone; railroad crossing violations; or a school bus stop arm violation. Where legal requirements and probable cause exists, a custodial arrest for reckless driving can be made.

[ILEAP OPR.06.03(d)]

6. Off-road vehicle violations: Officer-observed or complaint-based off-road vehicle violations will be subject to investigation and enforcement of applicable off-road vehicle laws. Officers may issue warnings or citations, whichever best suits the situation. Persons operating off-road motorized vehicles are subject to arrest if found to be DUI. [ILEAP OPR.06.03(e)]
7. Equipment violations: Officers may make traffic stops for equipment violations and are encouraged to make stops on particularly hazardous situations arising from substandard or unsafe equipment. Though warnings are usually issued, citations may be issued, especially in situations where the subject was previously warned, or the equipment violation was particularly hazardous or contributed to the cause of an accident. [ILEAP OPR.06.03(f)]
8. Public carrier/commercial vehicle violations: Officers are encouraged to stop public carrier or commercial vehicles that are operating in violation of restrictions or requirements in their vehicle class, to include operating in violation of posted truck routes. Warnings or citations may be issued for applicable offenses. Officers trained in commercial vehicle enforcement may conduct weight and equipment inspections and issue warnings or tickets for violations. [ILEAP OPR.06.03(g)]
9. Non-hazardous violations: Minor traffic offenses involving a non-hazardous situation usually result in the issuance of a written warning, though citations can be written where merited.
10. Multiple violations: Multiple violations can be listed on a single written warning but must always be written separately on citations. It is a preferred practice to write a citation for the most hazardous offense in a multiple violation scenario. Officers may elect to give warnings for less hazardous secondary violations or may write additional citations if deemed appropriate. Multiple citations must always be marked as "court appearance required." In cases involving fleeing & eluding or DUI, it is usually best to write a separate citation for each offense. In some cases, several violations may be documented on a long-form Reckless Driving complaint in lieu of issuing a separate citation for every offense.
11. Newly enacted laws or ordinances: In most cases, for violations of newly-created statutes or city ordinances, written warnings only will be issued for the first 10 days after the date the new law or ordinance goes into effect. The Chief of Police or his designee may specifically designate orders to the contrary, either authorizing immediate enforcement or a more delayed enforcement. [ILEAP OPR.06.03(j)]
12. Accidents: For traffic violations that clearly contributed to or caused an accident involving substantial damage, injury, or death, a traffic citation is normally issued to the offending driver, taking into account the totality of the circumstances, physical evidence, the reliability of driver and witness statements, and other contributing factors. [ILEAP OPR.06.03(k)]
13. Pedestrian and bicycle violations: These violations are subject to police detention and the issuing of a warning or citation. Particularly dangerous situations such as darting into traffic, being intoxicated upon the roadway, or railroad crossing violations are subject to strict enforcement with the issuance of a citation or custodial arrest. Bicycle violations in the Central Business District will be enforced; a written warning or citation is optional. [ILEAP OPR.06.03(l)]

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14. Skateboard/rollerblade violations: Officers may remove skateboarders or rollerbladers from public or private property where skateboarding or rollerblading is prohibited or where the property owner is requesting removal. Skateboard and rollerblade restrictions in the Central Business District will be enforced; a written warning or citation is optional.
15. Railroad crossing and trespass violations: Motorists, off-road vehicle operators, bicyclists, and pedestrians will all be subject to strict enforcement of railroad crossing and trespass violations. In regard to trespass, it is unlawful to cross the railroad tracks at any location other than at a designated railroad crossing or be present upon any railroad property or equipment (625 ILCS 5/18c-7503). Violators can expect to receive a citation for railroad crossing violations, and a citation and/or custodial arrest for trespass violations.

III. Specific Enforcement Efforts

- A. The department encourages specific enforcement to violations that create potentially hazardous situations or have a higher probability to result in accidents, to include the following:
 1. areas known for excessive speed violations
 2. areas documented as having a higher accident probability
 3. school and construction zones
 4. areas of frequent violations or citizen complaint of violations
- B. Officers may be assigned to traffic details, such as a designated traffic unit, DUI patrol, or a speed enforcement operation involving several officers.
- C. Officers may be trained and assigned to enforce regulations of commercial vehicles.

IV. Special Processing Requirements for Certain Traffic Violators

A. Non-resident traffic violators:

1. Non-resident motorists being cited for petty offenses may be released with the bond portion marked "Promise to Comply."
2. In cases involving IVC misdemeanors or felonies, nonresidents are subject to custodial arrest in the same manner as Illinois residents.
[ILEAP OPR.06.03(i)]

C. Juvenile traffic offenders

1. Licensed 16 and 17-year-old juveniles are subject to standard traffic arrest and bond requirements.
2. Unlicensed juveniles committing traffic offenses can be arrested and issued traffic citations but must be released to a parent or guardian with an NTA.
3. Any juvenile who is being released on an NTA shall be advised that he must appear in court with a parent or guardian.
[ILEAP OPR.06.03(h)]

D. Members of Congress

1. Members of Congress may not be detained for the issuance of a citation while they are in transit to or from the Congress of the United States.
2. Any member of the Congress of the United States, who so identifies himself and is stopped for a traffic violation, other than alcohol-related, should be immediately released.

3. The officer may prepare a citation and make arrangements to serve the citation at a later time.

D. Special Individuals and Public Officials: the following may be exempt from arrest pursuant to 725 ILCS 5/107-7:

1. Senators and Representatives of the Illinois State Assembly going to and returning from the Illinois State Assembly (except for felony or breach of the peace arrests).
2. Election officials going to and returning from an election (except for felony or breach of the peace arrests).
3. Militia going to and returning from attendance at musters and elections (except for felony or breach of the peace arrests).
4. Judges, clerks, sheriffs, and other court officers shall be exempt from arrest while attending, going to, and returning from court.

[ILEAP OPR.06.03(m)]

E. Claims of diplomatic immunity: This applies only to an individual that displays a driver's license or diplomatic/consular identification issued by the U.S. Department of State or otherwise claims diplomatic immunity. Officers should be aware that there are different levels of immunity and immunity does not mean that the individual does not have to conform to criminal and traffic laws; it means that U.S. courts may not have jurisdiction over the offense, and may mean the individual has personal inviolability (see c. below). If an individual with diplomatic immunity commits a crime, the police should notify the U.S. Department of State, who will request a waiver of immunity so the offense can be charged in a U.S. court. The U.S. Department of State has published the following guidelines:

1. It is acceptable to detain the person long enough to inquire with the U.S. Department of State in order to verify the driver's license status and immunity.
2. Foreign diplomats who violate traffic laws should be cited, as long as the issuance of the citation does not constitute a custodial arrest. Forward a copy of the citation and/or accident report to the Secretary of State's office within five days, as stated in 625 ILCS 5/16-108.
3. Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability generally precludes handcuffing, arrest, detention in any form, and forbids U.S. authorities from entering or searching the residences, automobiles, or property owned by that person.
4. Allegations of crimes should be fully investigated, promptly reported to the U.S. Department of State, and procedurally developed to the maximum permissible extent.
5. Officers should never be inhibited in their efforts to protect the public welfare in extreme situations.
6. The U.S. Department of State should be advised promptly of any serious difficulties arising in connection with diplomatic or consular personnel.
7. Officers should feel free to contact the U.S. Department of State for general advice on any matter concerning diplomatic or consular personnel. Contact information is available at the U.S. Department of State's website, and the police department maintains a copy of U.S. Department of State's publication, "Diplomatic and Consular Immunity."
8. If a consular officer is stopped while under the influence of alcohol or drugs, the consular officer should not be physically restrained or subjected to a sobriety test unless he is considered a serious danger to himself or others. The police officer has the following options:

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- a. Take the consular officer to the police station or location where he can recover sufficiently to enable him to drive safely.
- b. Take him to a telephone to call a relative, friend, or taxi;
- c. Take him home;
- d. Call for a taxi.

F. Military personnel who are Illinois residents, or non-residents who are assigned to Illinois military installations, are subject to standard traffic law enforcement and procedure. Note that driver's licenses of military personnel assigned to active duty do not expire until 45 days after separation from active duty, pursuant to 625 ILCS 5/6-115(d). [ILEAP OPR.06.03(n)]

G. Persons believed to be incapable of safely operating a vehicle; re-examination requests: Routine traffic enforcement and accident investigation occasionally leads to the discovery of drivers who have actual or suspected incompetency, physical or mental disability, disease, or other condition that might prevent the person from exercising reasonable and ordinary care while operating a motor vehicle.

1. In addition to written warnings, citations, or reports related to the action or incident for which the motorist was responsible for, the actual or suspected impairments should also be brought to the attention of the Secretary of State.
2. In these cases, pursuant to 625 ILCS 5/11-408(d), the officer should complete the Illinois Secretary of State Re-examination Form and forward it with all pertinent documents to the Secretary of State.

H. Situations where driver's licenses may be confiscated: Driver's licenses may be confiscated and forwarded to the Secretary of State for the following reasons:

1. The driver's license is expired, suspended, or revoked.
2. The driver's license has been altered or is otherwise fraudulent.
3. The driver's license was possessed, displayed, or otherwise used by someone other than the license holder.
4. If a motorist is driving on a Probationary License and receives a moving violation traffic citation, the officer should confiscate the license.
5. In these cases, the following procedures should be followed:
 - a. The officer should complete the Secretary of State's Law Enforcement Confiscation Report.
 - b. The license and confiscation report should be forwarded to the Secretary of State.

V. Providing Information to Motorists Receiving Citations

A. When a motorist is issued a traffic citation, the officer shall provide the motorist with the following information:

1. The specific violation(s) being cited.
2. The court appearance schedule including the assigned court date and any deadlines for options to avoid a court appearance. [ILEAP OPR.06.02(a)]
3. Whether a court appearance is required or optional. [ILEAP OPR.06.02(c)]
4. Prepayment information and a mail-in envelope for qualifying offenses. [ILEAP OPR.06.02(c)]
5. Other information applicable to the violation being charged.

B. Requesting identification: Drivers must provide their identification when stopped for a suspected violation. The identification of other occupants may be requested if it does not unnecessarily prolong the duration of the stop. Other occupants are not required to

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show identification unless there is some reasonable suspicion that they have committed some violation as well.

- C. Maintaining a professional climate: Officers should maintain a high level of professionalism and courtesy, identifying themselves and advising the driver as to the reason for the stop. Officers are encouraged to be conversational and polite but reinforce with traffic violators the need to favorably alter future driving habits.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.