

# DIRECTIVE 61.1 TRAFFIC ENFORCEMENT

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<b>Rescinds: (Issue 04/02/2019)</b>	<b>CALEA Standards Referenced: 61.1.1; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.6; 61.1.7; 61.1.8; 61.1.9; 61.1.10; 61.1.11 &amp; 61.1.12</b>
<b>Pages: 26</b>	

**This directive consists of the following sections:**

- 61.1.1 Selective Enforcement Activities**
- 61.1.2 Uniform Enforcement Procedures**
- 61.1.3 Violator Procedures**
- 61.1.4 Informing the Violator**
- 61.1.5 Uniform Enforcement Policies**
- 61.1.6 Enforcement Practices**
- 61.1.7 Stopping/Approaching**
- 61.1.8 Speed Measuring Devices**
- 61.1.9 Impaired Driver Enforcement Program**
- 61.1.10 DUI Procedures**
- 61.1.11 License Reexamination Referrals**
- 61.1.12 Parking Enforcement**

## **POLICY AND PROCEDURE:**

The goal of the Miami Township Police Department for traffic enforcement is to reduce traffic crashes and increase voluntary compliance with traffic laws. This may be achieved through the analysis of traffic crash factors, application of such techniques as scientific/geographical/temporal assignment of personnel and equipment, the establishment of preventive patrols and procedures to deal with specific categories of unlawful driving behavior. The techniques used should be based upon crash data, enforcement activity records, traffic volume and conditions.

### **61.1.1 Selective Enforcement Activities**

The Patrol Division Supervisor or his/her designee will be responsible for traffic crash and enforcement analysis for the department. Other personnel may be assigned as necessary to conduct statistical analysis of traffic collision and enforcement data for the program evaluations.

### *Compilation and Review of Traffic Collision Data*

The analysis of traffic crash reports will be conducted monthly and include geographic, temporal and causative factors, such as:

- Month, day and hour.
- Location, weather and road conditions.
- Actions of drivers, occupants or pedestrians.
- Violations of laws.
- Other information as gathered from the crash summaries submitted to the Miami Township Police Department by the State of Ohio; based on the Ohio Traffic Collision reports submitted by individual officers.

### *Compilation and Review of Traffic Enforcement Data*

The analysis of traffic enforcement activities will be conducted monthly and include a review of enforcement actions, to include:

- Enforcement of laws.
- Enforcement by location, roadway type and district.
- Enforcement by day of week and shifts.
- Enforcement by job assignment.
- Enforcement by gender, age and race.

### *Comparison of Collision Data and Enforcement Data*

Comparison of enforcement applied to identified high traffic collision or violations areas shall be conducted and reported in these monthly reports. By examining and comparing these summaries, the Patrol Division Supervisor can assist the patrol officers in setting selective enforcement countermeasures, utilizing resources and gauging the effectiveness of traffic programs.

### *Implementation of Selective Enforcement Techniques and Procedures*

Selective enforcement shall be undertaken in those areas where analysis of traffic crashes and violations indicates that special attention is needed. Patterns, causes and/or sudden increases in the number and severity of traffic crashes or violations are reasons for extra enforcement activity at a given location. When the Miami Township Police Department becomes aware of a problem that may or may not be reflected in traffic crash report data, communications between agencies i.e. road service departments, County Engineer, will occur if necessary and steps will be taken to correct the problem.

### *Deployment of Traffic Enforcement Personnel*

Deployment of personnel for selective traffic enforcement shall be based on analysis of traffic crashes, traffic enforcement activities and traffic related calls for service. The information will be obtained from the traffic crash and enforcement report summaries, citizen concerns and department records. The summaries shall be examined to provide data that includes all seasons of the year and allows for variations that occur as a result of

weather, population shifts, monthly or seasonal increases and for reductions in the traffic volume.

Based on the analysis of traffic related information, personnel shall be deployed for preventative patrol activities to deal with the specific categories of violations. The patrols shall be conducted at locations, times and date of the week the predominant violations are occurring with emphasis on reducing traffic crashes.

Selective preventative and enforcement activities will be developed and coordinated by the Patrol Division Supervisor who shall distribute the information about selective traffic enforcement activities to the shift supervisors for implementation.

Selective traffic enforcement is the primary responsibility of the Miami Township Police Department's Traffic Safety Unit, although any officer may be assigned to selective traffic enforcement activities in their patrol area.

All patrol supervisors shall share responsibility for ensuring that selective enforcement activities are carried out on their respective shifts. Enforcement activities shall be carried out by Traffic Safety Unit personnel or by other patrol officers as required to address the needs of the selective traffic enforcement function. The Patrol Division Supervisor shall bear ultimate responsibility for selective enforcement activities.

#### *Evaluation of Selective Traffic Enforcement Activities*

The Patrol Division Supervisor will evaluate the selective traffic enforcement activities through review of the monthly traffic crash and enforcement reports, selective traffic enforcement patrol reports and grant activity reports.

These reviews will be used to assist in formulation of traffic safety goals and objectives for the department. The Patrol Division Supervisor or his designee shall conduct an annual selective traffic enforcement analysis to review traffic crash and enforcement data to determine if the goals and objectives of the agency and the selective enforcement program have been met.

#### **61.1.2 Uniform Enforcement Procedures**

Officers will take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using the lowest degree of enforcement action necessary to obtain the violators compliance with the law. Officers should not concentrate on quantitative enforcement but should be directed to provide qualitative enforcement activities integral with quantitative measures to achieve the department's traffic enforcement objectives.

Supervisory personnel shall make proper inquiry and take appropriate measures in those circumstances where citations are not being issued for specific violations when there is indication that such level of enforcement is required. Traffic enforcement alternatives include:

### Physical Arrest

Officers will affect the physical arrest of any person when:

- The driver is in violation of ORC 4511.19, operating a vehicle while under the influence of alcohol or drugs of abuse or both alcohol and drugs of abuse.
- For any traffic offense which is a felony.
- For traffic offenses committed while in commission of other crimes which are companion cases i.e. theft, transport of contraband.
- Any time when in the officers' opinion and supported by legal principles, the violation warrants the offenders arrest.

### Citation

The issuance of an Ohio Uniform Traffic Ticket (OUTT) is a proper alternative when used by an officer in response to a traffic violation which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether the violation is a moving, safety, parking or equipment violation, or when the violator has previously been warned of the violation.

Should a traffic arrest be a felony offense or in the event an officer must file a complaint with Municipal Court for a traffic violation, the offense shall be reported on a NIBRS offense report. The report and any accompanying paperwork shall be submitted to the records section.

### Warnings

Verbal Warning – A verbal warning is a proper alternative when used by an officer in response to a minor traffic violation committed where there is very minimal risk to persons or property and the driver may not be aware of the violation i.e. equipment violation such as license plate not illuminated.

Written Warning – A written warning is a proper alternative when used by an officer in response to a minor traffic violation committed where there is minimal risk to persons or property and the issuance of a warning will effectively correct the operator's actions i.e. parked facing the wrong way.

### 61.1.3 Violator Procedures

#### Nonresidents of Service Area

Traffic violators of states belonging to the Non-Resident Violators Compact or persons residing outside Clermont County will be issued a citation and released in the same manner as residents of Clermont County.

Traffic violators of states not belonging to the Non-Resident Violators Compact will be required to post a bond with the Clerk of Courts for the violation of which they are charged. The following states are not members of the compact: Alaska, California, Michigan, Montana, Oregon and Wisconsin.

### Juveniles

Juvenile traffic offenders shall be issued the appropriate enforcement action as directed in 61.1.2.

Juveniles who have committed a minor misdemeanor traffic violation will not be placed in custody but will be issued a traffic warning or a traffic citation with the following exceptions:

- Driving while impaired by alcohol or drugs.
- Violation of vehicular homicide and assault statutes.
- Driving after revocation or suspension of license.

In cases where a juvenile is taken into custody, the officer shall follow ORC 2151.31, 2151.311 and 2151.312 as it applicable.

At the time a juvenile is charged with a traffic violation, the issuing officer will provide the juvenile with a copy of the citation containing the specific charge including statute violated and the Juvenile Traffic Citation Information form provided by the Clermont County Juvenile Court.

The officer issuing a juvenile a traffic citation shall mark the appropriate juvenile boxes on the OUTT and mark the date and time for the juvenile and their parent/guardian to attend.

### Legislators

ORC 2331.11 through 2331.14 allows certain Legislators to be privileged from arrest during their attendance at the session of their respective House and in going to and returning from the same. Privilege from arrest applies only to 'civil' arrests and not criminal arrests, summonses or citations. Therefore, traffic law violations are not privileged from arrest and officers will follow enforcement action incidental to traffic violations as outlined in Directive 61.1.2.

### Foreign Diplomats & Consular Officials

A Foreign Diplomat/Consular Official is a citizen of a foreign country employed by a foreign government and authorized to aid on behalf of that government to that government's citizens in a foreign country. Diplomats are officials of a foreign government assigned to an embassy in Washington, D.C. Diplomats may also perform consular functions and should be treated as a consular officer.

It is the policy of the Miami Township Police Department to comply with all United States Government treaty obligations regarding the arrest and detention of Foreign Diplomats and Consular Officials as directed by the United States Department of State publication Diplomatic and Consular Immunity, Guidance for Law Enforcement and Judicial Authorities. A copy of the publication is located in the patrol room in the Consular Notification and Immunity binder. The requirements for handling incidents of traffic enforcement is specifically addressed on pages 18 & 19 of this publication. Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted.

When persons privileged from arrest are stopped for a moving violation, the officer making such stop, upon being advised by the driver of their status and ascertaining that they possess proper credentials, should exercise discretion based on the nature of the violation. The officer should inform the operator of the violation and issue a warning or in the case of a serious violation a citation.

Specific to OVI violations, the officer shall not compel the operator to take standardized field sobriety tests, handcuff or place the violator in the secured portion of the police vehicle. The officer shall notify the shift supervisor of the incident. The officer should impress upon the violator the officer's duty to care for the person's safety and the safety of others. The officer may release the violator to a responsible person(s), take the person to a place of safety, or transport them to the police station and arrange release to a responsible person. The officer(s) should avoid the use of force unless such circumstances warrant the officer(s) to respond to actions of the violator.

### *Military Personnel*

Military personnel are not privileged from arrest under ORC 2331.11. Officers will follow enforcement action incidental to traffic violations as outlined in Directive 61.1.2.

#### 61.1.4 Informing the Violator

At the time a violator is charged with a traffic violation and issued a citation, the issuing officer will provide the violator with a copy of the citation, to include:

- Court Appearance Schedule - The date, time and location of the scheduled court appearance.
- Optional or Mandatory Nature of Court Appearance – If the violation requires the violator to appear in court, the appropriate box on the violator's citation will be marked. If the officer is unsure if the violator must appear in court, the violator will be directed to contact the court at the phone number listed at the bottom of the citation.
- Plea & Payment Information – If the violator may pay the citation out, the officer shall issue a fine/pay out schedule to the violator.
- Other Information Provided – Officers shall complete the OUTT in its entirety to include information relative to the specific charge including statute violated.

### **61.1.5 Uniform Enforcement Policies**

The following guidelines are established to provide a uniform approach to enforcing traffic violations. Each officer should use his own judgment, unless indicated otherwise, to decide if a traffic citation is issued.

#### **Driving Under the Influence**

Officers shall arrest any operator found to be in violation of ORC 4511.19, Operating Vehicle Under the Influence of Alcohol or Drugs (OVI).

Officers when making traffic stops should be alert for signs of alcohol and or drug impairment in the operator.

Officers shall be familiar with OVI detection and the accepted field sobriety tests, HGN, walk and turn and one leg stand. The Miami Township Police Department shall provide, as necessary, training to all patrol officers in the detection and apprehension of impaired operators.

Chemical tests shall be used in accordance with ORC 4511.191, department policy and procedures accepted by the Clermont County Courts.

#### **Driving Under Suspension**

When an officer initiates a traffic stop, the officer should check the status of the persons operating privileges. If the operator cannot produce a valid driver's license, the officer will check the status of the operator's driver's license.

If the driver has no driver's license or is under a driver's suspension, the officer will issue the violator a citation for the appropriate violation and affect a physical arrest if warranted.

Should confirmation not be obtained as to the status of the operator's driver's license, the officer shall obtain the information later and take appropriate enforcement action. Should the operator have failed to produce a valid operator's license at the traffic stop, then the officer shall issue a citation and arrangements made to remove the vehicle from the roadway.

#### **Speed Violations**

Officers may issue verbal or written warnings for speed violations up to and including nine miles per hour over the speed limit.

Officers may issue a written warning or citation for speed violations between ten and fourteen miles per hour over the speed limit. The officers' decision shall be governed by the conditions and circumstances relevant to the location of the violation.

Officers may issue a citation when a violator's speed exceeds the speed limit by fifteen or more miles per hour.

The decision to cite or warn a violator will be determined by the officers' judgment based on the conditions and circumstances at the time of the violation, with common sense and human understanding as mitigating circumstances.

### *Hazardous Violations*

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians.

Unsafe behavior is an action or omission in compliance with traffic laws, which are hazardous even when vehicle, streets or highway and people involved, are in a legal condition.

Unsafe condition is causing or permitting an illegal and possible hazardous condition of:

- A driver or pedestrian in traffic;
- Street or highways used by traffic;
- Vehicles use in traffic.

It will be the practice to issue citation or arrest, if appropriate, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

### *Off-Road Vehicle Violations*

When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will be told to stop using the property and be advised to keep written permission with them along with the name and phone number of the property owner so that they can be contacted to verify permission. If misuse of private property occurs while operating a recreational vehicle, such as reckless operation, OVI, hit-skip crash or criminal damaging, enforcement action may be taken by officers.

Off-road or recreational vehicles driven upon public roadways will fall in accordance with applicable traffic laws.

Juvenile offenders will be handled the same as adult offenders. Seriousness of the violation will be taken into consideration when determining if a parent/guardian should be contacted.

### *Equipment Violations*

When a vehicle is found to be in violation of one or more equipment statutes, the officer should issue a citation for the most serious offense unless any of the following sections

apply. The officers shall use good judgment in the discretion to issue a citation or warning based on the seriousness of the violation.

When a vehicle is found to be unsafe to operate on a public roadway, the officer shall inform the violator of the defects that render the vehicle unsafe for operation on the roadway, issue a citation for operation of an unsafe vehicle and have the vehicle removed from the roadway.

When a vehicle is found to be in violation of one or more equipment statutes, and the equipment violation resulted in an injury or a reportable crash, the officer shall issue a citation for the violation.

### *Commercial Vehicle Violations*

Public carrier and commercial vehicles will be treated the same as the general motoring public. Uniform enforcement policies and procedures delineated in this directive are applicable to both the public carrier and commercial carrier.

### *Non-Hazardous Violations*

Non-hazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians i.e. registration violations.

The officer may issue a warning for a single infraction for which the violator may have been unaware. Enforcement action should be taken if multiple violations or a violation for which the violator has previously been warned has occurred.

### *Multiple Violations*

When multiple violations are observed which can be classified separately as having distinctly different elements, they shall be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a driver's license should be issued a citation for all separate offenses.

In situations where two violations are similar to the extent that the elements of one law are included in the other law, only the most serious should be charged. A motorist who has been charged with reckless operation would not be charged also with operating on the left side of the roadway or speeding if these offenses occurred concurrently with and are important factors in the charge of reckless operation.

A warning citation may be issued at the officer's discretion for a non-hazardous violation in conjunction with another citation for equipment or hazardous moving violation.

One citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation.

### *Newly Enacted Laws*

It shall be the policy to issue warnings for a period of thirty (30) days after a new traffic law becomes effective in lieu of citations.

When a new traffic control device has been erected, warnings shall be issued for thirty (30) days from the time of installation.

### *Violations Resulting in Traffic Collisions*

Whenever the investigating officer of a traffic crash determines that a violation of law has occurred and sufficient evidence exists to establish a case beyond a reasonable doubt and to support prosecution in a court of law, enforcement action should be taken.

### *Pedestrian and Bicycle Violations*

Pedestrians and bicycles are part of the overall traffic management system. Officers are to take appropriate enforcement action when and where either pedestrian or bicycle traffic law violations are observed. The enforcement action will be commensurate with the pedestrian and bicycle crash experience for that area and time.

The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion from individual officers. To provide guidance in this discretion, the following procedures are established, which should result in uniform and consistent application of the laws:

#### Pedestrian Enforcement:

- Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the administration.
- Officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.
- Regarding pedestrian laws, the ‘spirit’ of the law shall supersede the ‘letter’ of the law and shall be applied accordingly.

#### Bicycle Enforcement:

- In those areas where congestion and the frequency of traffic crash experience involving bicycles have been predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced.
- On those roadways with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws shall be enforced.
- In those areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles.

- Officers should be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibilities in safe operation of bicycles.

#### **61.1.6 Enforcement Practices**

Enforcement practices are based on the principle that the effective deterrent to traffic law violation is highly visible patrol in a distinctly marked police vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension. Traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

##### **Visible Traffic Patrol**

Area patrol shall be primarily used in traffic enforcement in all areas of Miami Township. Area patrol refers to enforcement efforts over several streets, roads, locations, and sections of highways determined to have a high number of violations or complaints of hazardous moving violations in the township.

Line patrol may be used on a single roadway identified as a selective enforcement problem where one street or highway merits an inordinate amount of traffic enforcement.

Directed patrol is patrol specifically directed to a problem, such as OVI enforcement, at times and locations determined through analysis to prevent a traffic crash problem. Directed patrol will be used as needed and indicated by patrol supervisors to deal with the specific problem in the most effective manner.

##### **Stationary Observation**

Stationary observation shall be used in those areas where fixed post observation is necessary to maximize the effectiveness of a selective enforcement effort. Officers will park in a conspicuous location and in such a manner that traffic flow is not impeded. Stationary observation should not be conducted in areas normally not visible from traveled portions of the roadway.

##### **Use of Unmarked or Unconventional Vehicles**

The use of unmarked patrol vehicles for the purpose of regular traffic enforcement is prohibited. This doesn't prohibit officers who operate unmarked vehicles from taking enforcement action when a violation of a serious or life-threatening nature occurs in their presence.

### Roadside Safety Checks

Roadside Safety Checks may be used for detection of those problems that present a safety threats to individuals and the motoring public at large. Roadside Safety Checks shall be conducted after public notice has been given to the public that a checkpoint will be conducted. As much as is practical, written warnings may be issued for equipment violations. Moving violations or other offenses may be cited or warned as appropriate. Each safety checkpoint shall have as a secondary goal the education of the public for the need to operate safe motor vehicles.

### 61.1.7 Stopping/Approaching

#### Traffic Law Violators

Traffic law enforcement involves all activities or operations that relate to observing, detecting and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citation, but also includes warnings to drivers and pedestrians to prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to traffic crashes and that prevent hazards to vehicular and pedestrian traffic.

Officers shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, officers must consider the circumstances of the law violation and decide on a course of action that relies on experience, training and judgment. Further, traffic laws shall be enforced without discretion, location of the operator's residence, or the nature of the vehicle i.e. type, model, whether commercially or privately operated.

#### Unknown Risk Stops

Although stopping motorists on the roadway for traffic violations or other purposes is often considered a routine function of officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently routine situations. Therefore, it is the policy of this agency that motor vehicle stops shall be performed professionally and courteously and with a view toward educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the roadway.

The following procedures shall be followed when conducting a traffic stop; the initial traffic stop shall include, in order: choose a location, advise dispatch, signal the violator by activating emergency lights and make contact. It is recognized that occasionally

additional variables may require officers to adjust these procedures to conditions. Officers can cause dangerous situations for themselves and others by commonly deviating from this procedure.

- Choose a location for the stop utilizing prior planning. The vehicle should be stopped away from hill crests, curves and intersections, in an area with adequate space to allow the vehicle to pull off the roadway if possible. Consideration should also be given to available cover near the location of the stop.
- Advise the dispatcher of the location of the stop, registration information, description of the vehicle and the number of occupants. If there is not a registration visible, inform the dispatcher of the vehicle make, model, color and any other identifying information along with the number and brief description of the occupants.
- While following the violator's vehicle, when the vehicle is signaled to stop and prior to approaching the violator's vehicle, observe the occupants for any movement of other signs which may indicate suspicious activity or indicate a threat to officer safety.
- Signal the violator to pull to the side of the roadway by activating the police vehicle emergency lights. If necessary, use the siren or horn to alert the driver that you want them to stop. The police vehicles post mounted spotlight may also be used to alert the operator if they fail to notice the emergency lights.
- When the violators vehicle has stopped, position the police vehicle about fifteen feet behind the stopped vehicle and offset to the left of the violator's vehicle about three feet. Turn the wheels to the left; leave the police vehicle engine running and the door unlocked.
- At night or during times of low light levels, use the police vehicles high headlights, spotlight and takedown lights to conceal officer's movements from the violator and for visibility inside the stopped vehicle. Be careful to avoid blinding oncoming traffic.
- If the violator or any occupants exit the stopped vehicle, they should be ordered back inside, and the officer should be prepared to take defensive action should the violator/occupants fail to enter the vehicle or advance on the officers' position. Should other vehicles stop in response to the violators' vehicle being stopped, those vehicles should be directed to continue their way.
- Consider weapon readiness on every stop. The officer when approaching the violator's vehicle may have their holster unsnapped and if appropriate their hand on the weapon.
- Upon approaching the violator's vehicle, the officer should be observing the vehicle and occupants for any signs that may indicate a potential threat to the officer. The officer should also be alert to any additional violations both traffic and criminal. At night, the officer should avoid passing between the lights of the cruiser and the violator's vehicle.
- At the violator's vehicle, the officer should stand beside the vehicle as closely as possible and to the rear of the driver. When possible, the officer may approach the violator's vehicle on the passenger side, to avoid conflict with roadway traffic.

The officer should avoid using his gun hand to receive documents from the occupants of the vehicle.

- Continue to observe the occupants of the stopped vehicle while returning to the police vehicle and preparing any documents. The occupants should be observed several times a minute.
- When returning to the violator's vehicle, the same precautionary steps should be followed as when the vehicle was first stopped. Observe the vehicle or occupants for any changes that may have occurred.
- Allow the stopped vehicle to re-enter traffic first, assisting the vehicle if necessary, to re-enter the traffic flow safely. Vehicle light bars should remain activated until both vehicles are safely underway.
- Conclude your paperwork, clear your traffic stop with the dispatcher.

### High Risk Stops

High-risk vehicle stops include stops made on vehicles known or believed to contain criminal suspects, where weapons are known or suspected to be present in the vehicle, or when information has indicated that an occupant of the vehicle is wanted on a felony warrant.

- Choose a stop location carefully, considering in addition to the hazards listed prior, the traffic patterns at the stop location, the presence or possibilities of pedestrians, populated buildings and opportunities for cover positions for the police units involved in the traffic stop.
- Inform the dispatcher of the intent to stop the vehicle, the nature of the stop, i.e. wanted person, weapons in vehicle, and request a back-up unit to respond to assist with the stop.
- When at all possible, the traffic stop should not be made until a back-up unit is in position to assist the primary police unit.
- When the target vehicle has been stopped the police vehicle should be directly behind and thirty (30) to forty (40) feet to the rear of the suspect vehicle.
- Establish control of the suspect(s) and occupant(s) and suspect vehicle by issuing verbal commands, using public address system.
- If the suspect vehicle stops before or where the officer does not want it to; stop, remain in the police vehicle behind the suspect vehicle and await the back up unit(s) arrival. Be prepared for any activity by the suspect vehicle or its occupant(s).
- Direct other back up officers, as necessary.
- Never approach the suspect vehicle when it is occupied.
- Give clear, concise commands to occupant(s) of the stopped vehicle to direct their removal, one at a time, beginning with the driver.
- Secure and search the occupants of the vehicle, then conduct a search of the vehicle after determining that there are no hidden occupants.

## Responsibilities of Back-up Officers at Traffic Stops

- First back up officer will when possible park their vehicle parallel to and about ten (10) feet to the left of the primary police vehicle. The officer will take a position at the driver's door of their police vehicle.
- Additional back up officers will function in the following capacities, in order of priority, and as needed:
  - The primary officer shall designate a back up officer to search and secure the suspects/occupants of the vehicle. This search and secure officer shall be responsible for those activities for each suspect/occupant as they are brought back to the police vehicles on command of the primary police officer. While securing persons the officer performing this function shall attempt to gain information concerning the number of occupants, weapons, etc.
  - The second back-up officer will take a position at the passenger door of the primary officers' police vehicle and provide cover from that position. If necessary, this officer may be utilized to provide traffic control at the scene.
  - As needed, additional officers may be utilized to provide cover, control and observe suspect(s), or provide security to the area of the traffic stop.

## Officer Violator Contacts

The officer should during the violator contact, attempt to communicate to the violator that the officer is performing a necessary task, for the safety of the violator and the public. The officer should strive to make each contact educational and leave the violator with the impression that the officer has performed a necessary task in a professional manner.

The traffic stop has two objectives that the officer seeks to achieve; take appropriate enforcement action and favorably alter the violator's future driving behavior. The accomplishment of these two objectives requires the officer to understand human nature, inter-personal communication skills, and flexibility in dealing with the public. The following procedures are guidelines and recommendations to minimize conflict that may develop between the officer and the violator and assist in achieving the listed objectives.

When the violator has been stopped and approached where communication can begin, the officer-violator contact procedures are to be followed.

- Be alert at all times for the unexpected, but do not be obviously apprehensive.
- Be certain that the observations of the violation were accurate without reservation.
- Present a professional image in dress, grooming, language, bearing and emotional stability.
- Be prepared for the contact by having the necessary forms; if they are to be used, immediately available.

- Decide on the appropriate enforcement action based upon the violator's behavior and driving actions, not attitude. In most cases it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
- Greet the violator with appropriate title and in a courteous manner.
- Ask for and accept the violator's driver's license, proof of insurance, and registration, if needed. If the violator does not have a driver's license in their possession, attempt to obtain another form of positive identification.
- Immediately inform the violator of the traffic law he/she has violated and the intended enforcement action.
- Allow the driver to reasonably discuss the violation.
- Complete the forms required of the enforcement action taken and ask the operator to sign the citation. If the operator refuses to sign the citation, the officer shall write the word "Refused" on the signature line of the citation.
- Return the violator's driver's license, proof of insurance, and registration, along with the appropriate copy of the citation or warning.
- Explain to the driver exactly what he/she is supposed to do in response to the action taken.
- Make sure the violator knows when and where to appear if the enforcement requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. Refer questions about the appearance to the court.
- Be aware of the emotional stress of the violator, repeat the instructions if necessary or wait a short period of time to allow the violator to calm down before they resume driving.
- Assist the violator in safely re-entering the roadway.

### **61.1.8 Speed Measuring Devices**

#### *Equipment Specifications*

Radar units used by the Miami Township Police Department shall conform to the criteria set forth by the National Highway Traffic Safety Administration through the National Bureau of Standards. Radar units shall be certified to ARM standards, which include:

- A Doppler audio feature, which aids in positive target vehicle identification.
- An internal circuit test function, which tests the counting circuitry.
- Protection functions which alert the operator to the presence of external interfering conditions such as low power supply voltage or excessive radio frequency interference.
- Have the reasonable availability of service facilities.

Specifications for laser speed measuring devices used by the Miami Township Police Department shall be determined by the Support Services Supervisor prior to the purchase of such device, but shall include:

- An internal circuit test function that tests the device's circuitry for proper functioning.
- Have the reasonable availability of service facilities.

### Operational Procedures

The precise method for using a radar unit and the enforcement of those laws applying to speed will vary in accordance with the type of radar equipment used. Generally, the following procedures are applicable:

- The radar unit must be properly installed and connected to the appropriate power supply.
- The effective range of the radar unit must be thoroughly understood by the operator so visual observations can support the speed meter readings.
- The operator must choose an appropriate location that is conducive to the effective and safe operation of radar.
- The radar unit will be properly calibrated to ensure accuracy in checking speed. The radar unit will be checked for proper calibration according to the manufacturer's specifications with the tuning forks provided for the radar unit.
  - Radar units will be checked for proper calibration at the beginning of and end of each shift that the radar unit is used.
  - Radar units shall be checked for calibration in both the moving and stationary modes.
  - Radar units shall be checked for calibration each time the unit is turned off and turned back on during the shift.
- Laser radar unit operational procedures are the same as stated above except the check of calibration. The laser speed measuring device is checked for proper calibration according to the manufacturer specifications i.e. internal calibration check on activation of unit. Laser speed measuring devices will be checked for proper calibration at the beginning of and end of each shift that the device is used.

### Proper Care and Maintenance

Inspection of each radar unit will occur during each vehicle inspection of the police vehicle in which the radar unit is mounted.

Hand held radar devices will be inspected as part of the quarterly operational readiness inspection.

Routine care and upkeep will occur by the patrol officer utilizing the police vehicle that the radar unit is mounted in or by the officer utilizing a hand-held unit. This will include cleanliness of the unit and reporting needed repairs.

### Maintenance & Calibration Records

The Support Services Supervisor will be responsible to develop and maintain adequate maintenance, calibration and operational record systems suitable for introduction into court for department owned speed measuring devices.

### Operator Training

Officers using radar devices must successfully demonstrate the required skills and knowledge necessary to prove proficiency in the use of radar prior to issuing citations requiring financial sanctions for violations. This program will include:

- Familiarization with the theory of operation of radar through instruction and reading approved instructional manuals under the direction of the field Training Officer.
- Instruction on radar equipment characteristics and operation by the field training officer. This shall include, calibration of the base and antennae components, possible errors encountered and remedies, proper identification of vehicles checked by the radar unit and care and maintenance of the radar unit.
- Instruction in detecting, tracking and documenting violations under the direct supervision of the field training officer.
- Proper court presentation and testimony pertaining to contested speeding citations.

The Ohio Peace Officer Training Commission requires a minimum of 72 hours of instruction on the topic of traffic in a basic police academy. Most academies include as part of traffic training, instruction and proficiency demonstration in radar operation.

Field training officers shall require a proficiency demonstration of recruits to document the skills and knowledge to properly operate and care for the radar unit as part of the field training program. The proficiency documentation shall be documented by completing the 'Operation of Radar Unit' instructed and performed section of the Field Training Guide.

### 61.1.9 Impaired Driver Enforcement Program

The reduction of alcohol and/or drug related traffic offenses are the responsibility of all personnel assigned to road patrol duties. The department's Traffic Safety Unit has the primary responsibility of selective enforcement activities related to the reduction of alcohol and/or drug traffic offenses.

Such enforcement activities shall also include the enforcement of related statutes that prohibit consumption of alcoholic beverages or open containers of alcoholic beverages in motor vehicles.

The department provides training to officers in the detection, apprehension and prosecution of OVI offenders, as well as enforcement tactics dealing with related statutes.

Educational activities shall be conducted as an integral part of the department's overall OVI countermeasures program. Providing information to the motoring public about the inherent dangers of operating a motor vehicle after consuming intoxicating beverages or drugs shall be accomplished by providing safety awareness programs to schools and/or civic organizations. Additionally, informational and educational brochures shall be made available in the lobby of the police department and at other appropriate functions and exhibitions attended by members of the department.

The Patrol Division Supervisor shall be responsible for the assignment of Traffic Safety Unit officers to selective enforcement activities directed at reducing alcohol and/or drug related traffic offenses. This may be accomplished through scheduling of personnel at the time when, and to the locations where enforcement analysis has shown that a significant number of violations and/or crashes involving impaired drivers have occurred. Personnel shall be cognizant of and maintain selective surveillance of roadways and areas in which there has been an unusual incidence of drinking and driving offenses or crashes to ascertain the characteristic violation profile of the problem drinker who drives.

The Patrol Division Supervisor or his/her designee shall be responsible for obtaining outside funding for the implementation of OVI countermeasures programs, when such funding is available. All such programs shall be approved by the Chief of Police.

Guidelines for operation of such programs shall be in accordance with the funding agency's requirements, department procedures and any additional guidelines as set forth by the Chief of Police.

The department may establish minimum requirements for officers to participate in such programs, to include, training requirements, minimum performance levels and any other requirement established by the Chief of Police.

The department may as available, provide officers the training necessary to fulfill the requirements for participation in such programs.

The department may, as approved by the Chief of Police, utilize sobriety checkpoints as part of the agency's OVI countermeasures program. Such checkpoints shall be conducted within the guidelines established by federal or state statute and be under the direction of the Patrol Division Supervisor.

The department may, as approved by the Chief of Police, participate in sobriety checkpoints as requested by the Ohio State Highway Patrol or the Clermont County Sheriff's Office that occur in Miami Township.

#### **61.1.10 DUI Procedures**

Officers shall utilize the following procedures for detection and establishing probable cause to arrest vehicle operators who are under the influence of alcohol and/or drugs of abuse.

- Observe specific driving behaviors that identify that the operator may be under the influence of alcohol and/or drugs.
- Recognize specific behaviors that occur during vehicle stops that provide evidence or suspicion that the operator is under the influence of alcohol and/or drugs of abuse.
- Note all observations that lead the officer to believe the driver may be intoxicated.
- Use caution in pursuing intoxicated drivers; be alert for unpredictable reactions from the driver and his/her operation of the vehicle.
- Upon contact with the operator identify any specific actions, attitudes and characteristics that identify the operator as being under the influence of alcohol and/or drugs of abuse.
- Have the operator exit the vehicle and move to a safe location where field sobriety tests can be conducted. Do not conduct field sobriety tests in between the police vehicle and the violator's vehicle whenever practical.
- Conduct the field sobriety tests to assess impairment and determine if enough probable cause exists to affect an arrest for OVI.

If probable cause exists to arrest the offender the OVI based on the requirements under ORC 4511.19, the officer will affect a physical arrest of the operator.

- Arrest and secure the operator according to department policy and procedures. The violator should be informed of his/her Miranda Rights if he/she is to be questioned relevant to the OVI arrest.
- Process the vehicle according to legal requirements and department policy.
- Transport the violator to the Miami Township Police Department or other approved site for processing and evidential testing.
- Prior to conducting any chemical test, the operator will be read the appropriate section from BMV2255, Administrative License Suspension (ALS) entitled Consequences of Test and Refusal. This must occur within three hours of the alleged violation.
- The violator may first be offered a breath test. Should the violator have been transported to a hospital, the officer may first request the violator to submit to a blood test.
  - Senate Bill 17 contains provisions that a law enforcement officer may use any 'reasonable force' to obtain a sample of blood from a suspected OVI or DUI driver. Although hospitals and EMT's will not execute a forced blood draw and has the right to refuse to draw blood under any circumstances, a hospital should assist in the blood draw procedure if the following steps are followed:
    - Obtain a search warrant in order to execute a blood draw if the defendant refuses to consent to a chemical test.
    - Once a warrant is secured, take the defendant to a hospital for the blood draw within the statutorily required time period.
    - At the hospital, be polite with the hospital staff and indicate that you have a warrant for the defendant's blood.

- Show the warrant to the hospital staff so they may have one for their records and provide it to their Risk Management Department.
  - Make sure the defendant indicates that he or she wants to be admitted to the hospital.
  - Make sure the defendant indicates that he/she will cooperate with the warrant, if he/she refuses, charge the defendant with obstructing official business and have the defendant held in contempt.
  - Once the defendant indicates that he/she will cooperate, provide the kit to the hospital staff so they may withdraw the blood in accordance with ODH guidelines. Make sure the nurse knows it is vital to follow the directions that are provided on your blood draw kits.
  - If during the blood draw, the defendant becomes combative, stop the test immediately, secure the defendant and charge him or her with obstructing official business and have the defendant held in contempt. If a hospital staff member is injured because the defendant becomes combative then charge the defendant with any and all appropriate offenses.
  - If the test is conducted, retrieve the sample from the hospital and send the kit to the appropriate toxicology lab for analysis in accordance with ODH guidelines.
- Should the violator refuse to submit to the initial requested test the arresting officer may ask the violator to submit to one of the other accepted tests. i.e. Unable to complete the requested test for a valid reason.
  - The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within three hours of the time of the alleged violation and, if the person does not submit to the test or tests within that three hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.
  - Only after the violator has refused to submit to any of the three tests, (breath, blood or urine) will the offender be marked as a refusal on the BMV2255 form.
  - The officer shall document that the violator was requested to submit to a test and refused to submit to such test.
  - Should a violator submitting to a breath test be found to have a blood alcohol content of thirty-five hundredths of one gram .35BAC or higher, the officer having custody of the violator shall immediately summon an emergency medical service to examine the violator for possible medical problems due to the persons blood alcohol content.
  - The collection of blood and urine samples shall be witnessed by the arresting officer. When practical and when the violator is of the opposite sex of the arresting officer, the urine specimen will be witnessed by a police officer of the same sex as the violator.
  - Blood samples must be collected in accordance with Department of Health rules and regulations for the collection of such samples. Collection kits are in the Intoxilyzer room.

- Urine samples must be collected in accordance with Department of Health rules and regulations for the collection of such samples. Collection kits are in the Intoxilyzer room.
- The arresting officer shall complete and submit laboratory and property submission forms.
- Blood and urine samples shall be submitted into refrigerated evidence storage pursuant to department property and evidence control guidelines.
- Property room custodians shall be responsible to have the specimen tested. Upon receiving the written results of the analysis, the property room custodian will provide the submitting officer a copy, records personnel a copy to file with the original case paperwork filed in the records section and place the original with the property submission sheet.

### Drug Recognition Expert

Drug Recognition Experts (DRE), are officers trained to recognize drivers under the influence of drugs or a combination of drugs and alcohol. They can provide expert testimony as to an individual's impairment on drugs or alcohol.

When an officer makes an OVI arrest of a person they believe is impaired by drugs a DRE may be called out to conduct a post arrest evaluation on the person to determine what drug(s) are impairing that person's ability to operate a motor vehicle safely. Prior to the DRE's arrival the arresting officer should obtain a breath test, if the offenders BAC is .08 or higher, a DRE evaluation will not be conducted.

- The DRE will contact the on-duty supervisor if the DRE is on duty for approval to respond.
- If there is no DRE on-duty and overtime is required to fulfill the DRE request; the on-duty supervisor will be called for approval of a DRE response. DRE requests within Clermont County are at the on-duty supervisor's discretion. Regionally, approval will be given on all fatalities, serious injury crashes, police involved crashes or a felony OVI.

### BMV2255

Officers shall review and complete any necessary areas of the BMV form, sign date and have the form notarized or signed by a Deputy Clerk of Court.

When a violator has been charged under section 4511.19 for a blood or urine analysis, the form shall be filled out except for the test result information. The court copy of the BMV2255 and the violator's copy shall be issued without the test result information. The department copy and the BMV copy will be held with the records section paperwork pertaining to the case. The officer shall upon receiving the test results from the laboratory, complete the form and if possible, make service of a copy of the completed

form upon the violator. The officer will also forward the test information to the prosecutor's office.

#### Traffic Citation (OUTT)/NIBRS Requirements/Summons Issuance

When a violator is charged under section 4511.19A or 4511.19B, the officer shall check the appropriate box of the OUTT and fill in the test results if known. All other documents required by the OVI arrest i.e. BMV2255, Statement of Facts will be attached to the OUTT.

When a violator is charged under section 4511.19A or 4511.19B and the offense meets the felony degree requirements, the officer shall complete a NIBRS report and suspect arrest supplement report. The officer shall file a complaint with Municipal Court. All other documents required by the OVI arrest i.e. BMV2255, Statement of Facts will be attached to the NIBRS required report.

When a violator under 21 years of age is arrested for OVI and is found to have a BAC of .02 but less than .08 the violator will be charged under section 4511.19B1, Operating a Motor Vehicle After Underage Consumption.

Should the person arrested and charged for OVI be operating a vehicle when one or more children under eighteen years of age are in the vehicle, the violator may be charged under ORC 2919.22C, Endangering Children. This charge shall be processed in accordance with department arrest policy requiring a NIBRS report and issuance of a summons.

Any criminal offense summonses issued in addition to the OVI arrest paperwork, shall be attached to the OVI paperwork.

#### OVI Packets

The attached OVI Packets check off list will be utilized to assist you in ensuring that the appropriate paperwork is delivered to the Miami Twp Clerks, the Clerk of Courts, and the Prosecutor's office.

It is your responsibility to prepare the three separate packets to forward to the MTPD Clerks, the Clerk of Courts and Prosecutors office when you make an OVI arrest.

- If you take the person to jail, then you will take the Prosecutor's and Clerk of Court packets with you to ensure they are delivered to the correct basket.
- If you do not take the person to jail, then complete the three packets and send all three to the MTPD Clerks. They will ensure they are delivered.

### COURT PACKET

OUTT (White and Yellow Copies);  
Statement of Facts;  
BMV2255 (Pink Copy).

### MTPD PACKET

OUTT (Pick and Hard Copy);  
Statement of Facts;  
BMV 2255 (Yellow Copy);  
Tow Sheet (Copy);  
Intoxilyzer Sub Test (Copy);  
Intoxilyzer Printout Original;  
Driver License (Copy);  
OH1 Copy, if Applicable;  
If not associated with OH1, Original Witness Statement;

### PROSECUTOR PACKET

OUTT (Copy);  
Statement of Facts;  
Driving Record;  
BMX 2255 (Copy 2-Sided);  
Tow Sheet (Copy);  
Intoxilyzer Sub Test (Copy);  
Intoxilyzer Printout (Copy);  
OH1 (Copy, if applicable);  
Witness Statements, if any;  
Driver License (Copy).

### **61.1.11 License Reexamination Referrals**

Routine enforcement, crash reporting and investigation activities may lead to the discovery of a driver who has a suspected incompetency, physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over the operation of a motor vehicle. Officers detecting such a person will complete the Request for Driver License Examination or Recertification Form, BMV2308. The information necessary is listed on the form. Officers shall review BMV2308 and be aware of the specific information needed to complete the form. Officers completing the form shall:

- Describe the driver condition and incident in such detail that reasonable grounds for the reexamination or recertification are conclusively established.
- The initiating officer shall sign the form and attach a copy of any report, citation, crash report or other document regarding the incident and forward these documents to the Chief of Police for final approval prior to being sent to the Bureau of Motor Vehicles.

### **61.1.12 Parking Enforcement**

When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct a parking violation. The owner should be contacted if the vehicle is parked close to the owner's residence or the officer can contact the owner who can respond in a timely manner to move the vehicle. If the owner or another person has the means to move the vehicle, they shall be requested to move the vehicle. If compliance is not achieved or if the officer decides enforcement action should be taken, i.e. previous warnings or driver history, then the appropriate action shall be taken.

Officers of the department will enforce parking compliance on private property for illegal parking and abandoned vehicles, as appropriate. If the owner can be located, they or a person having means to move the vehicle shall do so. If compliance is not gained or if the officer decides enforcement action should be taken i.e. previous warnings or driver history, then the appropriate action shall be taken. If the vehicle is abandoned, officers shall act as directed in Directive 61.4.3.

In no parking zones, if an immediate hazard is caused by the violation, a citation is to be issued. An effort should be made to contact the owner of the vehicle before the vehicle is towed.

A vehicle which is blocking a roadway should be cited and towed if the owner cannot be located in a timely manner.

#### Declaration of a Snow Emergency per Township Resolution

When enforcing a parking violation during a declared Level 1-3 Snow Emergency in Miami Township the officer should first attempt to correct the parking violation. The owner should be contacted if the vehicle is parked close to the owners' residence or the officer can contact the owner who can respond in a timely manner to move the vehicle. If the owner or another person has the means to move the vehicle, they shall be requested to move the vehicle. If compliance is not achieved or if the officer decides enforcement action should be taken, i.e. previous warnings or citation, then the appropriate action shall be taken per Miami Township Resolution 2014.48.

If the vehicle cannot be moved immediately due to the owner of the vehicle not being at home, the officer will run the license plate number, obtain the owner information and write a traffic warning to the registered owner of the vehicle. Due to the snow related conditions, the traffic warning will not be left on the vehicle. The warning information will be entered into MTPD records management system by the officer and forwarded to records. An email will be generated by the officer to include the event number of the warning for the parking violation during a snow emergency and sent to records.

Records staff shall upon receiving the email and traffic warning, complete a form letter to be mailed to the registered owner of the vehicle advising of the warning for parking on a Township street during a proclaimed snow emergency as well as penalties for future violations.

On a second offense of the same vehicle, if compliance is not gained or if the officer decides enforcement action should be taken, i.e. additional warning or an OUTT to Municipal Court, or towed per Miami Township Resolution 2014-48 then the appropriate action should be taken.

If the vehicle is towed, per MTPD Directive 61.4, Vehicle Towing Records, at any time because of exigent circumstances and/or in the interest of public safety, because of natural or manmade disaster or other necessary circumstances with permission of a supervisor, a vehicle can be towed. Per Resolution 2014-48, Section 9, vehicles can be

towed at the direction of the Service Department Director. If called to have a vehicle towed, you will follow MTPD Directive 61.4 and document the towed vehicle as directed.