

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

This policy provides officers and members with guidelines for traffic enforcement. The ultimate goal of traffic enforcement is to reduce traffic collisions, educate the public and gain compliance to traffic laws. This may be achieved through geographic assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior.

### 500.2 ENFORCEMENT

- A. All officers assigned to patrol or traffic enforcement functions shall proactively enforce traffic laws (ARS and Town Code).
- B. The SPD recognizes traffic stops can be stressful for motorists and are inherently dangerous for officers. For many people, a traffic stop is the only in-person contact they may have with a police officer. Officers shall take care in maintaining a professional demeanor while being respectful and courteous while also practicing appropriate safety techniques when engaging in traffic stops. Officers shall make a reasonable effort to inform the motorist of the reason for the stop, obtain the driver's license or other driver/violator identification, registration and insurance for the vehicle. If the driver, or an occupant of a stopped vehicle, requests the officer's name and badge number, the officer shall provide both when reasonably able to do so.
- C. It is the responsibility of all patrol or traffic officers working in a field duty capacity to take appropriate action with regards to the enforcement of traffic laws when reasonably able to do so. Officers have discretion in how they choose to enforce traffic laws through warnings (both verbal and written), citations and physical arrests with the goal of gaining compliance with traffic laws and holding violators accountable. There is an exception to discretion regarding enforcement of traffic laws when dealing with actual or suspected DUI violations. Officers shall appropriately investigate possible or suspected DUI violations. Officers shall enforce the law and make a physical (custodial) arrest when they establish probable cause for a DUI violation, refer to Lexipol 504 for further information regarding DUI violations and investigations. Separate from a possible or suspected DUI violation, officers should take into account the degree and severity of a traffic violation(s) to assist with their enforcement decisions. The SPD does not use quotas in regards to traffic or other types of law enforcement. Officers and members shall perform traffic and all other law enforcement duties and activities in an unbiased, courteous, and professional manner.
- D. Officers should take enforcement action, via a citation, when an officer determines that a driver is driving with an Arizona driver's license which has been suspended, revoked, or canceled. If the Arizona license is presented by the driver at the time of the stop, the Arizona license shall be seized. The Arizona driver license shall be shredded, if not associated with another charge which requires the license to be returned to the MVD or otherwise held as evidence. The destruction of the Arizona driver license shall be documented in the notes section of the citation. Out of state driver licenses that may be suspended or revoked are not to be seized.

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

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- E. If an officer issues a citation for a suspended, revoked or canceled Arizona registration pursuant to ARS Title 28 (28-4139) the officer shall seize the vehicle license plate. The license plate shall be placed in the appropriate license plate destruction receptacle at the SPD and such placement shall be documented in the notes section of the citation. Out of state licenses shall not be seized.

#### **500.3 TRAFFIC WARNINGS AND CITATIONS ASSOCIATED WITH CIVIL AND CRIMINAL TRAFFIC AND OTHER CRIMINAL VIOLATIONS**

- A. Warnings (verbal or written) or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.
- B. Members of this department shall use the Arizona Uniform Traffic Ticket and Complaint Form for traffic complaints (ARS 28-1557A). Officers should complete citations through AZTraCS or any other SPD approved electronic citation system when possible. If AZTraCS, or any other SPD approved electronic citation system is not available, officers can complete a paper citation. When completing a paper citation, the member shall write legibly in capital block print with black ink.
- C. The Records Bureau shall be responsible for the issuance and accounting of all hardcopy traffic citations provided to employees of this department pursuant to ARS 28-1557C.
- D. Non-issued (new) hardcopy paper citations are stored in the SPD Records Bureau. SPD Records Bureau staff are responsible for the issuing of hard copy paper citations to officers and members. Officers and members must sign for all citations they are issued via the Records Bureau. The Records Bureau will maintain a log for all hardcopy paper citations issued to, or unused citations returned by, officers and members.
- E. Officers and members shall return any hardcopy paper citations to the Records Bureau in accordance with ARS 28-1558D, to include copies of any traffic citation that is spoiled or on which any entry has been made, but not issued to a violator.
- F. Hardcopy paper citations shall not be thrown away or inappropriately disposed of.
- G. Upon separation from employment with this department or due to the issuance of a new or updated official version of a citation (via the State of Arizona), all hardcopy paper citations shall be returned to the SPD Records Bureau where Records Bureau staff will appropriately catalog such returns and properly dispose of the returned citations.
- H. Traffic citations may be issued when an officer believes it is appropriate. Officers shall make a reasonable attempt to explain requirements imposed on a motorist upon issuance of a citation for a traffic violation by minimally providing the following information:
  - 1. Explanation of the violation or charge
  - 2. Court appearance procedure, including an optional or mandatory appearance by the violator

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

---

3. When available, notice via Court supplied mail envelope, whether the motorist can enter a plea or pay the fine by mail or at the court
  4. The court contact information
  5. Officers are not to advise what a prosecutor or a court may or may not do or decide associated with a violator making certain claims or taking certain actions before or during a prosecutorial review or court process.
- I. Officers are to ensure that the citation is properly directed to the court of jurisdiction (ARS 28-1552 and ARS 28-1558).

#### **500.4 SPECIAL CONSIDERATIONS FOR TRAFFIC ENFORCEMENT**

- A. Juvenile violators
  1. All criminal traffic violations shall be cited into Pima County Juvenile Court
  2. All civil traffic violations should be cited into the appropriate court of jurisdiction (Sahuarita Municipal, JP7, JP1, etc.)
- B. Out of State Residents
  1. When issuing a citation to a driver who is not a resident of the State of Arizona, officers should consider a possible arrest associated with misdemeanor violations, rather than a cite and release, when the traffic offense involves a serious misdemeanor violation such as DUI, criminal speeding, aggressive driving or reckless driving, or the officer's interactions lead them to believe the individual will not follow citation requirements such as not showing up to court.
- C. Involving Legislators
  1. State legislators are immune from any civil process, including traffic citations, for fifteen days prior to the start of the legislative session and during the session itself.
  2. Federal legislators are immune while traveling to attend a session of Congress, during session and when returning home.
  3. Subsections 1 and 2 above do not prevent an officer from temporarily detaining and identifying an elected official suspected of a civil violation and then utilizing a different process to hold them accountable for civil traffic or other applicable violations.
- D. Involving Foreign Diplomats or Consular Officials - Officers shall request identification from any person claiming diplomatic immunity and shall seek verification of their status with either the FBI or the Department of State
  1. Foreign diplomats, their families and staff, and Consular officials, are not immune from civil traffic offenses and they may be cited for such offenses. They may, however, be immune from arrest and search, even with a warrant. An officer must determine the scope of the person's immunity before citing for criminal traffic offenses.

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

---

2. Consular officials may be issued both civil and criminal traffic citations. They may have some immunity under certain treaties. They will need to assert that immunity through the courts.
  3. Although foreign diplomats, their families and staff, *may* be immune from arrest for criminal traffic violations, officers should still ask the individual to conduct SFSTs, if the officer has reason to believe they are impaired. If a member believes a foreign diplomat, their family or staff is impaired, officers shall not allow the individual to drive.
  4. Records personnel shall forward a copy of any citation, issued to or filled out on, a foreign diplomat or other person who may have certain types of immunity to the US Department of State as soon as practicable.
- E. Involving Military
1. National Guard members have immunity from arrest for any offense except those involving treason or felonies while on drill and when traveling to and from drill service.
  2. Officers are reminded of Title 28 provisions regarding driver license requirements for military personnel. This allows them to forgo the renewal of their driver's license from their home state if they are on active duty and have a current military ID.

#### **500.5 VOIDING, CORRECTING AND DISMISSAL OF TRAFFIC CITATIONS**

- A. Corrections, Dismissals and Amendments *when citations have been forwarded to the Sahuarita Municipal Court:*
1. Amending Civil Citations - Officers and members will use and document any requests for an amendment of a civil charge on a citation via the "Civil Motion to Amend Complaint and Order" form. The completed amendment is to be emailed by the officer or member directly to the SPD Records Bureau and to the court using the following emails: [spdrecords@sahuaritaaz.gov](mailto:spdrecords@sahuaritaaz.gov) AND [sahuaritacourt@courts.az.gov](mailto:sahuaritacourt@courts.az.gov).
  2. Dismissing Civil Citations - Officers and members will use and document any request for a dismissal of a civil charge on a citation via the "Civil Motion to Dismiss Complaint and Order" form. The officer or member will email the completed "Civil Motion to Dismiss Complaint and Order" form directly to the SPD Records Bureau and to the court using the following emails: [spdrecords@sahuaritaaz.gov](mailto:spdrecords@sahuaritaaz.gov) AND [sahuaritacourt@courts.az.gov](mailto:sahuaritacourt@courts.az.gov).
  3. Amending Criminal Citations - Officers and members will use and document any requests for amendments via the "Criminal Motion to Amend Complaint and Order" form. The completed amendment form is to be emailed by the officer or member directly to the SPD Records Bureau using the following email: [spdrecords@sahuaritaaz.gov](mailto:spdrecords@sahuaritaaz.gov).
  4. Dismissing Criminal Citations - Officers and members will use and document any request for dismissal of a misdemeanor criminal charge listed on a citation via

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

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a SPD memorandum form. The officer or member will email the completed SPD memorandum form directly to the SPD Records Bureau using the following email: [spdrecords@sahuaritaaz.gov](mailto:spdrecords@sahuaritaaz.gov). Record Bureau staff shall cause the memorandum to be promptly forwarded to the Town Prosecutor's Office.

- B. Dismissing/Amending Citations - Other Courts - Officers and members shall contact the Records Bureau to determine the appropriate forms and routing for any civil or criminal citation dismissal or civil or criminal amendment involving another court.
- C. Voiding an electronic traffic citation not issued to a violator - An officer may void a traffic citation with the following process when a traffic citation has not been completed or has not been issued to a violator, or when the Court has not yet received a copy. If the citation was completed via the electronic citation system, and has not yet been transmitted to the Court by hitting the validate button, the officer can void the citation with the assistance of their supervisor and does not need to complete a memorandum. The reason for the voided citation needs to be documented in the electronic citation system.
- D. Voiding a paper traffic citation not issued to a violator - When an officer utilizes a paper citation, all available copies of the citation shall be presented to a supervisor to approve the voiding of the citation. A memorandum shall accompany the paper citation explaining the reason to void the citation. The citation, any available copies of the citation, and the memorandum shall then be forwarded to the Records Bureau. All paper citations need to be accounted for, therefore, paper citations shall not be thrown away or inappropriately disposed of. Once any information is written on a paper citation making it unusable in the future, the above process needs to occur, resulting in the Records Bureau having final accounting of the paper citation.
- E. All traffic citations issued by members of this department shall be filed with the Records Bureau. This occurs automatically when a member validates an electronic citation. When a member issues a paper citation, they are to ensure the Records Bureau receives all necessary copies.
- F. If, prior to court proceedings, an officer determines a traffic citation should be dismissed, the officer should complete the necessary paperwork for the court which has jurisdiction over the citation, after obtaining written approval from a SPD lieutenant or higher ranking officer. The lieutenant or higher ranking officer who approves a request for a citation dismissal shall forward such written approval to the Records Bureau who will forward the request to the court of jurisdiction.
- G. Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor or judicial official to dismiss the citation after explaining the reason(s) not to have the citation/case prosecuted.

#### **500.6 TRAFFIC CITATION DATA COLLECTION/AUDITS**

- A. The SPD Crime Analyst shall produce a monthly report that documents the number of all written warnings and citations (notices to appear) associated with traffic violations, traffic stops, and all cite and release arrests. The report will include the number of citations issued and the number of citations dismissed or voided by SPD personnel.

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

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A copy of this monthly report will be forwarded to the Field Services Commander and Records Bureau Supervisor by the 15th of each month.

- B. The Crime Analyst shall submit an annual report by January 21st of each year, for the prior year. This annual report will be created from the accumulation of the monthly reports, and will be submitted to the Chief of Police, the Field Services Commander and the Police Records Supervisor to comply with audit requirements ( ARS 28-1560B).
- C. The Records Bureau shall maintain these reports in accordance with established records retention requirements.

#### **500.7 SPEED MEASURING DEVICES**

- A. Officers will only use speed-measuring devices approved and issued by the SPD, which the officer has received training on. When an officer is using a speed-measuring device, they will use it in accordance with their training and any applicable SPD policy. The SPD is responsible for the appropriate maintenance and calibration of speed-measuring devices utilized by officers. Officers are responsible for notifying their supervisor, as well as the SPD member in charge of fleet services, of any maintenance needs associated with a speed-measuring device.

#### **500.8 POINT CONTROL AND HIGH VISIBILITY VESTS**

- A. When required, officers or members will perform traffic direction and control functions (point control) to ensure the safe and efficient movement of vehicles and pedestrians. When officers or members are assisting with point control, they shall wear their department issued high-visibility attire (i.e. traffic vest, traffic shirt, etc.). If the circumstances allow, the officer/member shall place their patrol vehicle in a manner to alert motorists of traffic conditions. When necessary, officers/members should coordinate with Public Works to assist with making changes to traffic signals, deploying temporary traffic signal signage, etc.
- B. The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601). Although intended primarily for use while performing traffic-related assignments, high-visibility vests/attire should be worn at any time increased visibility would improve employee safety or the movement of traffic
- C. High-visibility vests shall be maintained in each patrol and investigation vehicle, so it is readily available when needed. Before going into service each employee shall assure their high-visibility vest is available.

#### **500.9 PROCESSIONS/TRAFFIC ESCORT SERVICES**

- A. Processions or traffic escorts should meet requirements of Town Code specific to processions.

# Sahuarita Police Department

## Policy Manual

### *Traffic Function and Responsibility*

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- B. Officers/members will not provide an escort for civilian vehicles during medical emergencies except in life threatening situations and an on-duty supervisor shall be immediately notified via the PCWIN radio.
- C. The SPDs participation in any type of motorcade, non-emergency escort, procession, etc., will first be approved by the Chief of Police or his/her designee.

#### **500.10 ROADBLOCKS**

- A. Roadblocks in this section differ from those listed in policy 308, Vehicle Pursuits. Roadblocks, reference this policy, refer to a barrier or barricade on a road, especially one set-up to stop and examine traffic. These are typically used in exigent circumstances to contact/interview vehicle occupants or are connected to scheduled roadblocks to conduct traffic enforcement/sobriety checkpoints. Roadblocks can be utilized, with appropriate authorization, in the following circumstances:
  - 1. Search for a dangerous felon, missing/abducted person
  - 2. Restrict entry into an area impacted near an emergency
  - 3. Sobriety Checkpoint, or other checkpoint allowed by law
  - 4. Traffic Operations/Enforcement
  - 5. As pre-determined and coordinated for public events
- B. Roadblocks as outlined in subsections 1 and 2, should be coordinated through Communications (dispatch). Due to the exigency typically associated with these type of roadblocks, the on-duty supervisor shall be appraised of the roadblocks and assist in coordination.
- C. Roadblocks associated with subsections 3 through 5 should be pre-planned and coordinated with the appropriate Town Department(s).
- D. All roadblocks shall be conducted in accordance with appropriate law and SPD policies and procedures. If the situation allows, or as outlined in subsections 3-5, appropriate signage shall be displayed per the AZ Department of Transportation.

#### **500.11 HAZARDOUS ROADWAY CONDITIONS**

- A. Officers/members will identify any hazards upon or adjacent to a roadway, and will report such hazards to the appropriate authority.
- B. If the problem is an immediate hazard, the officer/member will take the necessary steps to mitigate the situation until the appropriate authority can address the problem.
  - 1. This may include having to remove a disabled vehicle from the roadway to allow traffic to flow. This may require an officer or member to use their patrol vehicle's push bumper to slowly push a vehicle out of a roadway, which may cause additional damage to the disabled vehicle, in order to allow traffic to flow and prevent additional traffic collisions.
- C. If the situation involves possible hazardous material, the appropriate fire department shall be notified via Communications.

# Sahuarita Police Department

Policy Manual

## *Traffic Function and Responsibility*

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### **500.12 POLICY ISSUANCE OR REVIEW**

12/21/2023 - Reviewed by Chief John D. Noland - SP#002