

DAYTON POLICE DEPARTMENT
GENERAL ORDER
TRAFFIC ENFORCEMENT



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Rev. 04/20

POLICY STATEMENT

The safe and orderly movement of vehicular traffic comprises a very important part of a police department's duties and responsibilities to the community it serves. The primary objective of the Dayton Police Department's traffic enforcement philosophy is to increase citizen awareness of, and compliance with, traffic laws through strict but fair enforcement practices, and by police officers setting an example with their own driving habits. This policy includes information pertaining to: traffic administration and traffic law enforcement.

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I. POLICE OFFICER'S RESPONSIBILITIES

Traffic crimes cause more death, injury and loss of property than all other crimes combined. All uniformed officers share responsibility for enforcement of traffic laws. Officers are responsible for being alert for violations of traffic laws and interruptions to the normal flow of traffic and taking corrective action. Officers may not use unmarked vehicles or plain clothes for the exclusive or main purpose of enforcing vehicle or traffic laws (ORC §4549.13.) When a violation is covered in the ORC *and* the RCGO, and the penalties are the same, **officers are to use the RCGO law versus the ORC law**, however if the offender is being arrested for a specific violation, they will be booked under the ORC code.

II. BASIS OF ENFORCEMENT ACTION

Traffic Enforcement is based on traffic volume, frequency of traffic violations and crashes, and emergency and service needs.

III. ENFORCEMENT ALTERNATIVES

The enforcement alternative a police officer selects will depend upon the nature of the violation and the extent to which life and property were jeopardized as a result of the violation.

- A. ORC §2935.26 requires the issuance of a citation, in lieu of physical arrest, for the commission of a Minor



Misdemeanor. If one of the following exists, the officer may make a physical arrest.

1. The offender requires medical care or is unable to provide for his own safety.
 2. The offender cannot, or will not, offer satisfactory evidence of his identity.
 - a. An officer will make reasonable attempts at identifying the offender prior to physical arrest through:
 - (1) Follow-up investigation with an on-scene individual whom the officer deems credible (family member, household member, neighbor, co-worker, etc.) who knows the violator and can confirm information provided and provide on sight identification if necessary.
 - (2) MIS/LEADS, MCCJIS, OHLEG, AFIS and/or Live ID verification of information provided including vehicle registration information. Contact with the vehicle's owner if other than the violator to verify the violator's identity and legitimate use of vehicle.
 - (3) Examination of available identification or personal papers that provide some verification of information given by the violator regarding their identity, place of residence and/or employment.
 - (4) If the above means still do not provide sufficient information to verify identity, the violator will be transported to the Bureau of Identification for fingerprinting and photographing to try to verify the identity the violator.
 - Unless it is determined that the identified individual has a verified warrant (regardless of whether the agency that issued the warrant will respond to take custody of the violator) or has provided false or misleading information regarding their identity and place of residence and/or employment, then they will be cited and released rather than booked into the Montgomery County Jail.
 - b. These steps must be documented on the back of the citation.
 3. The offender refuses to sign the citation.
 4. The offender has previously been cited for the identical misdemeanor and has failed to either appear in Court, or otherwise properly respond to the citation.
 5. The violator is identified as part of a Division or Departmental targeted deterrence initiative.
 6. A supervisor will make the final determination on making a physical arrest for a minor misdemeanor traffic offense.
- B. When the offender is booked on a citation, officers will serve the defendant with their copy, take the hard copy back to the district for submission, and leave all other copies at the Jail. "Booked" will be written on the order-in space. If there are multiple charges on one citation and the defendant is being booked under only one charge, then "Booked" will be written on the order-in space.
- A defendant should be booked on all possible traffic charges. However, when a defendant is being booked on a traffic charge(s) but not booked on other traffic charges arising from the same incident and additional citations are being issued, write "**BOCC** (booked on companion charges)" under the order-in section of the additional citation(s). This will alert the Court Detail that there are additional citations for the defendant in the system. All paperwork for any additional citations will be turned in with the original charge for which the defendant was booked; this will include any minor misdemeanor citations for criminal violations (i.e. possession of marijuana). These citations should also have "**BOCC** (booked on companion charges)" under the order-in section.
- C. Defendants not booked on the citation will be ordered-in on the correct date.

D. Verbal and Written Warnings



The use of verbal and/or written warnings should be limited to equipment violations, some parking violations, and non-hazardous moving violations.

E. Uniform Traffic Ticket (Citation)

1. Officers are encouraged to use a citation when vehicle defects are the result of negligence or owner manipulation (i.e., glass pack mufflers, rear-end raised, etc.)
2. When a violation poses a threat to life or property, a citation is expected to be issued.
3. If a person refuses to sign a traffic citation and is incarcerated, "refused" should be entered on the violator's signature line of the citation.
4. Officers shall legibly print their names directly below the signature line on the citation.
5. Officers are to list their working hours and the days that they work in the upper right corner on the back of the traffic citation above the *Court Action* line. Do not just list your letter day code; list your days off and work hours.

Example: 0700-1500 (Days Off SS)

6. The Clerk of Courts – Traffic Division needs adult violator social security numbers entered on traffic citations so that violators are properly documented in MIS and warrants. Therefore, officers will enter the violator's social security number at the very bottom of the traffic citation on the part of the citation that is a removable tab. Once the citation is entered, Clerk of Courts personnel will tear off the tab and destroy it. Juvenile citations will be completed as listed in Section XIV.
7. Officers will be required to include the following additional information on the back of every traffic citation:
 - If there is any video evidence of the violation
 - The crew number the officer was using during the stop
 - The cruiser number the officer was using during the stop

F. Physical Arrest

1. Physical arrest is an option for traffic violations, which are not Minor Misdemeanors or Unclassified Misdemeanors, not to include violations of No Driver's License and Driving under Suspension (exceptions listed in 3.02-2 Section III.F.6).
2. Traffic violations where the only alternative is a physical arrest Fleeing and Eluding a Police Officer.
 - a. When a violator is apprehended for fleeing a police officer and has committed several violations, the violator is to be booked on the criminal charge only.
 - b. Except for an OVI crash, a violator will only be booked for violations observed by the officer.
3. Physical arrests for traffic violations may be made for offenses that are a fourth degree misdemeanor or higher under the following circumstances:
 - a. The violator has a history of failing to appear in court for a traffic or criminal violation (fourth degree misdemeanor or higher) in the past three years, or
 - b. The violator resides out of state or in an Ohio county other than Montgomery County and adjacent counties.
 - c. Inability to verify the identity and place of residence and/or employment of the violator through:
 - (1) Follow-up investigation with an on-scene individual whom the officer deems credible (family



member, household member, neighbor, co-worker, etc.) who knows the violator and can confirm information provided and provide on sight identification if necessary.

- (2) MIS/LEADS, MCCJIS, OHLEG, AFIS and/or Live ID verification of information provided including vehicle registration information. Contact with the vehicle's owner if other than the violator to verify the violator's identity and legitimate use of vehicle.
 - (3) Examination of available identification or personal papers that provide some verification of information given by the violator regarding their identity, place of residence and/or employment.
 - (4) If the above means still do not provide sufficient information to verify identity, the violator will be transported to the Bureau of Identification for fingerprinting and photographing to try to verify the identity the violator.
 - Unless it is determined that the identified individual has a verified warrant (regardless of whether the agency that issued the warrant will respond to take custody of the violator) or has provided false or misleading information regarding their identity and place of residence and/or employment, then they will be cited and released rather than booked into the Montgomery County Jail.
4. The violator is identified as part of a Division or Departmental targeted deterrence initiative.
 5. Physical arrests for Driving under Suspension will be limited to violators who are **actively suspended** (failure to reinstate does not constitute an active suspension) under the following ORC codes.
 - ORC 4510.37(j) - Driving Under Twelve Point Suspension
 - ORC 4510.14 - Driving Under OVI Suspension
 6. A supervisor will make the final determination for making a physical arrest for a traffic offense under the circumstance listed above in section c. or for any arrest where there are articulated circumstances justifying arrest (e.g. an officer has personal knowledge that a violator was cited recently but the conviction is not yet listed in LEADS or an officer in an adjacent jurisdiction arrested the violator recently and the conviction is not yet listed in LEADS, MIS, etc.).
 7. The reason for the physical arrest must be documented on the back of the citation.
- G. Issuance of citations through warrant or summons - Ohio Traffic Rule 3 (E) provides for an alternative means of serving a defendant with a completed traffic citation. In most cases a citation is personally served on the defendant; however, in some circumstances (i.e. hit and run) the citation may not be personally served. In these cases, a warrant or summons can be obtained by the investigating detective through the traffic clerk of courts.
1. Positive identification of the suspect must be established, either by name or photo spread.
 2. All reasonable efforts to personally serve the defendant must be made and documented prior to obtaining a summons for service of a citation.
 - a. Attempt to contact the suspect at the address listed on their operator's license or registration if the location is within a reasonable driving distance; and,
 - b. Leave an order-in card at the address giving them a chance to come in and be cited in person.
 3. If there is no response from the suspect, the investigator will submit to the City Prosecutor's office:
 - a. A report concerning the offense,
 - b. A traffic citation for the offense.
 4. This section applies only to the Crash Reconstruction Unit and Hit and Run charges.

IV. ENFORCEMENT POLICIES FOR SPEED VIOLATIONS



- A. It is Department policy that, when a violator's speed exceeds the prima facie speed limit by more than ten (10) MPH on the freeway or more than five (5) MPH on any surface street, a citation should be issued. Close traffic proximity to school zones, playgrounds, sidewalks and buildings warrant stricter enforcement. Strict adherence to this policy is not to be substituted for common sense.
- B. Speeding citations using only the cruiser speedometer will be written to the next lowest number based on increments of 5 MPH (i.e. violators clocked at 51-54 MPH will be cited for 50 MPH.)
 1. The boxes for **over limits** and **unreasonable for conditions** on the traffic citation must always be check marked.
 2. Once the violator has been issued the citation and released, you must **verify the accuracy** of the speedometer of the marked police vehicle that was used to pace that violator. This must be done immediately or as soon as possible on the same day after the violation. It makes no difference whether or not the police car was equipped with a certified speedometer. The accuracy of the speedometer must be verified.
- C. Refer to Section XIX for other speed measuring devices.

V. SELECTIVE TRAFFIC ENFORCEMENT

It is the policy of the Dayton Police Department to utilize selective traffic enforcement as identified by traffic analysis, enforcement requests and guidelines set for state and federal grants.

VI. USE OF EMERGENCY EQUIPMENT

- A. Officers have broad discretion in the use of this equipment. The proper use of emergency equipment is essential for the safety of the officer and other motorists when unusual conditions exist.
- B. Ohio law requires that motorists being approached by an emergency vehicle with lights and siren on from any direction pull their vehicle to the right and to stop the vehicle for the purpose of yielding to the emergency vehicle.
- C. Ohio law does not exempt police officers, or any driver of an authorized emergency vehicle, from criminal responsibility should he fail to drive with due regard for the safety of all persons even though the emergency equipment was in operation.
- D. Emergency Equipment includes overhead red and blue lights, siren, spotlight and public address system.

E. PROCEDURE

1. Emergency Light
 - a. This equipment is used to signal other drivers that emergency conditions exist and the right of way should be yielded to the police vehicle. The lights will be used in all situations where the police officer is authorized to use emergency equipment and when it is necessary to expedite movement and to arrive more quickly.
 - b. Emergency lights will be utilized in the following circumstances:
 - When stopping traffic violators (NOTE: It may be necessary to use both the emergency light and siren to affect the stop.)
 - When assisting motorists parked/stopped in hazardous locations.
 - When cruiser is parked/stopped on the roadway.



- c. ALWAYS REMEMBER that the Emergency Lights alone cannot be assumed to assure the right of way. Generally, both the emergency lights and siren must be in simultaneous operation and the police officer can be responsible for any injuries or damage sustained as a result of driving behavior which reflects a disregard for the safety of others.
2. Siren
 - a. The siren is frequently used simultaneously with the emergency lights. The officer should be discreet in his use of the siren as it can complicate traffic problems. Officers should use the siren based on existing traffic and roadway conditions and the urgency for an earlier arrival.
 - b. The siren can be utilized:
 - To signal violators to drive to the right of the road when other means of attracting the violator's attention have failed.
 - During pursuit situations.
 - When responding to an emergency.
 - When responding to a crime in progress.
 3. Spotlight / Floodlight / Takedown Light
 - a. The spotlight should be used as protection for the officer when handling traffic stops. During a traffic stop, the spotlight is used to illuminate the interior of the violator's vehicle so the occupants can be more clearly viewed and their view toward the cruiser diminished. The light should be used after the violator's car is fully stopped.
 - b. Remember that the cruiser spotlight generates a powerful beam and should not be used to signal violators to stop because it can cause temporary blindness if directed at the driver's eyes.
 - c. Floodlights or Takedown lights may be utilized during a traffic stop to obtain better illumination of an area or to provide additional lighting at a traffic scene.
 4. Public Address System
 - a. The public address system is useful when stopping traffic violators. The police officer can inform the violator of desired actions from a safer distance. The public address system is also valuable in directing persons in unusual situations, i.e., traffic obstructions, alerting pedestrians, etc.
 5. Digital Video Recording (DVR) Equipment
 - a. Officers will ensure that their DVR system and body mic is functional and operating during all traffic stops.
 - b. In the event a vehicle flees a traffic stop or an attempted traffic stop, and the event does not meet the criteria to pursue, officers should leave their DVR on for at least 60 seconds after the vehicle leaves the stop or attempted stop.
 - c. For further details, refer to General Order 3.02-7 In-Car Digital Video Recording Equipment.

VII. STOPPING AND CONTACTING TRAFFIC LAW VIOLATORS

Enforcement of traffic laws is a "routine" function; however, police officers are injured and killed during the course of these duties. Traffic stops are to be initiated using only marked vehicles; unmarked vehicles will not initiate a traffic stop except under articulable emergency conditions.

- A. CATCHING UP WITH THE VIOLATOR - A police officer is not required to use emergency equipment when attempting to "catch up" with a violator or suspect, clocking a speeder, or while attempting to maintain a constant speed to clock a violator. "Catching up" is **not** to be confused with pursuing a violator as defined in General Order 3.02-1, Vehicle Pursuit. Officers must proceed with extreme caution and at a reasonable speed to avoid endangering the life and property of others.
- B. **The officer's safety is the most important element of any traffic stop.** Officers will take all reasonable



steps and precautions necessary to insure their safety and well being. The conditions of the roadway, the urgency to stop the violator (OVI) and the existing volume of traffic may dictate adjusting or altering the recommended procedure.

C. PROCEDURE

The officer positions his cruiser behind the violator, utilizes the necessary emergency equipment, and initiates the stop. If necessary, the officer will signal the violator to the right side of the road. The officer then notifies the Communications Center of the location and the license number, and description of the vehicle. Under normal circumstances, officers should put themselves out on the stop and record the vehicle's license number on the MCT LEADS screen and push function key, prior to leaving the cruiser. When this is not practical, the officer should enter the stop on the MCT as soon as possible or request the dispatcher to do it. Keep the totality of circumstances in mind when executing this phase of the traffic stop.

1. On multi-lane roads, gradually change lane to lane with the violator to the right side of the road.
2. If the violator stops in the wrong lane, use the public address system to direct them to a safer location.
3. In congested or hazardous areas, officers should attempt to direct the violator to move their vehicle to a side street to avoid blocking or restricting flow of traffic. This does not apply to OVI (known), expired, or no driver's license violations or persons the officer suspects may flee.
4. Officers should be aware that overhead lights assist officers approaching as backup, as well as alerting approaching motorists. Overhead lights should be utilized during the entire stop.
5. Once stopped, the violator will not be permitted to move his vehicle if OVI or otherwise impaired.
6. Once the violator is stopped the officer should position the cruiser approximately 20' behind the violator's vehicle. The following positions provide maximum safety to the violator, police officer and other traffic.
 - a. During daylight stops, the cruiser should be positioned at a slight angle with the left front offset about two feet to the left of the violator's vehicle and the right rear is near the curb.
 - b. During night stops, the cruiser should be positioned directly behind and offset approximately 3' to the left of the violator. This will allow full usage of the cruiser's takedown lights to illuminate the violator.
7. The officer will exit from the cruiser and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
8. Depending upon the officer's assessment of the risk level of the stop, the officer can:
 - a. Approach the rear of the violator's vehicle, stopping at a point to the rear of the trailing edge of the left front door if there are occupants only in the front seat of the vehicle. A right-hand side approach is also an acceptable option on traffic stops.
 - b. For high risk or unknown risk stops, the officer can order the driver and/or passengers back to them.
9. In cases where the violator's vehicle has occupants in both the front and rear seats, approach to a point near the leading edge of the front door being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can talk with the violator and view the occupants.
10. Unless unique circumstances exist, all traffic law violators who do not have a license with them will be ordered to exit the vehicle, frisked for weapons, and placed in the back seat of the cruiser until their identity and license status is determined and the officer determines whether or not the person will be booked.
11. All stops should be evaluated on a case-by-case basis and officers should contact the occupants based



upon their training and assessment of risk.

D. PROCEDURE FOR STOPPING AND CONTACTING A VIOLATOR

If an officer observes a violation occur in oncoming traffic, pull to the extreme right of the road, and from inside the cruiser, signal the violator to stop. If the violator stops, the officer will position the cruiser to the rear of the violator's vehicle. Should the violator fail to recognize hand signals, turn around when this maneuver can be made safely, "catch up" to the violator, and stop and contact in a tactically sound manner.

E. PROCEDURES FOR STOPPING A VIOLATOR FOLLOWING BEHIND CRUISER

If an officer observes a traffic violation to the rear of the cruiser, drive the cruiser to the extreme right portion of the roadway, allow the violator to pass, and initiate a traffic stop.

F. PROCEDURES FOR STOPPING OVERSIZE/OVERWEIGHT VEHICLES

1. Attempt to stop the truck on a reasonably level area and keep about 20 feet distance between the cruiser and the truck. Be especially alert when the stop must occur on a grade.
2. Stop at the rear of the truck and give instructions to the driver from a position that affords protection from other traffic and a view of the driver.
3. Unless an emergency exists, never climb onto a truck or stand in front of the driver's door until you have contacted the driver and are reasonably assured of your safety. Remember the potential for concealment of other persons or weapons exists.
4. When applicable, assist the driver back into the flow of traffic.

VIII. POLICE OFFICER/VIOLATOR RELATIONS

- A. The ultimate goal of traffic enforcement is to achieve compliance with traffic laws and regulations.
- B. Traffic enforcement is a routine task performed by uniformed officers, but for the violator it can be an emotional experience. Officers should strive to make each contact educational and impart the impression that the police officer has performed a necessary task in a professional, friendly and unbiased manner.
- C. Traffic stops have two objectives: The first objective is to take appropriate enforcement action and the second is to favorably alter the violator's future driving behavior. This requires an understanding of human relations and demands flexibility of the officer.

The following procedures are recommended to minimize conflict between the officer and the violator and assist in achieving the two objectives:

1. Be alert at all times for the unexpected, but do not be obviously apprehensive.
2. Be certain that the observations of the violation were accurate without reservation.
3. Investigative stops, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause.
4. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based upon relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s).
5. Except as noted above, **race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity** will not be motivating factors in making law enforcement decisions.
6. Present a professional image in dress, grooming, language, bearing, and emotional stability.

7. In most cases, decide on the enforcement action prior to the initial contact with the violator.
8. In an effort to prevent inappropriate perceptions of biased law enforcement, each officer will do the following when conducting pedestrian and vehicle stops:
 - a. Introduce themselves to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety.
 - b. Ask for the violator's driver's license and insurance papers.
 - c. Ensure that the duration of the stop is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
 - d. If the violator was clocked by radar or laser, the violator may be permitted to observe the clocked speed if it is safe to do so.
9. A violator is **not** to be permitted to stand by the cruiser while the citation is being completed.
10. When a lone officer places a citizen in the cruiser for interview purposes, and later determines an arrest is necessary, and foresees a problem with making the arrest, a back-up crew will be requested and arrive on scene, before making the arrest.
11. Complete the forms required of the enforcement action away from the violator, when the violator is allowed to remain in their vehicle.
12. Explain to the driver exactly what he is supposed to do in response to the action taken.
13. Officers are not to change order-in dates. If the date does not agree with the violator's schedule, the violator will be informed to contact the Court for a change of date. See General Order 3.04-3, Order-In.
14. Do not engage in an argument about the violation. Officers trained in Verbal Judo should apply those techniques during all traffic stops.
15. Return the violator's driver's license, insurance, and a copy of the warning or citation.
16. Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
17. Provide their name and badge number when requested.
18. Explain if it is determined that the reasonable suspicion for the stop was unfounded.
19. Assist the violator in safely re-entering the traffic flow.
20. The most essential element of any organization is the personnel. The safety of all personnel is our first concern. If another crew makes a traffic stop, drive by their location and confirm their safety.

IX. PROCEDURE FOR HANDLING DRIVERS WITH SUSPENDED OPERATOR'S LICENSE/CONFISCATION OF LICENSE PLATES

- A. Under no circumstances should a driver with a suspended license be permitted to drive away.
 1. A citation must be issued for the most recent suspension and also a citation for No Driver's License. The violator must be issued a citation for each type of suspension (i.e. FRA, 12 Point, DUS, etc.).
 2. Warnings are not acceptable for persons driving without a license or with a suspended license.
 3. Person's driving on an expired license, absent any other circumstances, should be ordered-in to court.
- B. Physical arrests for Driving under Suspension will be limited to violators who are **actively suspended** under the following ORC codes.



- ORC 4510.37(j) - Driving Under Twelve Point Suspension
 - ORC 4510.14 - Driving Under OVI Suspension
- C. Drivers that are driving without a license or are under suspension and are not booked should still be cited and the vehicle may be towed. If the vehicle is towed, a HOLD should only be placed on the vehicle if there is an additional crime, not related to the no license or suspension.
1. If the driver is the registered owner, is within the guidelines set in Section III.F., and gives permission to another properly licensed driver to drive their vehicle, the officer may release the vehicle rather than tow it.
 2. If the vehicle is towed, officers should make reasonable efforts to assure that the driver and other occupants are dropped off at a safe location until legal transportation can be obtained.
 3. The disposition of the driver (not booked) should be documented on the back of the citation and a notation as to whether the vehicle was towed or not.
 4. Owners of vehicles that are towed by the Dayton Police Department will have to comply with R.C.G.O. 76.13 (Release of Motor Vehicles) before the vehicle is released. **See General Order 3.02-6 Towing Motor Vehicles for details of the ordinance.**
- D. Vehicle inquiries that return information from LEADS that the license plates may be confiscated will be handled as follows:
1. If the owner of the vehicle is not present at the time of the traffic stop, the plates are not to be confiscated.
 2. The vehicle itself may be towed if the requirements of General Order 3.02-6 Towing Motor Vehicles, Section I are met.

X. ACKNOWLEDGING RECEIPT OF TICKET (VIOLATOR COMPACT STATES)

- A. In-state violators are not required to post bond. Advise violators that failure to appear in court and/or payment of fines will result in the suspension of their driver's license.
- B. Traffic violators from "Driver's Compact States" should be afforded this same courtesy with the exception of juvenile offenders, Failure to Comply with a Lawful Order of a Police Officer, OVI, Drag Racing, and violation of ORC 4513.36, Prohibition Against Resisting Arrest under Sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37. The following is a list of Compact States:

Alabama	Kansas	New Hampshire	South Carolina
Arkansas	Kentucky	New Jersey	South Dakota
Colorado	Louisiana	New Mexico	Tennessee
Connecticut	Maine	New York	Texas
Delaware	Maryland	North Carolina	Utah
Florida	Massachusetts	North Dakota	Vermont
Georgia	Minnesota	Ohio	Virginia
Indiana	Mississippi	Oklahoma	Washington, D.C.
Illinois	Missouri	Pennsylvania	West Virginia
Iowa	Nebraska	Rhode Island	Wyoming

XI. OUT-OF-TOWN VIOLATORS

- A. The following options are open to officers for violators residing outside the jurisdiction of the Dayton Municipal Court, e.g. Michigan or other non-compact state.
 1. TRAFFIC WARNING TAGS - Officers are encouraged to enforce traffic laws impartially. However, they may find the out-of-town violator deserves special consideration (unfamiliar with geography etc.) in the



form of a written warning tag, F-347.

2. When a person is cited for a traffic minor misdemeanor offense under ORC 4511, 4513 or 4549, or a comparable RCGO ORDINANCE, and the person does not reside within the five-county area surrounding Dayton (Montgomery, Miami, Greene, Preble and Darke), the police officer may (according to ORC 2935.27, alternatives for security for appearance) do one of the following:
 - a. Order the person into Court (issue uniform traffic citation).
 - b. Secure the Operator's License in order to ensure his/her appearance at the time and place required. Issue the driver a completed Impounded Driver's License receipt, Form F-647
 - c. If the person does not have a valid License, or does not agree to the deposit of his license, afford him the opportunity to post bond at the Courts Building without being booked in jail.
 - d. Booking procedures may be initiated after all the above options have been exhausted.
3. If the violator has a valid out-of-state license, he may be permitted to follow the officer to the Courts Building to post bond. If the violator is not licensed (except for a suspended license, see Section IX. B), but has a passenger with a valid license, the passenger may drive the vehicle to the Dayton and Montgomery County Courts Building. When a violator is escorted to the Dayton and Montgomery County Courts Building to post bond, he may be permitted to park his vehicle in a "marked cruiser" parking space while being processed.

XII. PEDESTRIAN VIOLATIONS (JAYWALKING)

- A. Police officers, finding it necessary to take enforcement action against an ADULT pedestrian violator (Jaywalker), are to utilize the Minor Misdemeanor Citation (MMC).
- B. The Minor Misdemeanor Citation will be issued for JUVENILE pedestrian violators age 15 through 17. Younger violators are not to be ignored but are to have their violation entered in the MCT Juvenile Contact screen.

XIII. JUVENILE TRAFFIC VIOLATORS

- A. Usually, Officers will order juvenile traffic violators (regardless of the county they live in) into the Montgomery County Juvenile Court on the third Wednesday following the day of the violation at 5:30 p.m. Example: If the violation occurs on Tuesday, January 14, the violator will be ordered in to Juvenile Court on Wednesday, January 29, at 5:30 p.m. If the third Wednesday is a holiday, the order-in will be on the fourth Wednesday.
 1. Per the Montgomery County Juvenile Court Magistrate - When a juvenile has been charged with OVI offenses or ALS related suspensions, **and the vehicle has been impounded pending a hearing**, the order-in will conform to the following schedule:
 2. If the offense occurs Wednesday through Sunday - order-in is 5:30 p.m. on the following Wednesday. The offense occurs Sunday through Tuesday - order-in is the following Friday at 9:00 a.m.
 3. This must be done to avoid storage fees being accrued while the juvenile awaits a hearing.
- B. Juvenile Court provides a card that must be issued along with the violator's copy of the citation. The 3.5" by 8.5" card is orange with black print. It explains to the violator the procedure for appearing in court. The date and time of the court appearance must be written at the top of the card and at the bottom of the traffic citation. The supply of cards is maintained at the Juvenile Justice Center, in the Traffic Office.



- C. Officers will enter the violator's social security number at the very bottom of the traffic citation on the part of the citation that is a removable tab the same as adult citations. Once the citation is entered, Juvenile Clerk of Courts personnel will tear off the tab and destroy it.

XIV. REQUEST FOR RE-EXAMINATION OF DRIVER

- A. Officers encountering a driver appearing to be incompetent or physically or mentally disabled which prevents him/her from exercising reasonable and ordinary care over a motor vehicle, shall complete the appropriate forms to request a reexamination by the Bureau of Motor Vehicles. The police officer must have made "personal observation" of the effects of an infirmity or disease. A telephone call from a concerned family member to the police officer is not "personal observation or knowledge." In such cases, dependent upon the severity of the disability, a further investigation should be conducted.
- B. The proper form is the Request for Driver License Examination or Recertification (BMV-2308). Physical defects must be described in detail, and the summary must be written in detail so that reasonable grounds for re-examination are established. The request for driver's license examination or recertification (BMV-2308) form must be signed by the initiating officer and forwarded to the Chief of Police for signature and mailing.

XV. TRAFFIC OFFENSES COMMITTED BY LEGISLATORS/FOREIGN DIPLOMATS/MILITARY PERSONNEL

- A. Certain categories of traffic violators require special processing, such as legislators, foreign diplomats, consular officials and military personnel.
- B. Offenses involving foreign diplomats and consular officials.
 1. Diplomatic immunity, a principle of international law, is broadly defined as freedom from local jurisdiction accorded to diplomatic officers, their families, and servants. The Office of Foreign Missions has a comprehensive program for traffic offenses committed by foreign mission members. They have a system to suspend or revoke driving privileges and can request that a person depart the United States.
 2. **Diplomatic officers should not be arrested or detained except for the commission of a serious (felony offense, endangering others) crime.** Family members of diplomats, their servants, and employees of a diplomatic mission are entitled to the same immunities under US (22 U.S.C. 252) if they are not nationals of or a permanent resident in the receiving state. However, according to the Regional Director of the United States Department of State, Office of Foreign Missions, "All foreign mission members and dependents are accountable for traffic violations. **Stopping a foreign mission member or dependent, and issuing a traffic citation does not constitute an arrest or detention and is permissible.** Normal procedures should be followed in the intervention of a traffic violation, even if immunity ultimately bars prosecution of a serious offense. Levels of immunity vary depending on the individual, there is no one rule that applies, so to verify status, call the number below."

Monday through Friday 0800-1700 hours: (202) 647-4570 or (202) 647-1404 or (202) 647-1405.

After hours: (202) 647-7277.
 3. Credentials issued by the State Department can identify Diplomatic/Consular officers. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.
 4. PROCEDURE - Methods for handling incidences, violations, or minor offenses.
 - a. TRAFFIC VIOLATIONS - warning or Written Citation
 - b. OVI VIOLATION - **Do not arrest the suspect.** Offer him/her the opportunity to submit to a test. Handle the rest of the incident the same as any other OVI investigation, except the suspect is not to



be arrested. Convey the official to a location where he/she can recover sufficiently to drive, call a taxi, request assistance from other persons, or take the official home.

- c. In the event a Consular officer or family member or personal staff should become involved in any actions taken by a member of this Department, a Special Report will be prepared, by that member, and routed to the Chief of Police for the information of the Governor.
- d. **Whenever any person with immunity is cited for any traffic violation, contact the Office of Foreign Missions at the below telephone numbers.** Questions regarding handling, documenting, and reporting these incidents can also be answered by calling these numbers:

Monday through Friday 0800 to 1700 Hours:

(202) 647-4570 or (202) 647-1404 or (202) 647-1405.

After hours:

(202) 647-7277.

C. OFFENSES INVOLVING MILITARY PERSONNEL

1. Generally, no person belonging to the organized militia (military) shall be arrested on any process while he is doing militia duty under the order of such person's commanding officer or while going to or returning from the place of duty or parade. This prohibition does not include the issuance of traffic citations, which may be issued for violations of traffic law.
2. Military personnel are regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and reservists/National Guard who are on active duty.
3. PROCEDURE
 - a. TRAFFIC ARREST- When a physical arrest is made, the investigating officer's supervisor shall contact the liaison officer of the nearest Armed Forces investigative headquarters. This does not apply to the issuance of a traffic citation when a physical arrest is not made.
 - b. TRAFFIC CRASH - The aforementioned requirements also apply when military personnel are involved in a traffic crash and are killed or injured to the extent hospitalization is necessary. In the latter instance, civilian employees of the armed forces also require this notification.

D. UNITED STATES SENATORS AND REPRESENTATIVES/OHIO LEGISLATORS

Members of the United States Congress shall, in all cases, except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house. They shall not be questioned in either assembly.

XVI. PUBLIC CARRIER/COMMERCIAL VEHICLES

The Ohio State Highway Patrol has the primary responsibility to inspect for hazardous violations of equipment standards on these vehicles. However, police officers may also inspect for faulty, neglected equipment and cite for violations. Generally, the proper action to be taken for equipment violations regarding commercial/public carriers is similar to motor vehicles.



- A. If an officer is trained in commercial vehicle enforcement and inspection and determines that the vehicle is unsafe, they will affix an Unsafe Motor Vehicle Sticker Form RF-67, to the commercial vehicle. If the trailer portion of a vehicle is determined to be in unsafe condition, then the sticker will be affixed to the trailer.
- B. In determining the unsafe status of a commercial motor vehicle, the officer will use the Commercial Vehicle Safety Alliance, Out of Service Criteria, in conjunction with ORC 4513.02.
- C. The driver of the vehicle will be provided an inspection form noting the violation(s). When the repairs are made, the form will be returned to the Crash Reconstruction Unit and retained for a period of one year.
- D. If another officer observes the vehicle being operated on streets or highways displaying an Unsafe Motor Vehicle sticker, the vehicle should be stopped. The officer should attempt to determine if repairs were made to vehicle. This should be done by checking the date on the sticker. If the officer is unable to determine if repairs were made, an e-mail will be directed to the Crash Reconstruction Unit. The e-mail will contain the driver's name, operator license number, the citation number listed on the sticker, the vehicle license number and the date/time of the stop.
- E. If the vehicle is found to be un-repaired, the officer can arrest the driver or issue a summons for Failure to Comply with the Lawful Order of a Police Officer (ORC 2921.331A). The vehicle will be towed for crimes, a hold placed on the vehicle for the Crash Reconstruction Unit and an e-mail directed to the Crash Reconstruction Unit indicating the hold and reasons therefore.

XVII. NEWLY ENACTED LAWS AND/OR REGULATIONS

It is the policy of this Department to issue warning citations for a period of thirty (30) days after the date a traffic law or ordinance becomes effective, in lieu of an order to the contrary.

XIII. SPEED MEASURING DEVICES

Currently, the Dayton Police Department uses four types speed measuring devices: RADAR - (Genesis II and Python III), LASER/ LIDAR (LTI 20/20, LTI ULTRA-LYTE), moving clock (pacing) and aircraft.

- A. Certification in the use of RADAR and/or LASER/LIDAR:

Certification is required to use the RADAR and/or LASER/ LIDAR devices for speed enforcement. This certification is obtained by attending and successfully completing 40 hours of recruit/ in-service training, in the use of Electronic Speed Measuring Devices (E.S.M.D.), offered at the Dayton Police Academy.

- B. Re-certification process:

Re-certification is required every two (2) years after initial certification. This does not apply to instructors of E.S.M.D.'s who were certified after 1/1/1997 with the 40-hour instructor course. The operator must successfully complete the requirements for this in order to continue to use the E.S.M.D. If after one (1) year of the expiration the operator does not complete re-certification, then the operator will be required to complete the 40-hour in-service again. If the operator writes citations using E.S.M.D. and is not currently certified in their use, those citations will be canceled or dismissed and the operator will face departmental discipline.

- C. E.S.M.D.'s are required to operate properly. If the operator finds that the equipment is not functioning properly, that equipment will be taken out of service and a memo will be written as to how it is malfunctioning. The district stores clerk will forward the device with the attached memo to the Crash Reconstruction Unit. The Crash Reconstruction Unit will then send the malfunctioning equipment to a designated repair person/ facility. When E.S.M.D.'s are repaired, they will be calibrated at the authorized repair facility. The Crash Reconstruction Unit will maintain all records on repaired units.
- D. E.S.M.D. calibration checks must be performed at least once at the beginning and end of the patrol shift.



- E. The accuracy of the speedometer can be verified using a laser speed detection unit or a radar speed detection unit. The following information must be documented in the narrative on the ticket:
1. Which type of device was used,
 2. The serial number of that device and the name of the certified officer using that device,
 3. The date and time the calibration was checked, and that the unit was in good working order,
 4. The location where the calibration check was done,
 5. The name of the certified operator, PDA number and ASN number must be legibly printed on the bottom front side of the speeding citation, underneath the issuing officer's legibly written signature, PDA number, and ASN number.

F. Care and Maintenance of E.S.M.D.'s.

The Dayton Police Department provides LIDAR and RADAR equipment to its officers to enforce speed limits throughout the city. It's important this equipment is maintained, monitored, and repaired when necessary.

1. Crash Reconstruction Unit Supervisor Responsibilities
 - a. In charge of assigning LIDAR units in the Central Patrol Operations Division.
 - b. Conducts a department wide audit of LIDAR/RADAR equipment during the month of February - Members of the Crash Reconstruction Unit will assist in the audit.
 - c. Coordinates with other patrol operations division supervisors to have equipment repaired - assist in requests for RADAR Units to be installed in cruisers.
 - d. Oversees the record keeping of equipment.
2. Assigned West Patrol Operations Division Supervisor
 - a. West Patrol Operations Division will assign a supervisor from the Third Relief to monitor equipment.
 - b. A sign out sheet will be kept by the assigned supervisor to log LIDAR units in and out.
 - c. The assigned supervisor will be responsible for notifying the CRU supervisor when units need repairs.
3. Assigned East Patrol Operations Division Supervisor
 - a. East Patrol Operations Division will assign a supervisor from the Third and Four Relief to monitor equipment.
 - This will ensure officers from both buildings have access to LIDAR units.
 - This will ensure a supervisor from both buildings is involved in the monitoring process.
 - If EPOD were to consolidate into one operational building, the Third Relief supervisor will be in charge.
 - b. A sign out sheet will be kept by the assigned supervisor to log LIDAR units in and out.
 - c. The assigned supervisor will be responsible for notifying the CRU supervisor when units need repairs.

XIX. CANCELLATION OF TRAFFIC/PHOTO ENFORCEMENT CITATIONS

**A. TRAFFIC CITATIONS**

1. Once a Traffic Citation has been issued, it will not be cancelled unless issued in error.
2. If a Traffic citation is issued in error, the officer describing the error will prepare a Special Report to the Chief of Police. The officer will also attempt to retrieve the violator's copy of the citation. Once issued, only the Chief of Police or the Assistant Chief of Police has the authorization to cancel or remove a traffic citation.
3. Unauthorized removal or destruction of a citation, depending on the specific circumstances may constitute a criminal offense.
 - Complaints or inquiries by city administrators or elected officials regarding enforcement action taken against city employees or elected officials or by Dayton Police Officers need to be sent in writing directly to the Director and Chief of Police for appropriate review and response.

B. PHOTO ENFORCEMENT CITATIONS

1. If a Dayton Police Photo Enforcement Citation has been issued for a red light or speed violation and the violator wishes to dispute the citation, they must follow the procedure as outlined in the citation packet and Photo Enforcement SOP.
2. A reviewed and approved Dayton Police Photo Enforcement violation may not be cancelled without written authorization of the Chief of Police and/or his designee(s).
3. Complaints or inquiries from City administrators or elected officials regarding enforcement action taken against City employees, elected officials or Dayton Police Officers who are issued a Dayton Police Photo Enforcement Citation need to be sent, in writing, directly to the Director and Chief of Police for appropriate review and response.

XX. TOW IN LISTS

Refer to General Order 3.02-6, Towing Motor Vehicles, Section I.F. Vehicles towed for being on the tow in list are not to have a HOLD placed on them unless there is an additional crime attributed to the vehicle.