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<td>TRAFFIC ENFORCEMENT</td>
<td>61.1.100</td>
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<td>Chief Eugene Ferrara</td>
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<td>Assistant Chief Margaret A. Rose</td>
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<th>Last Revision Date</th>
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I. Purpose

To provide guidelines for uniform traffic enforcement activities performed by patrol officers.

To control traffic violations through preventive patrol and active enforcement efforts.

To provide a guideline for the issuance of U.C. vs. Ohio Uniform Traffic Tickets (OUTT's).

Policy

A. The responsibility for the enforcement of traffic laws and regulations rests with all uniformed personnel on the department. All sworn officers, while on duty and in uniform, shall take appropriate enforcement action for all violations of traffic laws and regulations they observe. The basic objective of traffic enforcement is:

1. Identifying and detain motorist who appear to be an immediate danger to the public, such as intoxicated drivers.

2. Controlling driving behavior through direct enforcement contact and by maintaining a high degree of visibility so that driver's are aware of the police presence and drive accordingly.

3. Maintaining a 24 hour traffic enforcement posture.

   (Ref: CALEA 61.1.2 & 61.1.4)

B. Responsibilities

1. Patrol units will have primary responsibility for traffic enforcement and traffic crash investigation, radar operation, and traffic control.

2. The training officer will maintain a liaison with the Ohio Highway patrol to ensure continued traffic education for patrol officers. Officers will be afforded the opportunity to attend traffic control, and traffic safety schools.

   (Ref: CALEA 61.1.1, & 4.2.2)

(2) 61.1.100
The University Police Department is devoted to reducing traffic accidents. Traffic accidents can involve a individual being struck by a vehicle, two vehicles striking, or a vehicle striking a stationary object. In order to reduce traffic accident the Police Department uses personnel and equipment for selective traffic enforcement. The criteria for selecting the method and location of enforcement is based upon the area the time and prior information about traffic patterns.

(Ref: CALEA 61.3.1)

Traffic Citations

University police officers have the authority to issue University citations or OUTT’s. University citations can be issued for various offenses without criminal penalty.

1. If an OUTT is to be issued for a traffic offense, that offense should be coded as an offense under section 45 of the Ohio Revised Code (Ohio Motor vehicle Laws).

2. It is the discretion of the issuing officer as to which citation is issued or one at all, depending upon the nature of the offense. Division personnel are authorized to issue an OUTT for the following:

   a. Moving violations not enumerated on the UC tags
   b. No Drivers License/Driving Under Suspension
   c. No plates/one plate/expired plates-over 30 days
   d. Unsafe equipment-no headlights, tail-lights brake lights, etc
   e. DUI
   f. Speeding
   g. Reckless driving
   h. Leaving the scene of an accident

3. Issuance of an OUTT for any other violation must be approved by a supervisor and be noted on an information report. All tickets must be turned in at the end of each shift.

4. An information report will be made if UC students, faculty or staff are issued an OUTT.

   (3) 61.1.100
E. Parking Violations

Although the University Parking service has its own parking enforcement officers, members of the Police Division are expected to enforce parking regulations when they come across them. Enforcement is for the purposes of removing hazards and proper utilization of available space.

1. Vehicles parked in fire lanes, loading zones, in handicap spaces, on yellow curbs, obstructing traffic or creating a safety hazard should be cited. An attempt should be made to contact the owner of the vehicle so that the vehicle can be removed. If the owner cannot be located, the officer should refer to the policy on towing vehicles and follow that procedure.

2. Vehicles parked on landscape should always be ticketed. Generally it is not advisable to tow because the wrecker will further damage the landscape.

3. Vehicles parked in reserve spaces are towed only on complaint of the person for whom the space is reserved at the request of parking services.

4. During special events, only those vehicles causing serious traffic hazards, obstructing traffic, or blocking other parked vehicles should be towed.

5. Duties of Parking S.O.’s are explained in the SOP for Parking Security Officers. Their primary function is to provide increased security to lots and garages as well as additional enforcement.

F. The OIC will review accident reports and traffic tickets in order to ensure on time and a complete report.

G. The record section maintains files on traffic records and governs the processing maintenance and distribution of records. The records will include all traffic reports such as accident reports as well as citations.

(Ref: CALEA 61.2.2 & 61.2.1)

H. Requests to void tickets will be submitted to the Assistant Chief in writing on an interdepartmental form via the normal report process.

(4) 61.1.100
II. Procedure

A. DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS – DUI COUNTERMEASURES

The University Police Department does actively enforce the laws pertaining to driving under the influence of alcohol and/or drugs. Officers will arrest any driver found to be in violation of these laws. Arrests will be determined by the driver’s observed operations on the roadway or involvement in an accident, field sobriety tests and blood alcohol tests in accordance with the Ohio Revised Code, Section 4511.191.

1. Chemical tests are supplemental tools only, and a refusal to submit to a chemical test will not constitute cause to issue a citation for a lesser offense.

2. All officers will be familiar with DUI detection and field sobriety tests.

   (Ref: CALEA 62.1.4)

B. SPEEDING VIOLATIONS

The enforcement of speed violations is an intricate part of the University Police traffic procedure. It is well documented that speed + motor vehicles = death. Officers will enforce speeding laws diligently. Officers will consider the following guidelines when enforcing speeding violations:

1. Individuals stopped for speeding should be either cited or warned.

2. Officers may tolerate a modest speed over the posted limit, but tolerance must be dictated by the conditions and location of the infraction.

3. Officers will issue a citation in any accident where speeding was the cause of the accident.

4. Warning notices may be issued in non accident situations at the discretion of the officer when circumstances suggest the driver may have been unaware of the speed limit or their true speed or for any other reason that the officer deems appropriate.

   (Ref: CALEA 62.1.4)

(5) 61.1.100
C. MULTIPLE VIOLATIONS

1. Drivers who commit multiple violations will be cited on each violation unless a violation can be construed to be a lesser included offense or the elements of one are essentially the same as the elements for the other offenses in the case of 4513.05 Tail lights and 4513.071 stop regulations.

(Ref: CALEA 62.1.4)

D. NEW LAWS

In the case of a new law this department will permit a set amount of time before enforcing the new law. The amount of grace time will be set by the Chief of Police. When new traffic control devices have been erected, warning tags shall be issued for at least six weeks from the time of installation.

(Ref: CALEA 62.1.4)

E. PEDESTRIAN SKATEBOARDS AND BICYCLE TRAFFIC ENFORCEMENT

1. Traffic safety regulations are enforceable against pedestrian and bicyclist. Officers will strictly enforce all regulation relating to the conduct of pedestrians, skateboards and bicyclist.
   
a. Enforcement actions will be based upon the time, place and circumstances surrounding the infraction. Our actions will be tempered by considering our population and the safety issues at hand.
   
b. Officers will concentrate their efforts on violations in those areas where accidents have occurred or the propensity for a serious accident is tantamount.

F. DRIVER LICENSE

Drivers of vehicle who do not have a valid driver's license as indicated by the Ohio BMV or from their state of residence will be issued a citation for operating a vehicle without a driver's license.

1. If the violator's driving privileges have been revoked or suspended, the officer should cite for driving under suspension. Only a licensed driver should be allowed to drive from the location of the traffic stop.

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2. If a licensed driver is not available the vehicle may remain at the location of the traffic stop while a licensed driver is summoned to retrieve it. The vehicle should be towed at the end of 24 hours or if the owner/driver is arrested.

G. REQUEST FOR RE-EXAMINATION OF DRIVER

Officers may request that a driver be reexamined by the BMV when the officer suspects that a person might be incompetent to drive a vehicle.

1. Officers may request the re-examine by submitting BMV form DL-153. The form should be complete; and it should provide information regarding the physical, mental or operating problem that makes the officer feel a re-examination is necessary.

H. NON-RESIDENT TRAFFIC VIOLATORS

Non-residents will be issued a citation as provided for by the non-resident violator’s compact.

I. JUVENILES

1. Juvenile violators will be issued a citation unless any of the following conditions are present:
   
   a. DUI
   
   b. DUS
   
   c. Vehicular homicide
   
   d. Aggravated vehicular homicide

2. Whenever a juvenile is taken into custody the officer will follow the juvenile arrest procedure.

J. Proof of Financial Responsibility LAW

This law requires police officers to ask drivers for financial responsibility proof (FR Proof) whenever an OUTT is issued.

(7) 61.1.100
1. The police officer is required to note on the Uniform Traffic Ticket that the driver does or does not show FR proof. The officer must note on the OUTT at the end of the license restriction line “FR SHOWN” if financial responsibility is shown or “FR NOT SHOWN” if financial responsibility is not shown.

2. If the officer is stopping a motorist and issuing an OUTT, an officer must ask for proof of financial responsibility. This may be shown in the following way:
   a. Actual Insurance Policy showing automobile liability insurance of at least $12,500 bodily injury per person, $25,000 injury two or more persons, and $7,500 property damage.
   b. Surety bond of $30,000 issued by any authorized surety company or insurance company.
   c. A BMV Certificate showing a bond secured by real estate having equity of at least $60,000.
   d. A BMV Certificate showing money or government bonds in the amount of $30,000 on deposit with the Ohio Treasure of State.
   e. A BMV Certificate of self-insurance (available only to companies or persons who own at least twenty-six motor vehicles).

3. If FR proof is not shown, the police officer will hand the driver a procedural card explaining what the driver needs to do to avoid a financial responsibility driver license suspension.

4. If proof is not shown and a check of the owner or operator's record indicates that the owner or operator is required to provide proof for a previous violation of the FR law, the police officer may charge the owner or operator with a violation of the prohibition of operating a motor vehicle without maintaining financial responsibility (ORC 4509.101). The courts would determine whether a repeat violation had occurred; and if it has, the courts would proceed with “driving under FRA suspension” penalties.

5. The City of Cincinnati Prosecutor’s Office has given us the following Ruling about the law and the use of UC tickets. The Prosecutor’s Office states that if a police officer is issuing a UC tag for a violation, the new law does not apply. Therefore, the police officer does not need to ask for financial responsibility.

(8) 61.1.100