

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 61.1

TRAFFIC ENFORCEMENT

AMENDED DECEMBER 2014

61.1.1 Traffic Analysis / Selective Traffic Enforcement

The Santa Clara Police Department will use selective traffic enforcement practices with the ultimate goal of reducing traffic collisions and gaining voluntary compliance with traffic laws.

The Traffic Unit Commander shall use the following procedures to assist in determining selective enforcement techniques and locations:

Analysis of reported accidents should:

- Be based on a numerically significant sample,
- Consider fluctuations caused by seasonal variations,
- Be used to target locations with a high frequency of collisions,
- Be used to determine what type of violations appear to contribute to collisions at targeted locations,
- Be used to evaluate traffic complaints and/or requests for selective enforcement.

Analysis of traffic enforcement activities should:

- Include traffic enforcement unit monthly reports describing problem areas as observed by unit,
- Consider overall Santa Clara Police Department traffic enforcement activities,
- Be used to evaluate traffic complaints and/or requests for selective enforcement.

Implementation of selective enforcement techniques:

- Should target specific problems as determined by factors including:
 - Traffic analyses,
 - Citizen complaints,
 - Needs identified by Police Department personnel,
 - Needs identified by other appropriate City of Santa Clara personnel.
- May include enforcement actions such as:
 - Stationary observation of intersections,
 - Use of speed measuring devices,
 - Checkpoints,

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- Other approved techniques as appropriate to the situation.

Determining necessary equipment:

- Marked police vehicles shall be used (in compliance with the California Code of Regulations, Sections 1140 and 1141),
- Equipment should be appropriate to the enforcement actions used.

Responsibility for Traffic Analysis

The Crime Analyst shall conduct traffic analyses and studies pursuant to requests by the Traffic Unit Commander submitted through the appropriate chain of command.

Traffic Analysis Factors

Analyses of traffic collisions shall include geographic, temporal and causative factors such as:

- Kinds of vehicles involved,
- Volume of traffic,
- Environmental factors,
- Types of violations,
- Day, date and time of occurrence.

Traffic Analysis Reports

Upon request, the Crime Analyst shall provide a written traffic collision analysis report to the Traffic Unit Commander for dissemination to appropriate personnel.

Evaluation of Selective Enforcement Activities

The Traffic Unit Commander or designee shall conduct an annual evaluation of selective enforcement programs to determine the effectiveness of those efforts.

Deployment of Traffic Enforcement Personnel

Traffic unit personnel should be deployed to areas having the greatest concentration of collisions and calls for services during times determined to have a high incidence of occurrence.

Traffic unit personnel should take enforcement action against those violations determined to cause collisions, and should use countermeasures most effective for specific enforcement problems involved. Enforcement countermeasures may include:

- Use of speed measuring devices,
- Concentrated enforcement,
- Stationary observation,
- Checkpoints.

61.1.2 Enforcement Actions

Enforcement action should seek to detect and deter traffic law violations, and apprehend violators. Traffic law enforcement should attempt to bring about voluntary compliance of all traffic laws.

To ensure that traffic enforcement policies are uniform and equitable, mandatory as well as optional enforcement actions are at the disposal of the police officer. Generally, these actions are:

- Physical arrest,
- Citation,
- Warnings.

Physical arrest is the full custody denial of a person's freedom of movement. Physical arrest can be made on a limited number of criminal traffic offenses outlined in the Vehicle or the Penal Codes. Physical arrest usually deals with, but is not limited to:

- Vehicular manslaughter,
- Felony or misdemeanor driving under the influence of alcohol/drugs,
- Felony or misdemeanor hit and run.
- Driving on a suspended or revoked driver's license.

Physical arrests may be made by officers without a warrant on felony violations of the law.

Physical arrests may be made on misdemeanor violations when authorized by Vehicle Code Section 40300, or by use of citizen's arrest procedures.

Physical arrests may also be made with any valid and confirmed traffic or criminal arrest warrant, and when a traffic violator refuses to sign a citation promising to appear in court.

Citations

Citations are the most common form of traffic enforcement action. A traffic citation is a written notice issued to a violator at the time of contact, requiring: correction of mechanical defects, payment of a fine, and/or a court appearance.

Warnings

Verbal warnings are a form of safety education where the officer advises a violator he/she has violated the law and explains the law to the person. Verbal warnings are best used as a public education program to explain new enforcement efforts or new or modified traffic control devices or signals. Warnings should not be used to avoid issuing a citation when the citation would be the most appropriate corrective action.

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61.1.3 Special Processing Requirements

In order to establish guidelines for traffic enforcement actions that require special processing, all officers will faithfully observe and respect all people's constitutional rights and privileges.

Officers observing traffic violations committed by residents, non-residents, juveniles, legislators, foreign diplomats, consular officers, military personnel, or others shall take appropriate enforcement action.

Diplomatic Immunity

The Vienna Convention on Diplomatic Relations, which contains the current law on the subject of diplomatic privileges and immunities, is incorporated in federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The Act applies to members of the staff of a foreign diplomatic mission, which includes the administrative, technical and service staffs of the embassies in the United States. The 24-hour hotline number for the Bureau of Diplomatic Security, Department of State is (202) 663-0812.

Diplomatic agents and members of their families, who are not nationals of the United States, have full immunity from arrest, detention, or prosecution for any criminal offenses, unless such immunity is waived by the sending state. They also enjoy immunity from civil process, except in certain actions involving private activities outside their official functions.

The administrative and technical staff of a foreign mission and members of their families, who are not nationals or permanent residents of the United States, have full immunity from arrest, detention, or prosecution for any criminal offenses. Such employees enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of such employees are not immune from civil jurisdiction.

Members of the service staff of a foreign diplomatic mission, which includes drivers, messengers and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members of such individuals have no immunity.

Private servants of embassy personnel have no immunity.

DUI Violations:

- It shall be the policy of this Department not to issue a citation to the diplomatic/consular official, but rather to warn the violator of the dangers of his/her actions and allow the official to proceed once the officer is satisfied that the individual's identification is in order.
- In any aggravated cases, forward a detailed memorandum of the circumstances to the Chief of Police. The appropriate authorities will be notified of the incident.

- If the official is stopped for DUI, the primary consideration shall be to see that the official is not a danger to himself or to the public. Based upon a determination of the circumstances, the following options are suggested:
 - Arrange for a relative or friend to come pick the person up,
 - Arrange for transportation to his/her home or office,
 - The official may be voluntarily transported to the station or other location where he/she can recover sufficiently to enable him/her to proceed safely.
- The official shall not be handcuffed or subjected to any sobriety tests. At best, this is a sensitive situation. Treat the official with respect and courtesy, and impress upon the person that your actions and primary responsibility are to care for their safety and the safety of others.
- Officers will submit a detailed memorandum, through the appropriate chain of command, to their Division Captain describing the incident.

Juveniles

Refer to [General Order 44](#) for specific processes required when juveniles are subject to arrest for Vehicle Code violations.

Legislators

Members of the United States Congress will, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective house, in going to and returning from the same, and for any speech or debate in either house.

61.1.4 Information Provided to Violators

It shall be the policy of this Department to provide anyone receiving a traffic citation with a full explanation of his rights and requirements, upon arrest or issuance of a citation for a traffic violation.

The City of Santa Clara uses a uniform notice to appear that has been approved by the Judicial Council of California and meets the requirements of the Vehicle Code, commencing with Section 40500.

This citation is used for infractions, criminal traffic, and criminal non-traffic violations. All information is listed on the front or backside of the citation relating to court appearance and payment of fine(s) by mail or at the office of the court clerk.

Parking citations use a separate form, which incorporates the citation on an envelope used for mailing bail to the agency charged with administration of the City's parking accounts.

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The officer shall complete all applicable sections of the citation, setting forth the charges. The officer shall assign a court appearance date in compliance with court directions, and the violator will be given a full explanation for court appearance (mandatory or optional in nature, etc.).

The violator's copy will be provided to him once his signature is obtained on the front of the citation. The officer will advise the violator to read the important information and warnings that appear on the reverse side of their copy of the citation.

The officer will direct the violator to the court for answers to any further questions about the citation. The officer will refrain from giving any information relative to fine amounts or matters that are handled by the court.

61.1.5 Uniform Enforcement Policies

The following guidelines should be used when enforcing traffic law violations:

Driving under the influence of alcohol/drugs:

Officers should arrest persons suspected of driving under the influence of alcohol and/or drugs. Once an arrest has been made for driving under the influence, the driver shall be advised of Vehicle Code Section 13353 (implied consent law) prior to any testing being administered.

Unsafe speed violations:

Speeding violations can be determined by the use of either a speed measuring device or by pacing. Speeding violations shall be enforced by either citation or verbal warning.

Other hazardous violations:

Hazardous violations shall be enforced by citation or verbal warning.

Equipment violations:

Equipment violations shall be enforced by citation or verbal warning.

Public carrier/commercial vehicle violations:

Shall be enforced by citation or verbal warning.

Non-hazardous violations:

Shall be enforced by citation or verbal warning.

Multiple violations:

May be placed on the same citation. Additional citations may be issued if all violations cannot be covered by one citation.

Newly enacted law and/or regulations:

When new laws are enacted or new traffic controls are installed, enforcement action may be by verbal warning or citation. Verbal warnings may be used in lieu of citations during a specified grace period for enforcement of new laws or new traffic controls or devices being used.

Violations resulting in collisions:

When a violation is determined to be responsible for a traffic collision occurring, the investigating officer shall identify the violation in the narrative portion of the collision investigation report, and prepare a citation for the violation (if a collision investigation report is completed). The completed citation will be attached to the completed investigation, and will be mailed to the individual after review by the Traffic Division.

In cases where the investigating officer completes a Property Damage Only report (PDO), any violations identified shall be documented in the report.

Bicycle and pedestrian violations:

Officers will take appropriate enforcement action when and where bicycle and pedestrian violations are observed. The action taken shall take into account the violation and traffic conditions at the time, plus allowing for broad discretion by the officer.

Off-Road/Off-Highway vehicle violations:

These types of violations will be handled in accordance with California Vehicle Code Sections 38000 - 38397.

61.1.6 Enforcement Practices

Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, police officers will be alert to the occurrence of violations while engaged in patrol duties and should devote a portion of their duty tours to selective traffic law enforcement through the use of the following patrol techniques:

Visible traffic patrol

Area traffic patrol:

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The part of law enforcement traffic supervision that consists of driving an area or roadway for the purpose of providing protection, security, and service to the public. Patrol or stationary observation in an area that includes a number of streets, roads or section of highway.

Line traffic patrol:

Moving patrol or stationary on a specified route between two points, usually on one street or section of highway.

Directed traffic patrol:

Selective traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such traffic factors as traffic volume, collision experience, frequency of traffic violations and emergency and service needs.

Stationary observation

Traffic observation at a selected place, usually one with an unfavorable collision experience or traffic flow problem, for traffic law enforcement purposes -- especially to detect violations and deter possible violators.

Overt stationary patrol:

Stationary observation by an observer in full view but so located, such as on a side street, that effort is required by those in the traffic stream to discover the observer.

Officers will not engage in covert (or hidden) stationary patrol for the purposes of enforcing traffic law violations.

Use of unmarked or unconventional vehicles

In compliance with sections 1140 and 1141 of the California Code of Regulations, unmarked or unconventional vehicles shall not be used for the enforcement of traffic laws. This is not to say that an officer driving an unmarked vehicle cannot stop an observed traffic law violator, but these vehicles shall not be used in situations where the officer's main focus is traffic enforcement.

61.1.7 Vehicle Stops

Conventional stops

Upon observing a traffic violation and deciding to make an enforcement stop, the officer should:

- Select the safest possible location for the stop
- Advise Communications that he/she will be making a traffic stop.
- Give the location and license number after Communications has acknowledged the stop.

- Using the police vehicle's emergency equipment, pull the violator to the side of the road, using the public address system as necessary to remove the driver from any potential hazards.
- Position the patrol vehicle 10 to 15 feet behind the violator's vehicle, and about two feet offset to create a safety lane for the officer's approach.
- Leave activated all necessary emergency equipment when the violator or patrol vehicle is on any part of the traveled portion of the roadway. If off the roadway completely, deactivate all equipment, except rear amber lights on the police vehicle.
- Approach the violator's vehicle using extreme caution, spotlighting the interior of the vehicle when appropriate.
- Request a back-up unit if necessary.

Officers assigned to motorcycle duty are not required to follow the above guidelines, due to the nature of their assignment.

High-risk stops

High-risk (or felony) stops require coordination between participating units and Communications. These type stops should be used for stopping stolen vehicles, possibly armed subjects, or subjects known or suspected of committing felony violations.

An officer intending to stop a vehicle in a high-risk situation should utilize the following procedure:

- The officer should advise Communications of the intended high-risk stop, and request cover units. Planning for the stop should take into account vehicle and pedestrian traffic.
- The vehicle description, direction of travel, number of observed occupants and reason for the stop shall be provided to Communications. Communications shall restrict radio traffic once the stop has been made.
- The officer should not attempt the stop until at least one other vehicle is behind the officer. In cases where the vehicle stops before sufficient units arrive to fill, the officer should attempt to maintain all occupants in the car until fill units arrive.
- Once pulled over, the officers should position their vehicles 45 to 50 feet behind the violator.
- The first cover officer will pull his/her vehicle alongside the primary officer, if possible. While the primary officer will use his/her handgun, one of the cover officers may utilize a shotgun or rifle and position him/herself behind the right front door of the primary officer's vehicle.
- At night, spotlights shall be used to illuminate the suspect vehicle.
- While maintaining a position behind the opened car door, the primary officer shall direct all occupants in the vehicle to raise their hands and place them behind their heads.
- The driver will be directed to turn the engine off and drop the keys outside the vehicle.
- The driver will be instructed to open the driver's door and step out. Closing the door with his/her foot is an option.
- The primary officer will verbally direct the driver back towards the officers, and one of the cover officers will be responsible for searching, handcuffing and securing the driver in a caged vehicle.

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- All passengers will be brought out of the car one at a time, in a similar fashion as the driver.
- Once all occupants have been removed, the vehicle will be checked for any hidden passengers.

61.1.8 Officer-Violator Relations

Officers shall always project a professional image when dealing with traffic violators. Realizing that being stopped by a police officer is a traumatic incident for many people, officers shall remain calm when dealing with violators. If a motorist is displaying signs of emotional distress, the officer will attempt to calm the person.

During non-hazardous traffic stops, officers should use the traffic stop format as taught in "Verbal Judo." The suggested steps are as follows:

Greeting - "Good morning (afternoon, evening)"

Identify - "I'm Officer _____ of the Santa Clara Police Department"

Reason for stop - "I stopped you because _____"

Justification - "Is there some justified reason for _____?"

Obtain ID- "I need to see your drivers license, registration and insurance paperwork"

Decision - Citation or warning

Close - "Please drive safely (or similar)."

Refusal to sign a citation

Should a violator refuse to sign a citation, the officer should determine that the violator understands that such action does not jeopardize his right to trial or interfere in any way with his right to protest the violation; that it is merely a written promise to appear before the Court.

Often the violator's actions in situations of this type can be extremely trying, and it is very important that the officer maintain proper decorum during his contact with the violator. Improper action on the part of the officer may seriously weaken his case in subsequent proceedings.

If the violator continues to refuse to sign the citation, the citing officer shall request a field supervisor, or if unavailable another officer, to respond to his location to explain the consequences of failing to sign, before attempting a physical arrest of the violator.

If the violator continues in his refusal after an explanation of the consequences by the supervisor or other impartial officer, then the violator shall be taken into custody by means of a physical arrest as authorized under Section 40302(b) CVC.

The nature of the violator's refusal should be documented by the citing officer on any reports made in connection with the arrest of the violator.

61.1.9 Speed Measuring Devices

The Santa Clara Police Department will utilize radar (or LIDAR:Light Detection And Ranging):

- In high or potentially high collision locations where speed is a factor;
- In areas where speed limit violations are prevalent;
- In response of citizen complaints concerning speeding motorists;
- To conduct traffic volume and speed percentile studies.
- As an education tool, by deploying the Department's radar trailer.

Radar and/or other electromechanical speed measuring devices must be deployed with the safety of the officer in mind at all times.

All officers utilizing these devices must successfully complete the basic operator training program and receive certification, prior to using speed measuring devices for enforcement purposes. Proper care and upkeep procedures will be included in this training.

The effective range of a particular unit must be thoroughly understood by the operator so visual observations can support radar speed readings.

Prior to using a unit, the officer will check the unit for accuracy, both internally and externally. Internal verification is made through the unit's test process, while external verification is confirmed through the use of a tuning fork or a distance test in the case of LIDAR units. The unit will be checked internally prior to use at each location.

Without exception officers operating radar units will follow the unit manufacturer's specific methods for checking accuracy.

All radar units operated by the Santa Clara Police Department shall meet or exceed the specifications of the National Highway Safety Administration.

It shall be the responsibility of the Traffic Unit Commander to insure that each radar unit is calibrated at regular intervals by a certified repair facility. Maintenance and calibration records shall be maintained in the Traffic office under the direction of the Traffic Unit Commander.

Any radar unit found to be malfunctioning shall be removed from service immediately and turned into the Traffic Unit Commander for repair. Under no circumstances will any speed citations be issued utilizing a radar unit that is not working properly.

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61.1.10 DUI Enforcement Program

Drivers impaired by alcohol and/or drugs pose a threat to community safety. The education, detection and apprehension of DUI's is an important role for the Santa Clara Police Department.

Training

Officers shall be trained in the detection of impaired drivers at the Basic Academy, during their Field Training Program, and through advanced courses when available.

DUI Enforcement

Selective DUI enforcement will be based on available collision and violation data, with the most prevalent periods of violations targeted for emphasis.

The assignment of officers to a selective DUI enforcement detail will be on an as-needed basis as determined by the Operations Captain.

Participation in the annual "Avoid the 13" campaign is the most visible DUI selective enforcement program operated by the Department. During this time, the Department will increase the number of officers available to detect, apprehend and process drinking drivers.

61.1.11 DUI Apprehension and Processing

The goal of the Santa Clara Police Department DUI enforcement effort is to detect, investigate, and apprehend alcohol and drug affected drivers to reduce the number of collisions and violations involving this type of driver. This procedure involves four separate phases:

- Vehicle operation,
- Driver contact,
- Field sobriety tests, and
- Arrest and processing.

Vehicle Operation:

The first task is to observe the vehicle in operation and to note any initial clues of a possible DUI violation. The officer must decide whether or not there is sufficient probable cause to stop the vehicle, whether to conduct further investigation to determine if the suspect may be impaired, or for another unrelated traffic violation. The officer is not committed to arresting the suspect for DUI based on his/her initial observation, but should concentrate on gathering all relevant evidence that may suggest impairment.

Driver Contact

The officer is to approach, observe, and interview the driver while he/she is still in the vehicle to note any direct evidence of impairment. This may include face to face contact and conversation and overall assessment of the driver's condition.

After this evaluation, the officer must decide whether or not to request the driver to perform further sobriety testing.

The officer should continue to observe the driver's movements, comments and ability to understand instructions during this initial personal contact.

Field Sobriety Tests

The officer shall administer, when possible, the formal psychophysical field sobriety tests to evaluate the extent of the driver's impairment. Results should be recorded on the Driving Under the Influence Arrest-Investigation Report (Form 909A).

The following standardized field sobriety tests should be used:

- Finger Dexterity
- Balancing on One Foot
- Line Walking
- Horizontal gaze nystagmus (qualified officers only).
- Preliminary Alcohol Screening (PAS) device (if available).

Any combination of the following field sobriety tests may be used in conjunction with the above:

- Modified attention
- Finger to nose
- Alphabet
- Counting (forward or backward).

Arrest and Processing

When the officer determines the person is DUI and intends to take him/her into custody, the officer shall advise the subject that he/she is under arrest for driving under the influence of alcohol/drugs (23152(a) CVC). The subject will be taken into custody, searched and transported to the Santa Clara Police Department for processing.

The suspect's vehicle will: be released to a responsible individual the driver designates (who is not under the influence); locked and left at the scene; or towed and stored pursuant to the arrest.

The suspect will be advised of the provisions of 13353 CVC (Implied Consent), and will be given an opportunity to submit to one of the appropriate chemical tests (blood or breath for alcohol; blood, breath or urine for alcohol and/or drugs). For the chemical test to be admitted into evidence, the following steps must be followed:

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- The individual must be placed under arrest,
- The individual must be advised of his obligation to provide a sample pursuant to 13353 CVC.

Chemical tests:

BREATH: If a suspect chooses a breath test, the test may be conducted by an employee qualified to use the intoxilyzer. The detailed instructions will be followed exactly.

BLOOD: If the suspect chooses to provide a blood sample, a laboratory technologist will be called, and shall remove the sample from the suspect. The arresting officer shall observe the drawing of the sample.

URINE: This test statutorily removed in 2013 as an available test for DUI arrests.

REFUSAL TO SUBMIT TO A CHEMICAL TEST: If the suspect refuses to submit to a chemical test, the officer will read the 13353 CVC admonishment to the suspect again. If the suspect still refuses to comply, the officer will check the appropriate box on the Administrative Per Se form (DS 360), and note the refusal in the narrative portion of the offense report.

Upon completion of all DUI arrest and appropriate DUI related forms, the officer shall complete the booking process. Adult males and females will be transported to the County Jail in San Jose; juveniles may be released to a parent or guardian, or taken to the Juvenile Hall in San Jose, depending on the circumstances surrounding the arrest. Adult suspects will not normally be released from the station, unless a breath test indicates the driver is not under the influence.

Suspected DUI's who require medical treatment at Valley Medical Center will be limited to the chemical tests available. They may be released on their own recognizance, depending on the circumstances.

61.1.12 Re-examination of Drivers

Officers detecting a person who appears to be incompetent, physically or mentally disabled, or suffers from disease or other conditions that prevent him or her from exercising reasonable and ordinary care over a motor vehicle, will complete the DMV form (DS 427) to request a re-examination by the Department of Motor Vehicles.

Officers shall comply with Vehicle Code Sections 21061 and 21062 which clearly outline Department of Motor Vehicles' guidelines for submission of re-examination requests.

All re-examination requests shall be legible, submitted on DS 427, and shall be transmitted to the Department of Motor Vehicles before the end of the next working day, pursuant to Vehicle Code Section 21062.

61.1.13 Parking Enforcement

Patrol officers may issue a parking citation upon observing a parking violation. If the violation is a hazard and the officer is unable to contact the registered owner or operator of the vehicle, the vehicle should be towed, in compliance with the California Vehicle Code and the City of Santa Clara Municipal Code.

Community Service Officers assigned to Traffic may also issue a citation for illegal parking, and arrange for the towing of illegally parked or abandoned vehicles.

Community Service Officers assigned to Traffic are responsible for the care and maintenance of the equipment they use, including, but not limited to:

- Vehicles designated for Parking Enforcement,
- Hand-held computers that are used to record and issue the majority of parking citations.

61.1.14 Suspended Drivers License, Wreckless Driving or Speed Contests

Investigation

When an officer stops a driver on the streets, public property, or an off-street parking facility, and through a DMV license check determines that the driver's status is suspended or revoked, the officer shall:

- Verify that the DMV response is the correct one for the person stopped.
- Verify that the license status section on the DMV response indicates "Suspended" and/or "Revoked" and does not indicate "Valid."
- Verify that the suspension/revocation is current.
- Verify that the service is good (i.e., A, B, D, H, J, K, M, or P).

When the service is bad (i.e., I, L, or R) and the subject admits knowing of the suspension, or if the officer has personal knowledge that the person was notified previously of the suspension, the person should be cited for the appropriate 14601 Vehicle Code section. If the service is bad (I) and the officer is not aware of the person having been personally served, or the person does not admit knowing of the suspension, they should be cited for 12500(a) or 12951(a) of the Vehicle Code, as applicable. Drivers should be released with a citation in the field under most situations.

Physical arrests should be avoided except in extreme situations such as numerous 14601 Vehicle Code convictions or failures to appear when cited for 14601 CVC. Supervisor's approval must be obtained to make a physical arrest.

In cases where the service is I, L, or R, a DL 310 Verbal Notice will be completed by the officer. The subject will be advised of the suspension and they shall be requested to sign the form.

Any suspended/revoked driver's license in the violator's possession shall be confiscated by the citing officer and forwarded with the Verbal Notice (if given) to the Traffic Division.

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Refer to the current policy “pocket card” regarding “Citation Procedures for 14601’s” for further citation requirements and details.

Towing of Vehicles

An officer may impound a vehicle per 14602.6 CVC for thirty (30) days, if:

- The driver’s license is currently suspended / revoked and the service is good, or the driver has never been issued a driver’s license, or the driver admits knowledge of the suspension (except per 11350.6 W&I)
- Use 22651(p) CVC to tow and store a vehicle if,
 - The driver has an expired driver’s license or a re-issue fee required; or
 - Suspension is per authority 11350.6 W&I
- Speed contest arrest of driver for CVC 23109 for thirty (30) days (Tow authority CVC 23109.2)
- Wreckless driving arrest CVC 23103 for thirty (30) days (Tow authority CVC 23109.2)
 - A citation in the field does not allow an officer to tow for CVC 23109.2; a physical arrest must be made. The driver can be released from the THF with a citation.

Other Considerations

If a driver with a suspended license is involved in a collision where a report is prepared, recommend prosecution for the appropriate 14601 section in the report.

Use only one 14601 section per incident. List the correct subsection on the citation.

Do not cite drivers with suspended out-of-state licenses for 14601 unless they are also suspended in California.

Attach the copy of the license printout (obtained from Records) to the citation, and do not separate the copies of the citation.

61.1.15 Amending/Dismissing/Voiding Citations

Amendment of proper citations that have been issued:

- Upon the discovery that there is a mistake or omission on the face of the citation, and the violator's copy is unavailable, the citing officer may request that the citation be amended to correct such error or omission.
- The citing officer shall complete and submit a Notice of Correction (TR-100) to the traffic secretary. The Amendment will contain the corrections for all errors or omissions.
- The Amendment will be distributed as follows:
 - The original shall be sent to the Court.
 - The yellow copy will be mailed to the violator.

- The pink and goldenrod copies shall be retained in Records.

Requests for dismissal of proper citations before the court:

- An officer may request that a citation be dismissed if, subsequent to it's being forwarded to the Traffic Court, it is discovered that a violation did not in fact occur, that witnesses necessary to prove the violation are unavailable, or if in the interest of justice it should be dismissed.
- The officer requesting dismissal shall submit a "Notice of Correction" to his/her immediate supervisor stating the reasons for dismissal. If approved, the supervisor will forward the request to the Traffic Unit Commander for review. If approved, the request will be sent to the Court.
- Requests for dismissals shall only apply to infractions.

Disposition of improper citations that have been issued:

- Officers may request that a citation they issued be voided, if they find that the violation charged did not in fact occur.
- To have a citation voided the issuing officer shall submit, to his/her immediate supervisor: the three copies of the citation, a "Notice of Correction" form, and a written explanation (memo) stating the reasons for the request. If approved, the supervisor will initial the request and submit the paperwork to the Traffic Unit Commander or someone so designated. If approved, the request will be sent to the Court.
- A supervisor may initiate a request that a citation issued by one of his/her immediate subordinates be voided, if the violation charged did not in fact occur. The procedure as specified in the preceding paragraph will be followed in these situations.

Disposition of unissued citations:

- When an officer has made entries on a citation but has not issued the citation, the officer may request that the citation be voided. The procedure to be used is the same as for voiding improper citations.
- When a citation blank is torn, soiled, or otherwise mutilated to the extent that an officer does not wish to use the blank, he will submit all four (4) copies of the citation to the Traffic Unit Commander.

61.1.16 Traffic Investigator Image

All Traffic Investigators will comply with [General Order 41.3.5](#), specifying equipment to be carried at all times when on duty in civilian clothing. This equipment consists of badge, firearm, handcuffs and issued identification card. A fanny pack or briefcase may be used to carry the weapon and handcuffs, etc., but they must be kept in the investigator's personal, immediate possession at all times.

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All investigators must carry their weapons into courtrooms where special check-in procedures are in effect, i.e., security badge needed to carry weapons. The exception would be when attending Family Court, which is a special case.

All Traffic Investigators shall correct ill-prepared or improperly dressed police personnel who appear for Court (or, for that matter, at any time a problem is encountered) if corrective action is immediately appropriate. It is recognized that a sergeant is the more appropriate person to take corrective action, however an investigator may, based on his/her experience and job responsibilities, be required to take corrective action as necessary.

All meal and coffee break policies will be monitored by supervisors, making certain they are reasonable and within policy.