

## PATROL

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### TRAFFIC LAW VIOLATIONS

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**Purpose:** The purpose of this policy is to establish guidelines for officers in the enforcement of traffic laws, ensure traffic enforcement is carried out in a proactive manner within the dictates of established law so all citizens are treated fairly and to protect officers from unwarranted accusations of misconduct when they act within the dictates of the law.

**Policy Statement:** The primary purpose of traffic law enforcement is to reduce the chance of motor vehicle accidents through proactive police patrol and violator contacts. Patrol visibility, consistency of effort and enforcement, education and public support will facilitate the safe and expeditious movement of vehicular and pedestrian traffic.

#### Summary of Changes:

#### Procedure:

##### 1. Enforcement Responsibility

- 1.1 All members of the North Little Rock Police Department have a responsibility to provide for a fair and reasonable approach to the enforcement of traffic law and to enforce the same laws with consistency.
- 1.2 Enforcement policies cannot and should not supplant officer judgment. Officer discretion on the proper enforcement action to be taken is based on a combination of the officer's training, experience and common sense.
- 1.3 The Department establishes no quotas for the issuance of traffic citations by any officer. Officers are employed to enforce the law and may, therefore, be expected to produce evidence of their enforcement activity as a matter of consideration of whether or not they are performing the job for which they are employed.
- 1.4 It will be the responsibility of each officer to keep informed of newly enacted and changes to traffic laws.

##### 2. Types of Enforcement Actions

- 2.1 Officers should utilize discretion in traffic enforcement. Emphasis should be placed on areas such as school zones, intersections, high traffic areas or areas where accidents are frequent.
- 2.2 Enforcement will be accomplished through the following methods:
  - 2.2.1 A verbal warning is appropriate when the violator commits an act due to ignorance of the law or if there is a condition of which the driver may not be aware. [CALEA 61.1.2c]
  - 2.2.2 Citations may be issued with violators that jeopardize the safe movement of pedestrian or vehicular traffic. This also includes all other moving and non-moving violations. Up to four (4) violations may be noted on one citation. [CALEA 61.1.2b]
  - 2.2.3 Custodial arrest may be necessary when the driver violates applicable traffic laws such as Driving While Intoxicated. [CALEA 61.1.2a]

##### 3. Court Only Tickets

- 3.1 Traffic tickets will be designated "court only" for only the following conditions or offenses:
  - 3.1.1 Leaving the scene of an accident;
  - 3.1.2 DWI;
  - 3.1.3 DUI;
  - 3.1.4 Reckless driving;
  - 3.1.5 Speeding – over 30mph above posted;
  - 3.1.6 Violator appears unable to properly operate a motor vehicle due to age or disability.
- 3.2 When a ticket is marked "court only" the violator must be informed a court appearance is mandatory.
- 3.3 When a ticket is marked "court only" based on erratic driving possibly due to age or disability, the officer issuing the ticket will attach a note to the Court detailing observations made by the officer. The officer should request the Court re-evaluate the driving privileges of the subject. [CALEA 61.1.11]

##### 4. No Proof of Insurance Citations

- 4.1 When a motorist cannot provide proof of insurance, certificate of self-insurance or the Vehicle Insurance Database cannot verify insurance coverage, the officer will cite the driver for no proof of insurance.

4.2 When a motorist cannot provide proof of insurance, certificate of self-insurance or the Vehicle Insurance Database cannot verify insurance coverage, the vehicle may be impounded at the officer's discretion if the officer issues a citation for a traffic violation that is classified as an offense under 27-50-302 and the operator has:

- 4.2.1 Received three (3) or more warnings for no proof of insurance;
- 4.2.2 Been assessed with three (3) or more violations for no proof of insurance; or
- 4.2.3 Received a total combination of three (3) or more warnings and convictions for no proof of insurance.

4.3 When a motorist cannot provide proof of insurance, certificate of self-insurance or the Vehicle Insurance Database cannot verify insurance coverage, the vehicle may be impounded at the officer's discretion if one (1) or more of the following occur:

- 4.3.1 The driver is operating a motor vehicle on a cancelled, suspended or revoked driver's license;
- 4.3.2 The driver is operating a motor vehicle without a driver's license; or
- 4.3.3 The driver is operating a motor vehicle:
  - 4.3.3.1 Without a license plate ACA 27-14-304;
  - 4.3.3.2 With an unofficial license plate ACA 27-14-305;
  - 4.3.3.3 With improper use of evidence of registration ACA 27-14-306; or
  - 4.3.3.4 With false evidences of title and registration ACA 27-14-307.

4.4 If a motor vehicle is impounded pursuant to this section, Policy Directive 55-06, *Impoundment of Vehicles* will be adhered to.

4.5 The Office of Drivers Services will post warning citations for *Failure to Show Insurance* onto driver's records. Since the Department does not issue warning citations, officers should be mindful any verbal warnings issued will deter from the overall effectiveness of the law; therefore, the issuance of a citation is mandatory for no proof of insurance violations.

## 5. Speed Enforcement

5.1 Refer to Policy Directive 25-14, Use of RADAR.

## 6. Driving on Suspended or Revoked License [CALEA 61.1.5b]

6.1 Officers frequently encounter drivers whose driving privileges have been suspended or revoked. Officers will, at their discretion, implement the following procedures:

- 6.1.1 Issue the appropriate citations;
- 6.1.2 Have the vehicle impounded; or
- 6.1.3 The officer may allow another licensed person to drive the vehicle at the request of the original driver.

## 7. Other Violations

- 7.1 Moving violations are a violation of the law committed when a vehicle is in motion and can be resolved with a verbal warning or written citation at the officer's discretion. [CALEA 61.1.5c]
- 7.2 Non-moving violations can be resolved with a verbal warning or written citation at the officer's discretion. They can be issued for a vehicle in motion or not for matters that do not relate to the manner of driving. [CALEA 61.1.5d]
- 7.3 Violations committed by commercial and public carrier vehicles are treated the same as violations committed by the public. [CALEA 61.1.5e]
- 7.4 Multiple violations, up to four (4), maybe placed on one citation. [CALEA 61.1.5f]
- 7.4 Multiple violations, up to four (4) may be placed on one citation. [CALEA 61.1.5f]
- 7.5 Newly enacted laws that are violated generally result in a verbal warning the first thirty days unless the violation creates a danger to the public. [CALEA 61.1.5g]
- 7.6 Violations resulting in traffic collisions can result in a written citation when the officer can determine the at-fault vehicle. [CALEA 61.1.5h]
- 7.7 Pedestrian and bicycle violations usually involve youths, so the emphasis in this area is education instead of enforcement. Officers may enforce these laws as necessary. [CALEA 61.1.5i]
- 7.8 Parking violations such as fire zone violations and handicapped parking violations should be strictly enforced. Other types of parking violations the officer observes during patrol activities should be enforced at the officer's discretion. [CALEA 61.1.12]

## 8. Release of Violator after Issuance of Ticket

8.1 After issuing a traffic ticket (other than DUI, DWI or refusing a chemical test), the violator should be released on a signed promise to appear before the court of jurisdiction.

- 8.1.1 Violator will be advised of the date, time and location of appearance. [CALEA 61.1.4a]

- 8.1.2 Violator will be informed whether the Court appearance is optional or mandatory. [CALEA61.1.4b]
- 8.1.3 Violator will be informed whether they can pay the fine through the mail or at the traffic violations window. [CALEA 61.1.4c]
- 8.1.4 The violator should also be informed of the contact information of the Court on the back of the violator's copy of the citation. Officers should take the time to make sure the violator fully understands the procedures. [CALEA 61.1.4d]
- 8.2 If the violator refuses to sign the ticket, the violator should be informed a signature is only a promise to appear and not an admission of guilt.
- 8.3 If the violator still refuses to sign the ticket, a receipt for their driver's license will be completed and the violator's driver's license will be held in lieu of bond. The receipt is printed on the reverse side of the violator's copy of the ticket. The receipt will be dated to expire on the court date written on the ticket.
  - 8.3.1 The driver's license will be attached to the court's copy of the ticket and will be forwarded to Support Services Division.
  - 8.3.2 If the violator pays the ticket prior to the Court date, the violator's license will be returned to them.
  - 8.3.3 If the ticket is not paid by the Court date, Support Services Division will deliver the ticket and the driver's license to the Traffic Court Clerk's Office.
- 8.4 If the violator is not able to present a valid driver's license in lieu of bond, but sufficient information can be obtained to establish identity, issue the ticket and annotate it "refused to sign" on the signature line.
- 8.5 If identity cannot be established, the violator may be placed under arrest, transported to the detention facility and made to post bond.
  - 8.5.1 A supervisor will respond to the scene and upon review of the facts and circumstances, will determine if arrest is appropriate.
  - 8.5.2 If an arrest is made, a detailed report will be made indicating the circumstances of the arrest. The report and the ticket will be turned into the officer's supervisor.

## 9. Processing Special Categories of Violators

- 9.1 Diplomatic and consular immunities do not apply to traffic violations. Persons claiming immunity may be cited at the officer's discretion. Refer to Policy Directive 3-7, Limits of Authority. [CALEA 61.1.3d]
- 9.2 Legislative members of the General Assembly will be privileged from **arrest**, excluding cases of treason, felony offenses or breach of peace while in transit to or from sessions of the General Assembly and 15 days before or after each session. (ACA 16-81-102) [CALEA 61.1.3c]
  - 9.2.1 If a legislator is stopped for a **traffic violation** while in transit to or from session, he or she may be issued a citation and released without delay.
  - 9.2.2 If a legislator is stopped for a **traffic violation** while in transit to or from session and suspected of operating the vehicle while under the influence, he or she may be issued a citation for DWI or DUI upon probable cause. The officer will then release the legislator to a responsible party.
- 9.3 Non-residents of the State of Arkansas should not be cited for offenses that are unique only to the state of Arkansas. Officers should use discretion in their decision to issue non-residents citations, especially for non-moving violations. Non-residents of the state of Arkansas that are to be cited for a traffic offense will be cited in accordance with the Non-Resident Violator Compact Agreement (A.C.A. 27-54-101). Violators of non-member states that are to be cited for moving violations will be required to post bond. Resident drivers of Arkansas who do not live in the City of North Little Rock fall under the same citation procedures as North Little Rock residents. [CALEA 61.1.3a]
- 9.4 The parents of juveniles under the age of fourteen (14) should be contacted when the juvenile is involved in a traffic violation and required to take custody of the juvenile. It will be at the discretion of the officer based on the circumstances if citations should be issued. Citations can be issued to juveniles fourteen (14) and over that are licensed in the State of Arkansas. [CALEA 61.1.3b]
- 9.5 The State of Arkansas does not require active duty members of the armed forces from other states to have an Arkansas Driver's License. Each state has different requirements of their military personnel; therefore, officers should check with the violator's home state to determine the requirements for military personnel. [CALEA 61.1.3e]

## 10. Voiding Traffic Tickets

- 10.1 In the event the issuing officer discovers the ticket is being issued in error prior to releasing the violator, the issuing officer will retain all copies of the ticket, explain the error and release the violator.
  - 10.1.1 The white and yellow court copies and the violator's hard copy will be removed from the book and turned in to the officer's supervisor along with an *Intra-Departmental Communication* explaining why the ticket should be voided. The officer's copy (pink) will remain in the book.
  - 10.1.2 The court copies, the driver's copy and the *Intra-Departmental Communication* will be forwarded through the Chain of Command to the Chief of Police for disposition.

- 10.1.3 Voided tickets will be forwarded to Support Services Division for filing.
- 10.2 Once a ticket has been issued and the violator has been released, the ticket becomes property of the Court and the Court will determine final disposition of the ticket.
  - 10.2.1 In the event the officer discovers a ticket was issued in error, the issuing officer will write an *Intra-Departmental Communication* detailing the circumstances of the issuance and reason the ticket should be voided. If available, the original white and yellow court copies should be attached to the communication.
  - 10.2.2 The communication and any copies of the ticket will be forwarded through the Chain of Command to the Chief of Police for review.
  - 10.2.3 If the Chief determines the ticket was issued in error, the communication and all copies of the ticket will be forwarded through Support Services Division to the Court for disposition.

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