

	KENOSHA POLICE DEPARTMENT			
	POLICY AND PROCEDURE			
	61.2 Traffic Law Enforcement Action			
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I. PURPOSE

The purpose of this policy is to establish procedures to guide department personnel in traffic law enforcement action.

II. POLICY

The enforcement of traffic laws and ordinances is a basic responsibility of the Kenosha Police Department.

III. PROCEDURE

A. Enforcement Actions

1. There are two (2) primary objectives of traffic enforcement:
 - a. The enforcement of traffic laws.
 - b. The promotion of voluntary compliance with traffic laws in the future.
2. Enforcement actions will be conducted firmly, fairly, impartially, and courteously using the most appropriate of the following methods:
 - a. Warnings:
 - (1) A verbal warning may be issued to a violator when there is a minor traffic infraction, equipment violation, or when the act may be unique. If issuing a verbal warning, the officer should take notice that there is no formal documentation of the stop and it may be in their best interest to create a record of the stop, whether through written notation or an entry made in the dispatch log.
 - (2) A written warning may be issued for a vehicle equipment violation.
 - b. Citations:
 - (1) The Wisconsin Uniform Traffic Citation (UTC) should be issued for violations of traffic laws that jeopardize the safe and efficient flow of vehicular and/or pedestrian traffic including moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.
 - (2) There are situations when it is in the best interest of the public and the Kenosha Police Department that a citation be issued. These situations include, but are not limited to, violations of traffic laws that jeopardize the safety of others, violations of traffic laws that demonstrate a degree of reckless conduct, traffic accidents when

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there is a clearly defined violation of a traffic law and operating a vehicle after the revocation or suspension of the person's driving privilege.

When probable cause exists to believe that a person is operating a vehicle while impaired by alcohol or drugs, an arrest of the operator shall be made.

- (3) The issuance of a traffic citation and the release of a person without having them post a bond is applicable in the majority of situations. Guidelines in regards to the release of a person issued a UTC are provided by the State of Wisconsin in the Preamble for Forfeiture and Misdemeanor Bail Schedules.

c. Custodial arrests:

The custodial arrest of the person issued a Uniform Traffic Citation shall be in compliance with the guidelines provided by the State of Wisconsin in the Preamble for Forfeiture and Misdemeanor Bail Schedules. These guidelines do not supersede specific statutorily mandated detentions.

A custodial arrest for traffic law violations shall be made in situations to include, but not limited to, violations of operating a vehicle while under the influence of alcohol or drugs and felonies.

3. Other Considerations

a. Juveniles: Traffic Law

- (1) Juveniles 16 or 17 years of age shall be treated as adults when receiving traffic citations.
- (2) Juveniles 12 to 15 years of age who commit a traffic offense in Section I of the Traffic Schedule may be issued an ordinance citation.
- (3) Juveniles 10 to 12 years of age who commit a traffic offense in Section I of the Traffic Schedule will be referred on a Juvenile Intake.
- (4) Juveniles 10 to 15 years of age who commit an offense covered in Section 2 of the Traffic Schedule will be referred to Juvenile Intake.

NOTE: Section 2 offenses are designated Traffic Crimes.

b. Foreign diplomats and certain consular officials and their families:

- (1) These persons are immune from most criminal processes. Immunity is determined by the treaty obligations of the United States. However, traffic citations may be issued to diplomatic officials and families regardless of their rank or status.
- (2) Limitations include:
 - i. A diplomat's vehicle may not be impounded or searched.
 - ii. Persons with diplomatic immunity may not be arrested. However, if the person with immunity presents a hazard to public safety (such as operating a motor vehicle while under the influence of an Intoxicant or other drug), the person may be detained until such time as they can be released to a sober responsible adult. A supervisor will be contacted if this occurs. A full report, including the diplomat's identification and

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all available facts, will be prepared by the officer and forwarded to the Chief of Police through the chain of command.

4. Issuing the Uniform Traffic Citation:
 - a. Unless there are extenuating circumstances, the officer shall issue the violator the Defendant's Copy of the UTC. The officer shall provide the violator with the following information:
 - (1) The specific violation.
 - (2) The initial court appearance date.
 - (3) Whether court appearance is optional or mandatory.
 - (4) Whether the motorist may enter a plea in absence or pay the fine by mail.
 - (5) Information concerning the consequences of failing to pay the fine and/or failing to appear for court.
 - b. If the officer is unable to issue the violation, the Uniform Traffic Citation may be mailed to the violator as long as it is done so in compliance with departmental guidelines.