

**East Lansing Police Department  
Policy & Procedure**

<b>Subject: ENFORCEMENT OPTIONS</b>	<b>ELPD Policy #: 3 0 0 - 2 6</b>
<b>Effective Date: M a r c h 1 , 2 0 2 2</b> <b>Revised Date:</b>	<b>Distribution: Departmental</b>
<b>MACP Accreditation Standard: Traffic Safety &amp; Enforcement/ Special Classes of Offenders</b>	<b>MACP Standard: 3.6.3, 3.6.4</b>

**I. PURPOSE**

The purpose of this directive is to establish procedures for conducting professional traffic stops and for the enforcement of traffic laws equally and uniform to the severity of the violation.

**II. POLICY**

It is the policy of this Department to enforce traffic laws involving drivers, pedestrians, and bicyclists through guided enforcement.

As part of our overall community policing model, it is vital that we as an agency remove or limit any chance of bias, implicit or otherwise from the performance of our duties. The ability to build positive relationships with our community and instill trust in law enforcement is deeply rooted in fair and equitable treatment. Our goal is to actively eliminate any bias, implicit or otherwise, in the execution of legitimate and lawful traffic safety management activity that has a goal of improving the safety and quality of life for everyone.

Traffic enforcement activities should be directed at reducing violations through preventive patrol and active enforcement of identified hazardous violations. Officers are expected to enforce traffic related laws in a uniform and consistent manner. Enforcement will comply with Motor Vehicle Code (MVC), Uniform Traffic Code (UTC) and applicable State laws and East Lansing City Ordinances.

Officers shall not stop drivers based upon their race or ethnicity nor engage in bias based policing practices. Biased based policing is the selection of individuals based on a common trait of a group, including race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

The content of this directive shall not be interpreted to supersede or violate the provisions of existing or newly enacted laws or regulations.

**III. PROCEDURES**

## Primary Traffic Violation – Public Safety Traffic Stops

- ELPD encourages and supports traffic stops based on primary violations that center on public safety traffic issues. Public safety related infractions are infractions that present an actual danger to a person, property, or the general public. These stops can include seatbelt/child restraints, no headlights after dusk, no brake lights, no license plate, expired plates, speeding, careless or reckless driving, violations of traffic control devices, impaired operation or other unsafe or dangerous operation of a motor vehicle.

## Secondary Violations – Non-Public Safety Traffic Stops

- ELPD has a reduced interest in non-public safety violations due to their regulatory nature and lack of relation to true public safety. Therefore, such violations as cracked windshields, loud exhaust, inoperable plate lights, cracked tail or brake lights, dangling ornaments, window tint or other non-safety violations are deemed to be secondary violations.

Officers should not initiate traffic stops on drivers for solely non-public safety / secondary violations. Defective equipment violations are deemed secondary violation and will only be enforced if a motorist is stopped for a primary violation.

The department also recognizes there may be rare occasions when a traffic stop is necessary to address a non-public safety / secondary violation due to the extreme nature of the violation, or when the violation invokes a public safety concern or affects the quality of life of our residents. In these cases, the employee shall document the extreme non-public safety violation or quality of life concern via video (BWC) and document the violation and reason for it on their Daily. The employee is also responsible for reporting this occurrence with their on-duty supervisor so it may be reviewed. If a traffic stop is initiated for a solely non-public safety / secondary violation as described in this paragraph, the employee shall consider whether it is appropriate to issue a warning only, or to mark a resulting citation as “waivable” upon proof the violation has been remedied and document such consideration and resulting decision.

### A. Conducting Professional Traffic Stops

Traffic stops shall be conducted in a courteous and friendly manner consistent with the circumstances present. Officers must be able to explain the reasonable suspicion basis for their belief that the operator of a motor vehicle has violated a section of the MVC or UTC if they stop the vehicle. Absent exigent circumstances, officers are expected to approach traffic violators in the following manner:

1. Greet the driver courteously and inform them of the specific reason for the stop. Providing the name of the officer and

department would be an appropriate component in the greeting.

2. Request the driver's operator's license, vehicle registration and proof of insurance documentation.
3. Upon return to the violator's vehicle, return their documents and explain any citation or warning issued.
4. Release the driver from the stop.

#### B. Obstructing Traffic Flow

Officers should avoid unnecessary obstruction of vehicular traffic, whether on the roadway or private property, while conducting traffic stops. When appropriate, after the initial contact, violators should be requested to move the vehicle to a location off a main/busy thoroughfare. They must be able to operate their vehicles legally and safely. Driveways and business lots, such as gasoline station service drives should not be obstructed.

#### C. Enforcement Action

1. A driver whose license has been suspended or revoked (DWLS/DWLR) shall be cited/charged.
2. Enforcement action in the form of a Uniform Law Citation (ULC) should be taken against drivers committing speed and/or hazardous traffic violations, where the officer believes that the driver's actions were not inadvertent. When determining whether a violation was inadvertent, the officer should consider weather, traffic, and roadway conditions, and any other factors present at the time the violation occurred.
3. Inadvertent violations where other persons or property have been endangered should result in enforcement action.
4. Enforcement action should be taken against public carriers, commercial vehicles, pedestrians, and bicyclists the same as it is applied in the above sections.
5. Enforcement action should be taken against drivers who commit violations off the public roadway based upon the provisions stated in applicable laws and/or corresponding local ordinances.
6. Enforcement action in the form of a ULC should be taken against drivers involved in a traffic accident, when upon investigation by

the officer has reasonable cause to believe the driver is responsible for a violation (civil infraction or misdemeanor).

Supervisors are responsible to review traffic accidents for appropriate and consistent enforcement action by officers.

7. Enforcement action should be taken for all occupant restraint violations as allowed under statute and ordinances.
8. Enforcement action should be taken against drivers who commit licensing, registration, or insurance violations.
9. Violations issued to a driver shall be written under local ordinances unless the State law is more appropriate or other action is required by prosecutorial guidelines. Multiple violations should all be issued either under state or local jurisdictions.
10. Written warnings shall only be issued in conjunction with a citation issued for another charge.
11. Utilize the in-car-camera and Body Worn Camera consistent with the East Lansing Police Departments Mobile Video Recorders Policy.
12. If the violator wishes to make a complaint against the conduct of the officer, the officer will advise the violator that they may appear at or call the police station to speak with a Shift Supervisor. Officers shall provide their name and badge number upon request.

#### D. Ticket Quotas

Per MCLA §257.750 a police officer shall not be required to issue a predetermined or specified number of citations, including parking or standing violations. A police officer's performance evaluation shall not require a predetermined or specified number of citations to be issued.

#### E. Arrests, Citations, Warnings

##### 1. Physical Arrests or Warrant Requests

- a. Physical arrests will be made for traffic related felonies and OWI's consistent with applicable state laws and contingent upon satisfying the probable cause standard, except as noted herein.

2. Fatal or Serious Injury Accidents:
  - a. These cases should be reviewed by the Ingham County Prosecutor's Office as circumstances may warrant, prior to physical arrest or final disposition. *Citations shall not be issued prior to prosecutorial review and approval.* Safety or liability issues such as a drunk driver being involved in a fatal collision would require lodging the subject to protect the public. In some cases, the likelihood that a driver won't appear for arraignment may necessitate lodging or taking bond of the individual. In such cases, the investigating officer should contact the on-call prosecutor (with supervisory approval) from the scene prior to making a disposition.
3. Felony Traffic Enforcement Arrests
  - a. Citations should not be issued in conjunction with traffic related felony arrests.
  - b. In cases of non-alcohol traffic misdemeanors, and/or second and subsequent traffic offenses, committed in the presence of an officer, a physical arrest may be made when circumstances suggest.
  - c. If a misdemeanor is committed, however not in the officer's presence, a physical arrest may be made if the officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it. This includes Michigan motor vehicle violations under §764.15
  - d. OWI/OUID/Zero Tolerance Driving offenses will be handled pursuant to the requirements of the directive for Alcohol Related Driving Offenses MCLA 257.625.
4. Citations and Verbal Warnings: [3.6.3a]
  - a. When traffic violations committed in the officer's presence and the criteria for a physical arrest/warrant request (cited above) do not apply, a ULC may be issued. Violations for which fines and costs are waived upon correction or compliance with the statute shall be indicted as such on the citation by checking the appropriate box.

- b. When a violation is committed in an officer's presence, a verbal warning may be issued to a driver if in the officer's opinion the violation was inadvertent. The verbal warning to the offender shall be courteous and tactful. It should inform the driver of the danger associated with the violation, in order to gain future compliance with traffic laws and safe driving practices. (Note: Written Warnings shall only be issued in conjunction with a citation issued for another charge).
- c. A police officer should issue a misdemeanor or civil infraction citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation; the officer has reasonable cause to believe that the person had committed a traffic violation in connection with the accident. (MCLA 257.728, 257.742).
- d. When traffic misdemeanors are not committed in the officer's presence, the suspected driver will be released and a warrant will be sought through the East Lansing City attorney's Office or the Ingham County Prosecutor.
- e. An officer may issue a civil infraction to a traffic violator based upon a written complaint as reported by a citizen witnessing the violation, if the officer has reasonable cause to believe that the driver is responsible, and the Ingham County Prosecutor or East Lansing City Attorney authorizes in writing the issuance of the citation, pursuant to MCLA 257.742. (Note: The procedure for processing School Bus Violations is covered by MCL 257.682(3).)

5. Citation Issuance: [3.6.3b]

- a. Citations shall contain all information required under state law and consistent with departmental guidelines for completion of documents.
- b. The issuing officer shall provide the appropriate copy of the form to the violator and turn the remaining copies in to the ELPD Records Bureau prior to the end of the officer's workday, unless warranted by E-Citation/Iytech.
- c. Officers should inform the driver whether it is mandatory or optional to personally appear in court and the appearance date or time frame for answering the citation.

6. Confiscating Registration Plates
  - a. Registration plates shall be confiscated from stopped vehicles when:
    - i. The plate has been illegally used on a vehicle other than the vehicle to which it was assigned.
    - ii. The driver of the vehicle is subject to “repeat offender” actions, the plate shall be confiscated and a temporary registration issued according to Michigan SOS guidelines.
    - iii. Plates shall be disposed according to the SOS guidelines and Departmental procedures for handling property and evidence.
7. Out of state drivers (3.6.4a)
  - a. If an out of state driver so requests, and a judge or magistrate is immediately available, the officer shall take the driver before the court.
  - b. Officers shall not take money or a driver's license in lieu of bond when issuing a civil infraction citation to an out of statedriver per MCL 257.749.
  - c. If a bond is taken from an out of state driver, it shall be taken in accordance with interim bond procedures.
8. Juvenile Violators [3.6.4b]
  - a. Violators eighteen years of age and younger that are issued a civil infractions will be processed in the same manner as any civil infraction through District Court. When a driver under the age of eighteen years is issued a misdemeanor traffic violation or is arrested on a traffic felony, the charge will be processed through juvenile court. When issuing traffic misdemeanor citations to juveniles, check the box “Juvenile Court will notify.”
9. Special Circumstances [3.6.4d, e, f]
  - a. Diplomatic officers, career consular officers, United States Legislators and State Legislators may be immune from arrest and/or prosecution under certain conditions. The

officer may not be able to discern the extent of the immunity immediately in the field. Such persons should be released on minor traffic offenses and lesser traffic offenses. In more serious crimes, the officer shall contact the on-duty supervisor to contact the on-call prosecutor and the crime should be reported consistent with the provision stated in the directive for "Arrest Management."

- b. A peace officer may take into custody and detain for the military police, any member of the Armed Forces, found in violation of civilian or military law. An officer issuing a civil infraction to a person in "active" Military Service shall mark the appropriate box on the citation form. Active Military personnel shall then not be detained further for a civil infraction charge.

10. Driver Referrals for Re-examination [3.6.4c]

- a. Officers who have reason to believe that a driver may be unable to operate a motor vehicle safely due to a mental or physical infirmity, or disability, should refer the driver to the Michigan Secretary of State (SOS), Bureau of Driver Improvement for re-examination as provided in MCLA §257.320.
- b. During their contact with drivers, officers should be alert for evidence that may justify re-examination. This may include mental infirmities or disabilities, vision deficiencies, convulsions, seizures, blackout episodes, or any other reason driving may be affected. In cases where an officer has reason to believe a condition exists, the officer shall complete the Request for Re-examination, State of Michigan form OC 88.

11. Detention and release of traffic law violators

- a. An officer may detain a person for the purpose of issuing a traffic citation. However, once the purpose of the initial traffic stop is completed the officer cannot detain the vehicle or its occupants any longer. If an officer observes something occurred during the traffic stop to generate reasonable suspicion of criminal activity then a longer period of detention may be justified.
- b. An officer may order the driver/violator and passengers of a lawfully stopped vehicle, out of the vehicle, for the



increased safety of the officer(s).

- c. The citizen should be clearly informed that they are free to go
- d. The citizen should be released at any time they withdraw their consent to remain unless criminal activity or contraband has been uncovered.
- e. Consent searches of motor vehicles: Officers should request consent to search from a driver only when there is an articulable reason for this course of action to be pursued.

## 12. General Traffic Assistance

- a. Officers are expected to respond to the motoring public and offer general and emergency assistance to protect life, to protect property and to facilitate the safe and efficient movement of traffic. When a citizen makes a request seeking information or directions, the officer will make a reasonable attempt to assist the person in securing that information.
- b. Upon observing or responding to stranded motorists, officers should use the patrol vehicle and emergency lights to protect the scene. The officer is responsible to determine if an emergency exists and if so, provide first aid and/or summon the appropriate emergency assistance.
- c. When no emergency exists, the officer should reduce the hazard on the roadway by arranging assistance for the motorist, such as a wrecker service or the summoning of additional help.
- d. Officers may utilize the cadet desk personnel or dispatch center assistance to make reasonable telephone calls for the motorist to secure assistance.
- e. Officers shall not abandon motorists in or along the roadway unless some type of assistance has been secured, except to respond to an emergency call for service. If the officer must leave the motorist before securing help, they shall notify the dispatch center of that situation.

13. Identifying and Reporting Roadway Hazards

- a. Officers shall remain alert during their patrols to identify unsafe driving conditions or roadway hazards. If an unsafe condition or hazard may be safely and readily corrected then the officer should take that action. Otherwise, if the situation cannot be readily corrected, the officer will advise his/her supervisor who will then complete appropriate notice to the Ingham County Road Commission, MDOT, or other responsible entity.
- b. If the situation presents an immediate risk to public safety, then the officer should remain at the scene to warn approaching motorists until the situation is corrected or sufficiently controlled.
- c. If officers observe road debris, trash or other items in the road, they should stop and remove items from the road or call appropriate authorities to have the items removed, if too big or dangerous to move.

14. Newly Enacted Traffic Laws

- a. Officers shall stay informed on newly enacted traffic laws via East Lansing Police training briefs and Michigan State Police legal updates.
- b. Officers should give motorists a reasonable amount of time once a new traffic law is enacted, traffic control devices are changed, or traffic pattern is changed before issuing citations for violations.

**IV. CANCELLATIONS**

None

Authorized By:

  
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Kim Johnson, Chief of Police

