

March 14, 2011

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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TRAFFIC ENFORCEMENT AND TICKET PROCEDURES

453.00 PURPOSE

The purpose of this General Order is to establish uniform procedures for taking enforcement action incidental to traffic law violations and the issuance and distribution of traffic tickets.

453.01 POLICY

Proactive traffic enforcement and stops are an effective and important law enforcement function. Enforcement efforts are critical in saving lives and reducing injuries that are attributed to either drunk driving or individuals that wantonly violate the traffic laws of our state and communities. In addition, traffic law enforcement is an effective tool in gathering evidence, apprehending fugitives and combating illegal drugs, illegal weapons and other criminal activity.

The Ferguson Police Department traffic enforcement program shall be directed at the reduction of traffic crashes and insures that enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Warnings may be substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. The department discourages emphasis on quantitative enforcement activities; however the department acknowledges that both qualitative and quantitative emphases are integral to the department's traffic safety program.

Guidelines for the issuance of traffic summons at the scene of traffic crashes is found in GO 486.03.

453.02 CITATION TYPES (Notice to Appear)

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The Ferguson Police Department uses two types of tickets or summonses which are uniform to the state of Missouri and each uniquely numbered with the series of numbers assigned to the department by the Missouri State Highway Patrol.

1. Paper based Uniform Tickets in books of 25 citations issued to officers for use on foot patrols or in vehicles not equipped with mobile computers; and,
2. Mobile Ticketing which is an element of Information Technologies Inc. (I.T.I.) software operated and maintained by I.T.I. Mobile ticketing allows the officers to prepare and enter citations on mobile computers. Mobile Ticketing generates unique numbering for each citation issued by any officer and is stored in the I.T.I. computer system.

Officers must be able to establish probable cause to charge someone with a traffic offense. Officers will maintain their knowledge of individual state traffic laws and city ordinance violations by review of printed laws maintained in the commander's office or by review of the on-line internet statutes and ordinances.

Generally, officers will only issue tickets to violators for offenses that they personally observe unless follow-up investigation establishes probable cause, i.e. traffic crash reconstruction. In any case, officers using paper based tickets MUST complete the Racial Profiling Data section in the I.T.I. system to document the stop. Further procedure is found in General Order 401 *Bias Based Profiling* and Mobile Ticketing will provide the officer with a link to the Traffic Analysis form used for entry of traffic stop data. This information must be completed for all vehicle stops.

- A. All appropriate spaces will be filled in on the face of the ticket and a full description of the violation written in the "Describe Violation" box. There will be only one charge per each ticket.
- B. If the handwritten paper based ticket has been signed by the violator, the yellow copy will be his copy of the ticket, the issuing officer will retain the pink copy, and the remainder will be turned into the squad supervisor at the end of the watch. (*See section 453.09*)
- C. If a violator has produced identification, but refuses to sign the handwritten paper based ticket, the officer may write "Refused" on the signature line and release the violator. (If the violator is a non-resident of this agency's service area and the violation is a moving violation, the municipal court will apply for a license suspension and warrants will be issued for Failure to Appear if the court appearance is not met.)
- D. All handwritten (paper based) traffic tickets are entered into the department Delores McCombs (Paradox) records management system by Court personnel.

E. Certain traffic violations can be paid at the Traffic Violations Bureau (TVB). The officer issuing the ticket will advise the violator if their appearance in court is mandatory. Excluded from the policy of paying at the Traffic Violations Bureau are the following charges:

1. Careless and Reckless Driving
2. Driving While Intoxicated
3. Driving Under the Influence of Alcohol or Drugs
4. Leaving the Scene of an Accident
5. Speeding in Excess of 20 MPH of the limit
6. Revocation of Driver's License
7. Suspension of Driver's License
8. Allow an unlicensed driver to drive
9. Violations when driving with an instruction permit
10. Not motorcycle qualified
11. Not a licensed driver
12. Destruction of City Property

453.03 WARNINGS

Warnings are an effective tool to change driver behavior and should be used for first time violators, minor traffic offenses, infractions and inadvertent violations.

453.04 ENFORCEMENT ACTIONS AND PHYSICAL ARRESTS

A. Officers have discretion in the decision to give a violator a citation or verbal warning. The following type violations meet these criteria:

1. Speed Violations – citation or warning
2. Most Hazardous Violations – citation or warning (exceptions below)
3. Equipment Violations – citation or warning
4. Non-hazardous Violation- citation or warning
5. Public Carrier/Commercial Vehicle Violations – citation or warning
6. Violation resulting in traffic accident violation – citation or warning

B. Generally, traffic law violations do not require a custodial arrest; however, full custodial arrests will be made when the following circumstances exist:

1. Driving under the influence of alcohol/drugs – custodial arrest
2. Careless and Reckless (multiple moving violations)
3. Driving While Revoked
4. Driving While suspended (unless a valid driver is in the vehicle and can take over operation of the vehicle)
5. Leaving the Scene of an Accident (felony)
6. No Operators License (when driver was never issued one)
7. Traffic violation is in conjunction with other criminal law violations

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8. The violator lacks positive identification
- C. Issuing multiple tickets for similar violations is discouraged and when presented with this situation, tickets should be limited to the most serious offense(s).
- D. Warrant Applications - The following violations require a full custody arrest and warrant application to the St. Louis County Prosecuting Attorney's Office:
 1. If the subject has a prior conviction in a municipal or state court for a DWI, DUI or BAC offense.
 2. An accident involving a driver, who was driving recklessly or in an intoxicated condition or under the influence of drugs and causes serious injury to another.
 3. Any additional state violations should be added to the booking sheet and warrant applications made on these violations.
- E. Newly enacted laws and/regulations will be posted on P.A.S.S. and the desk book for review.
- F. Bond Requirement and Amounts

The City of Ferguson Municipal Court has established bonds requirements and amounts for traffic and criminal violations.

453.05 STATE CIRCUIT COURT SUMMONS

Effective January 1, 2003 all officers are required to use a re-formatted MUCS for STATE traffic charges. Effective July 1, 2003 this new form will be required for ALL traffic charges, including municipal.

- A. The following steps are required to issue a Summons for Circuit Court:
 1. Use ONLY the State Court summons and enter St Louis County in the "CIRCUIT COURT" box. (Write Division 21.)
 2. Enter the State Statute number in the "VIOLATION OF" box and complete all other entries as appropriate.
 4. The violator will be advised that the citation will be sent to the Circuit Court for assignment to a division and that the Circuit Court Division to which it is assigned will notify the violator of the court date and time.
 5. The citation must be signed by the officer issuing it.

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- B. A report will be written in every instance where a custodial traffic arrest is made and a copy forwarded with the summons to the Circuit Court.
- C. On a DWI arrest, prior to issuing a summons, run a DOR check to determine if the violator has had prior DWI convictions.

453.06 JUVENILE TRAFFIC OFFENDER

The following procedures will be followed for traffic offenses involving persons under the age of seventeen.

- A. DWI and other traffic offenses for juveniles under fifteen and one half (15 1/2) years of age: Juveniles under fifteen and one half (15 1/2) years of age will be referred to the Family Court regardless of the seriousness of the traffic offense. In cases where a ticket would be written, issue a MUCS and write "To be notified" in the space designated for the court date. All copies of the MUCS should be attached to a police report and sent to Family Court. The juvenile may be released to their parent or guardian upon completion of the investigation.
- B. Non-Felony Traffic Offenses for fifteen and one half (15 1/2) to seventeen years of age: The Family Court does not have jurisdiction over a fifteen and one half (15 1/2) year old charged with non-felony traffic violations. Consequently, a 15 1/2 year old charged with a non-felony traffic violation may be fingerprinted and photographed pursuant to usual adult booking procedures without securing prior consent of the Family Court. These cases will be referred to adult, or Municipal Court. It is the policy of the Ferguson Municipal Court that a parent must accompany any traffic violator under the age of seventeen. Therefore, officers shall write on the margin of the summons "Must appear in court with a parent."
- C. Felony Traffic Offenses: Traffic violations that constitute felonies involving everyone under the age of seventeen will be referred in the usual way to the Family Court. (This includes 3rd offense DWI and LSA - Leaving the Scene of an Accident with personal injury or damage over \$1000).

453.07 COMMERCIAL VEHICLE / PUBLIC CARRIER ENFORCEMENT

State law requires operators of commercial vehicle and public carriers to possess a valid Commercial Driver's License (CDL). Officers should be familiar with the special restrictions and requirements for persons with CDL's and should take appropriate action in regards to violations. Officers may utilize Missouri State Highway Patrol Commercial Vehicle Inspectors. Officers may order that a vehicle is transported to the nearest MSHP weight station for vehicle weight measurement. In addition, MSHP Commercial Motor Vehicle Inspectors may conduct an equipment inspection at our request. Either the MSHP Commercial Motor Vehicle Inspector or the MSHP Trooper may issue the appropriate summons.

453.08 CITATION CONTROL LOGBOOK – ACCOUNTABILITY

- A. The Missouri Uniform Complaint and Summons books will be issued by the Assistant Court Clerk to the Officers.
- B. The Assistant Court Clerk will order the needed supplies of the violation books and will maintain control of and receipt for new shipments of it.
- C. The Assistant Court Clerk will issue violation books to the Officers and maintain a control log.
- D. At the time a book is issued to an Officer the Assistant Court Clerk will enter the following information into the Control Log Book maintained by the Assistant Court Clerk:
 - 1. Date of issuance
 - 2. Officer's name
 - 3. Beginning control number
 - 4. Ending control number
- E. Officers are accountable for the tickets issued to them. Completed, voided or destroyed tickets will be forwarded within two days from date issued.
- F. Officers will not maintain more than three (3) MUCS books at a time.
- G. Officers will maintain the officer's copy (pink copy) of the MUCS for a period of one year from date of issue.
- H. In the Mobile Ticketing System, the software includes a section for officer's notes that can be stored in the database and recalled by the officer at a later date and printed if needed
- I. Mobile Ticketing citation numbers are generated by the system and assigned to the officer logged onto the system. The citations are copied from the I.T.I. system by an assigned clerk for municipal records.
- J. Mobile ticketing will provide a link to the Traffic Analysis form used for entry of traffic stop data. **This information must be completed for all vehicle stops.**
- K. The municipal court will provide court dates for the issuance of all summonses.
- L. Officer's Signature – On paper based tickets, the officer must sign his/her name legibly and note his/her DSN where indicated. Tickets printed on the Mobile Ticketing System will have the officer's name printed by the computer and the entry of the ticket into the system constitutes the officer's electronic signature.

- M. Paper based tickets - Violators are asked to voluntarily sign tickets in the paper based format only, as an acknowledgement that they received the ticket and as a promise to appear in court. The violator cannot be compelled to sign the ticket. The violator's copy of the ticket, with envelope and fine/court cost instructions, will be given to the violator.
- N. Mobile Ticketing System – Upon completion of the ticket on the Mobile Ticketing System, print one violator's copy and issue it to the violator along with the pre-printed envelope with fine and cost instructions. The violator does not need to sign the ticket.

453.09 FERGUSON MUCS TRANSMITTAL SHEET:

- A. Each officer who issues a paper based ticket will record the ticket number on a FPD transmittal Sheet. The officer will attach all court copies of the tickets to the transmittal sheet and surrender them to their respective supervisor at the end of watch.
- B. The supervisor will review all transmittal sheets verifying the ticket numbers and will initial the transmittal sheet indicating its accuracy. The tickets and transmittal sheet will be placed in a 9 X 12 envelope, sealed and placed into the drop box of the Court Clerk.
- C. Upon receipt of the transmittal sheet envelopes a designated court clerk will verify the ticket numbers with each transmittal sheet, initial sheet as inspected indicating its accuracy, then file the transmittal sheet as a court record.
- D. If the court clerk finds a discrepancy on a transmittal sheet the supervisor will be notified and they will review the sheet for accuracy. Discrepancies will be investigated thoroughly until resolved.

453.10 VOIDED MUCS

In the event a MUCS needs to be voided, said item will not be entered on the Transmittal Sheet. An FPD memorandum will be prepared by the issuing officer stating the reason for the request to void the item. The tickets will be attached to the Memo and forwarded to the Chief of Police. Voided MUCS will then be entered into the Voided Summons Control Log maintained by the Assistant Court Clerk. The Assistant Court Clerk will forward voided MUCS to the Court Clerk in a separate Transmittal Sheet.

453.11 AMENDED/DISMISSED MUCS

In the event an officer requests an amended or dismissal on one of his/her MUCS a memorandum will be prepared for the Court Clerk stating the reasons. The Court Clerk will present the memorandum to the Ferguson Prosecuting Attorney or the Ferguson Judge for review.

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453.12 LOST OR STOLEN MUCS

In the event a MUCS is lost or stolen, the officer shall immediately report this to a supervisor. A police report will be written documenting the incident.

453.13 COURT DISPOSITIONS

The Ferguson Municipal Court logs and maintains dispositions of traffic citations in the Delores McCombs (Paradox) records management system. The system has the status and/or final disposition recorded for every summons received by the court. Officers can obtain status and disposition information by contacting any one of the court clerks.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel