

WICHITA POLICE DEPARTMENT

POLICY NO. 407

SUBJECT: TRAFFIC ARRESTS AND CITATIONS		
Issue Date: 8-10-2017	Effective Date: 9-22-2017	Distribution: All Personnel
Amends/Rescinds 4-6-2015		Review Date: February 2019
Gordon Ramsay <small>Digitally signed by Gordon Ramsay Date: 2017.08.11 13:31:37 -05'00'</small>		
<i>This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

I. PURPOSE

The purpose of this policy is to provide officers with guidelines relative to issuing citations and making arrests based on traffic violations.

II. POLICY

It is the policy of the Wichita Police Department that officers will take appropriate enforcement action in response to traffic violations of City Ordinance and Kansas State Statutes. Officers should have the following objectives in mind when undertaking traffic enforcement actions.

1. Prevention of traffic crashes and hazardous conditions
2. Taking immediate action to interrupt an ongoing violation of the law
3. Detecting any evidence of a more serious violation
4. Having a positive effect on the motorist's future driving behavior.

All enforcement Actions will be accomplished in a fair, impartial and courteous manner, and may encompass the following:

1. Physical Arrest
2. Traffic Citation
3. Written Warning (warning citation)
4. Verbal Warning

The safety and welfare of the community should be considered in determining which options to use.

III. DEFINITIONS

Handicapped Parking Space: Pursuant to K.S.A. 8-1, 128: "All parking spaces designated for the handicapped shall be clearly marked by vertically mounted signs bearing the international symbol of access. Such signs shall be displayed with the bottom

of the sign not less than thirty-two (32) inches above the surface of the roadway.”

IV. PROCEDURES

A. Traffic Citation Accountability

1. Officers will obtain all traffic citation books and parking ticket books from the Records Bureau. All traffic citation and parking ticket books will be stored in a secure location in the Records Bureau. A citation tracking log will be maintained on the secure portal by Records employees who will log each citation book issued. The appropriate citation series numbers from each book must be noted on the tracking log along with the officer’s name and date of issuance.

B. Mandatory Booking

Any person, age 18 and above, regardless of his/her state of residence, shall be arrested and booked if they are charged with any of the following traffic offenses:

1. Any traffic felony
2. Fleeing or Eluding a Police Officer, which meets the criteria set forth in K.S.A. 8-1568 as amended July 1, 1999, or city ordinance 11.16.050(b).
3. Driving Under the Influence:
 - a. Alcohol-11.38.150(a1) or (a2) or (a3);
 - b. Drugs-11.38.151 (a4);
 - c. Drugs & Alcohol-11.38.150(a5);
 - d. Commercial Vehicle-11.38.155
4. When, through a record check on the driver, the officer is informed of the existence of a warrant.

C. Options for Misdemeanor Traffic Violations

Misdemeanor traffic offenses include: Hit and Run, Reckless Driving, Concealed/Altered Defaced Tag, Illegal Tag (only when tag lost or stolen).

1. Officers will complete appropriate reports including KDOR, arrest report and accident report.
2. If positive identification is made, officers may do one of the following for a misdemeanor traffic offense
 - a. Arrest and book into Adult Detention Facility (ADF);
 - b. Arrest, transport to ADF issue offender an NTA then take them to the front of the jail either by transporting or walking them through the jail,

and release;

- c. Issue an NTA, include a court date on offender and court copy, and release offender on scene.

D. Procedure for Drive on Suspended, Canceled, or Revoked License

1. The offender may be issued an NTA and released on scene if the vehicle can be released to an individual with a valid driver's license or left legally parked.
 - a. If a car is legally parked, offender should be instructed not to drive and if caught will be subject to arrest and additional charges.
 - b. If officer finds offender driving vehicle immediately after release, the presumption is the offender should be arrested and booked on an additional charge, but that decision is subject to staffing levels and call volume at that time.
2. A case number, KSOR, and arrest report are not required for suspended, canceled or revoked license unless:
 - a. The car was impounded; or
 - b. Property was submitted; or
 - c. Vehicle was searched; or
 - d. Officer is unable to identify the offender; or
 - e. There are additional charges or circumstances that would require a report, such as drugs, DUI, etc.
3. An officer who arrests a person for driving while his/her license was suspended or revoked shall staple a copy of the teletype to the person's driver's license and shall turn them in with his/her mail at the end of the shift. Records Bureau personnel shall ensure that any D.L.'s with an attached print out received are forwarded to the Accident Follow-Up Unit.

E. Driver's License Must Be Submitted as Evidence

An Officer must turn in as physical evidence the driver's license of any person arrested for any of the following:

1. Displaying a suspended/revoked driver's license while not driving [i.e. for identification purposes];
2. Displaying another driver's license/identification as one's own;
3. Possession of an altered, defaced, or fictitious driver's license.

F. Traffic Citations

1. With the exception of the offenses stated in Sections A, B, C, D all other traffic violations are considered traffic infractions. Officers shall issue a traffic citation, and shall not arrest an offender who has committed only a traffic infraction.
2. All traffic violators will be requested to sign the citation. Should the person refuse to sign, the officer shall print the word refused in the offender's signature block and issue the citation to him/her. Refusal to sign a citation does not provide sufficient grounds to arrest the violator; instead, the violator shall be referred to the back of the citation for disposition information.

G. Multiple Violations

1. When a traffic misdemeanor is committed in conjunction with a traffic infraction, the officer shall list the traffic misdemeanor and the traffic infraction on the same citation. The violator shall then be booked and charged on all violations.
2. The number of infractions on a citation shall not exceed five (5), with additional citations issued as needed.
3. An officer shall not book an offender HFSW on any charge and issue a citation for events occurring at the same time. If one charge is HFSW, all charges must be.

H. Warning Citations

A written warning, in the form of a Warning Citation, may be issued to the driver of a motor vehicle who has committed certain traffic infractions.

1. A warning citation may be issued for traffic infractions which are primarily non-hazardous in nature. A warning citation may be issued for defective equipment infraction and minor moving infractions including, but not limited to the following:
 - a. No driver's license in possession, when the officer has identified the driver, and a valid license exists
 - b. Minor equipment defects
 - c. No turn signal
 - d. Other infractions where education will accomplish the same goal as enforcement
2. Officer will exercise individual discretion and will consider the elements of the infraction, the severity of the infraction, and the totality of the circumstances when they determine whether a traffic citation or a warning citation is issued. The following aggravating circumstances and/or mitigating factors will be considered:

- a. Aggravating Circumstances may include the following:
 1. The violator was involved in a traffic accident or near collision
 2. Significant interference with traffic occurred, or another motorist was forced to take evasive action
 3. Considerable traffic was present
 4. The degree of the infraction was great
 5. Potentially dangerous or hazardous driving conduct
 - b. Mitigating factors may include the following:
 1. Other traffic was light
 2. There was no interference with other traffic
 3. The degree of the infraction was minor
3. Warning citations are not appropriate for infractions which have caused accidents.
 4. Officers will complete a warning citation and forward the original in the same manner as a traffic citation.
 - a. The violator will be asked to sign the warning citation and will be given the carbon copy.
 - b. The violator will be told that the warning citation was issued in lieu of a traffic citation and that there is no fine or court appearance necessary.
 - c. Should the person refuse to sign, the officer shall:
 1. Explain that the warning citation is a written warning with no direct penalty attached
 2. Should the motorist still refuse to sign, the officer will issue a regular traffic citation, following existing policy and procedure for refusal to sign. Refusal to sign a warning citation does not provide sufficient grounds to arrest the violator.

I. Juvenile Traffic Violators

1. Juvenile traffic violators age fourteen (14) through seventeen (17) generally will be dealt with in the same manner as adults for all other violations; i.e. citations may be issued.
2. Juvenile traffic violators age ten (10) through thirteen (13) shall not be issued a traffic citation for any offense. Documentation of traffic infractions committed by this age group shall be made by completing an Incident Report and routing a copy to the Juvenile Court Liaison Officer. Should an officer believe the violation is serious enough to warrant prosecution, he/she shall request the Juvenile Court liaison to draw a petition.

3. Cases in which a juvenile ages ten (10) through seventeen (17) is to be charged with vehicular homicide or with involuntary manslaughter involving a motor vehicle shall be documented with the following:
 - a. An incident report;
 - b. A WPD Motor Vehicle Accident Report;
 - c. A State of Kansas Motor Vehicle Accident Report;
 - d. Any applicable impairment paperwork (i.e. D.C. 27, D.C. 28, D.C. 70, Alcohol Influence Report.)

These reports shall be forwarded to AFU for prosecution through the juvenile court.

4. When the nature of a traffic offense requires that a juvenile ages fourteen (14) through seventeen (17) be processed at the Juvenile Detention Facility (JDF), refer to Policy 305-Juvenile Arrests. In these cases, an Arrest Report must be used as the booking document for JDF. An Incident Report shall also be completed and routed to the appropriate section.

J. Voiding Citations

1. Citations voided before issuance:
 - a. If a citation is voided before it is issued (e.g., citizen found insurance or driver's license), the officer will write VOID across the front of the citation.
 - b. On the back of the citation, the officer will write a brief explanation of the reason for voiding the citation and have a supervisor sign it.
2. Citations voided after issuance:
 - a. If a citation has already been issued to the violator, only the Chief of Police or a Deputy Chief may dispose of the citation.
 - b. If an employee voids a citation after issuance without approval by the Chief of Police or a Deputy Chief, the employee will be subject to discipline [refer to Regulation 3.109 & 3.110].
 - c. If a citation is voided for charging purposes the change must be approved by a supervisor.

K. Parking Citations on Private Property

Officers shall take the following actions when writing parking citations on private property:

1. Check "Miscellaneous" on the citation and write in the ordinance number for

- Parking on Private Property;
2. Write the name of the property/owner/agent on the back of the citation;
 3. Advise the property owner/agent that he/she may be required to appear in court to testify concerning the citation.

L. Private Security Handicapped Parking Enforcement

1. Unlawful parking in a clearly designated handicapped parking space shall be enforced when:
 - a. Any person stops or parks a vehicle in any parking space designated as handicapped parking without displaying a special license plate, permanent placard, or disabled veteran license plate and an individual identification card or valid temporary permit. A properly marked vehicle for the handicapped may be operated by a non-handicapped person. However, the vehicle may only be parked in a handicapped space when the non-handicapped person is actively transporting a handicapped person or a disabled veteran.
 - b. Any person stops, stands or parks a vehicle so that it blocks access to a space designated for handicapped parking or access ramp.
2. Persons operating vehicles which meet the requirements set forth in Section J (1a) may back into public parking spaces or park diagonally in two (2) regular parking spaces if there are no handicapped parking spaces available.
3. Private security personnel may request a citation be issued for violation of handicapped parking on private property which is under the control of the private security officer's employer.
 - a. If the vehicle has left the scene prior to the arrival of the Police Officer/Ambassadors, he/she shall complete a citation, using the information provided by the private security officer. The private security officer shall sign the citation as the complainant in the space designated for "Signature and Identification". The Police Officer/Ambassadors shall also sign and place his/her identification number above the signature of the private security officer. In addition, he/she shall back the citation by printing the private security officer's full name, business address, daytime telephone number, the business name, and the business owner or manager's name on it. The original citation and all copies shall be submitted to the Municipal Court at the end of his/her tour of duty. The Court shall be responsible for mailing the violator's copy of the citation to the registered owner of the vehicle.
 - b. In the event, the private security officer does not have all the information required to complete the citation, or he/she refuses to sign the citation,

the Police Officer/Ambassadors shall not issue a citation.

M. Foreign Driver's License

1. Persons who are nonresident aliens may drive in Kansas with a license issued by their country of citizenship. They do not require a US License.
2. They may also possess an "International Driver's Permit" issued by the Automobile Association of America (AAA). This document translates their license into English so that Law Enforcement can better understand it, but is not a valid license and must be accompanied by their Driver's License.
3. Licenses issued by foreign governments should not be seized unless there is proof the document is altered or fictitious.
4. Should any stop of a foreign citizen result in an arrest, refer to Policy 514-Arrest and Detention of Foreign Nationals.