POLICY/PURPOSE:
It is the policy of the Cedar Rapids Police Department (CRPD) that motor vehicle stops will be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist, and the other users of the roadway. Refer to the Stopping and Approaching Vehicles directive for additional information.

All uniformed on-duty police officers are responsible for the traffic law enforcement function. Enforcement action incidental to traffic law violations will be carried out by physical arrest, written citation, or verbal warnings. No system emphasizing quantitative enforcement, such as ticket quotas shall be utilized.

DEFINITION:
Discretion: [1.2.7]
Refer to Arrest Procedures directive.

UNIFORM ENFORCEMENT POLICIES: [61.1.5c]
A traffic stop has great impact on the person being stopped. The manner in which officers conduct themselves often creates a lasting impression. Less than professional conduct such as lack of courtesy, condescension, rudeness, and hostility not only create an unfavorable impression of the officer involved, but also of the CRPD and law enforcement in general. All officers:

- Are prohibited from racial profiling.
  - Refer to the Bias Based Profiling directive for additional information.
- Will use discretion where discretion is allowed to encourage proper driving habits.
- Are responsible for maintaining an up-to-date knowledge of Iowa traffic laws and local ordinances.
- Will take a fair, appropriate, and consistent enforcement action.
- Will be polite, courteous, and refrain from arguing with the motorist.

Officers must have legal justification (Reasonable Suspicion or Probable Cause) or legitimate and articulable safety concerns in order to stop a motor vehicle.
When deciding on the appropriate enforcement action officers should consider the seriousness of the violation and the circumstances surrounding the violation. CRPD officers will use discretion concerning most traffic related offenses. In instances where the offense is a simple misdemeanor, officers may opt to warn or cite the violator.

- Violators residing outside of the state of Iowa shall be handled in the same manner as those residing in the state. [61.1.3a]
- Juveniles who commit traffic violations shall be handled in the same manner as adults; however, in the case of juvenile offenders; the least restrictive means for handling a violation shall always be used. If the violation is a serious misdemeanor or above, the juvenile shall be fingerprinted and photographed. [44.2.1b; 61.1.3b]

When deciding to arrest and take a person into custody for a citable offense, the officer should have an articulable reason for this action. The reasons may include but are not limited to: [61.1.2a]

- The driver’s identity is unknown or cannot be proven
- Prior knowledge on the part of the officer of the offender missing previous court dates
- Absence of an identifiable residence address
- Refusal to sign citation

Physical arrest should be utilized for serious offenses, such as but not limited to: [61.1.2a]

- Vehicular Homicide
- Eluding
- Operating While Impaired (OWI)
- Extreme Reckless Driving
- Assault with a Motor Vehicle
- Personal Injury Hit and Run
- Suspended, Revoked, or Barred drivers

There may be other incidents in which a violator should be arrested. The decision to arrest should be based on sound legal principles as opposed to peripheral issues such as the violator’s attitude.

Citations may be issued when an officer feels a violation was hazardous, intentional, or in the officer’s opinion, warrants the action. Officers will: [61.1.2b]

- Advise the violator of the reason for the stop
POLICY TITLE: Traffic Enforcement and Citations

STANDARD/REF #: 1.2.7; 44.2.1b,d; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.8; 61.1.9; 61.1.12; 82.3.4

APPROVED BY: Wayne Jerman, Chief

REVIEWED DATE: 10/7/2019

REQUIRED REVIEWERS: Patrol Captain

REVISED DATE: 10/7/2019

SUBJECT MATTER EXPERT: Special Operations Commander; Traffic Unit Commander

- Advise, if appropriate, that a citation will be issued and for what violation
- Explain citations to the best of their ability, including:
  - Court appearance schedule [61.1.4a]
  - Optional or mandatory nature of court appearance by the motorist [61.1.4b]
  - Options of paying the scheduled fine or appearing in court [61.1.4d]
  - Payment instructions - Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or in person to the Linn County Clerk of Courts office, or online at Iowa Courts Online [61.1.4c]
  - Signing the citation is not an admission of guilt. [61.1.4d]
  - Any contest to the citation should be handled in court. [61.1.4d]

- If the violator refuses to sign a citation, the violator may be taken into custody. The citation is in lieu of a custodial arrest. [61.1.2a]
- Warnings may be appropriate for non-hazardous or inadvertent moving violations or minor equipment violations, if the officer feels the warning is sufficient to influence or modify behavior. [61.1.2c]

NOTE: When completing electronic warrant requests, all offenses (including traffic offenses) must be included with an electronic complaint and not a traffic citation.
  ➢ The warrant request is an option available with complaints only and not citations.

Automated Traffic Enforcement (ATE) System:
Employees must follow state and local traffic ordinances as well as departmental policy when operating city-owned vehicles. This includes violations captured with the ATE system. Employees may be subject to citations, fines, and/or internal discipline for violations.

In certain situations, officers may choose not to use emergency lights and sirens if their use would increase the chances of alerting suspects to the officer’s approach. This may include exceeding the posted speed limit or driving through controlled intersections. Extreme caution, discretion, and good judgment should always be exercised when responding to a call without emergency lights and siren in operation. This may only be done when it can be done safely without endangering persons or property.
ATE Violations:
Violations with the ATE system will be reviewed by a commander in the employee’s chain of command. Employees may be reprimanded, or cited and fined for traffic violations resulting from poor judgment, indiscretion, or failure to use necessary due caution. In the case of ATE citation, employees will have all appeal rights as set forth in the ordinance.

- Employees, who demonstrate a traffic violation occurred as a result of justifiable circumstances, will be exempted from further action.

Equipment Violations: [61.1.5d]
Officers may use discretion to warn or cite for equipment and other non-moving violations.

- Extreme safety issues may require officers to prevent a vehicle from being operated and to have the vehicle towed or parked at a safe location until proper repairs can be made.

Multiple Violations: [61.1.5f]
Officer discretion should be used when dealing with individuals with multiple violations. The circumstances and seriousness of the violations should be taken into consideration.

Newly Enacted Laws/Regulations: [61.1.5g]
The Traffic Unit Commander will be responsible for providing information on newly enacted traffic laws along with any different enforcement strategies (if any). When a law goes into effect without an interim period, officers should use discretion to determine if the traffic stop can be used as a learning device for the public or if a citation is warranted.

Non-Hazardous Violations:
Non-hazardous violations are those that are not likely to involve or expose persons or property to risk, loss, or damage. Examples could include, but not be limited to:

- Expired plates
- Failure to Carry Driver’s License on Person

Enforcement action will be at the discretion of the officer.

- Willful and wanton violations should be handled with appropriate action to encourage future compliance.
**Off-Road Vehicles:**
Off-road vehicles can encompass numerous vehicle types and can be hazardous to the driver and other motorists when illegally operated on a roadway. There are few exceptions when an off-road vehicle can be operated on a public roadway.

- Refer to Iowa State Code 321G and 321I for appropriate charges.
- Cedar Rapids City Code 10.03 - Parks Rules prohibits off-road vehicles in city parks unless authorized by the Parks Director.

**Operating While Impaired:** [61.1.5a]
Refer to OWI, Adult and Juvenile directive.

**Other Hazardous Violations:**
Numerous other traffic violations could be considered hazardous. Such violations could under circumstances cause traffic collisions. Appropriate enforcement action should be taken by officers when encountering a hazardous violation. Examples would include, but not be limited to:

- Drag racing
- Failure to Obey Traffic Control Device
- Failure to Yield Right of Way – vehicle or pedestrian
- Careless and reckless driving
- Improper Lane Change

**Pedestrian and Bicycle Violations:** [61.1.5i]
Officers will enforce Cedar Rapids City Code and Iowa State Law with pedestrians and bicycles violations in the same manner as motor vehicle violations.

**Public Carrier/Commercial Vehicle Violations:** [61.1.5e]
Commercial Motor Vehicle (CMV) drivers will be treated the same as the general motoring public.

- Officers may contact the Iowa Department of Transportation (DOT) – Commercial Motor Vehicles division with incidents involving Commercial Motor Vehicles if needed.
- Every person owning, operating or controlling a taxicab or limousine within the City of Cedar Rapids requires licensing and other specific requirements as described in Cedar Rapids City Code 52.
Suspended Drivers: [61.1.5b]
There are numerous reasons why the State of Iowa can suspend, deny, revoke, or cancel a person’s driver’s license, permit and/or their driving privileges. It is imperative that all officers familiarize themselves with the current format and all information pertaining to the interpretation of driver license status printouts.

Whenever checking a Driver’s License (DL) status over the Mobile Data Computer (MDC), officers must:

- Determine the status of the DL.
  - Types of Status’ are:
    - VAL for Valid
    - SUS for Suspended Driver
    - REV for a Revocation
    - BAR for a Barred Driver
    - TRL for Temporary Restricted License
    - OTHER for a no Driver’s License.

- Check the DL Restrictions and Endorsements to verify the driver is in compliance with those shown on the Driver’s License or the Driver License Record.
  - The driver must be qualified to operate the vehicle currently being operated.
    - Refer to the State of Iowa Compendium of Scheduled Violations and Scheduled Fines for further explanation.

- Be knowledgeable of what each endorsement means and be able to recognize when an endorsement is required.
  - Refer to the State of Iowa Compendium of Scheduled Violations and Scheduled Fines for further explanation.

- Review the Driving History where a chronological list by date, shows all convictions, judgments, probation, suspensions, collisions, etc.

- Refer to Charges for Driving while Suspended, Revoked, or Barred Form (CRPD #728) for a list of the appropriate charges located in Police Shares -> FORMS.
  - Refer to Vehicles, Towing and Impounding directive.

- Revoked (321J.21), and Barred (321.561) drivers will be taken into custody.
Suspended (321.218 and 321A.32) drivers may be taken into custody or given a consent to delay. Situations where drivers may be given a consent to delay may include:

- Unclear driving status
  - Depending upon the situation, a warrant request may be more appropriate than a Consent to Delay of Initial Appearance.
- Young children in the vehicle where the driver has a simple misdemeanor
- Other extenuating circumstances

Be aware that any person who is required to turn in their license as a result of a 321.218 Suspension or 321.561 Barrment and has it in their possession may be charged with Unlawful Use of a Driver’s License 321.216.

For all DWLUS, Revocation, and Barrment charges, an Incident Report Form (CRPD #600), Supplement Report Form (CRPD #604), and any additional paperwork such as tow sheets, inventory lists, etc. will be completed.

NOTE: For all charges above a simple misdemeanor, persons must be photographed and fingerprinted or be processed through the booking procedure at the Linn County Correction Center (LCCC) prior to release.

- Juveniles should be processed at the CRPD if possible. If a juvenile is to be processed at the LCCC, the LCCC must be notified prior to escorting any juvenile into the facility.

Non-Resident's Suspensions: [61.1.3a]
If a non-resident's privilege to operate a motor vehicle has been suspended in another state and that person is stopped while driving in Iowa, the non-resident can be charged only for No Valid Iowa Driver's License and not the suspension from another state.

- If a driver’s privilege to operate a motor vehicle in Iowa has been suspended and the driver has a license from another state, the driver is to be charged with the appropriate suspension charge.
  - Do not take the out of state license.

Juveniles: [61.1.3b]
Most traffic related offenses with a juvenile driver will be handled in the same manner as with adults.

- For Operating While Intoxicated (OWI) and .02 “Zero Tolerance” violations with juveniles refer to the OWI, Adult and Juvenile directive.
POLICY TITLE: 
Traffic Enforcement and Citations

STANDARD/REF #: 1.2.7; 44.2.1b,d ; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.8; 61.1.9; 61.1.12; 82.3.4

APPROVED BY: Wayne Jerman, Chief
REVIEWED DATE: 10/7/2019

REQUIRED REVIEWERS: Patrol Captain
REVISED DATE: 10/7/2019

SUBJECT MATTER EXPERT: Special Operations Commander; Traffic Unit Commander

- For Possession Under the Legal Age (PULA) refer to the Juvenile Operations directive.

**Juvenile Driving Suspensions:** [61.1.5b]
Juveniles will be charged with the appropriate charge (the same as if an adult); however, suspensions will be handled differently in most cases.

- If the juvenile is charged with a simple misdemeanor suspension, the same procedure as an adult should be followed; however, the juvenile will be allowed to sign a suspension ticket with a required court appearance date and be released. [44.2.1b]
  - Other citations should be issued in the same manner as they are issued to adults.

- If the juvenile is charged with any suspension charge above a simple misdemeanor, they will be handled by the Juvenile Court. [44.2.1d]
  - The suspension charge will be completed on a Juvenile Blue Sheet Form (CRPD #241).
  - Additional charges, if simple misdemeanors can be issued as normal citations.
  - Fingerprint and photograph the juvenile.
  - Unless there are other criminal charges warranting the juvenile to go to Juvenile Detention, the juvenile will be released to a parent or guardian.

- The juvenile’s parents must be notified if the juvenile is charged with any charge above a simple misdemeanor.

**Violations Resulting in Traffic Collisions:** [61.1.5h]
Refer to the Accident Investigations directive.

**SPECIAL CONSIDERATIONS:**
**Foreign Diplomats and Consular Officials:** [61.1.3d]
Foreign nationals are subject to the laws of the State of Iowa; however, there may be consular notification requirements. If a foreign national is stopped for a traffic violation, or is involved in a motor vehicle crash which requires no special investigation, there are no notification requirements. If a foreign national is physically arrested, detained for a substantial period of time, or seriously injured in a collision, there may be notification requirements.

- Refer to the Foreign National – Arrest, Consular Notification and Diplomatic Immunity directive for further information.
Military: [61.1.3e]
Iowa code 29A.41 – “A member of the national guard shall not be arrested, or served with a summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, or returning from, any place to which the national guard member is required to go for military duty. This section does not prevent the National Guard member's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the National Guard member's duty. The articles of equipment personally owned by such members are exempt from seizure or sale for debt.”

Other members of the military, including members of the Army, Air Force, Navy, Marine Corps, Coast Guard, and reservists who are on active duties are likewise granted limited protection. When an incident occurs that would warrant the issuance of a traffic citation, physical arrest, or investigation of a motor vehicle crash involving a member of the armed services who is operating under conditions which offer this limited protection, the officer will notify a watch commander of the circumstance surrounding the incident. The watch commander should contact the office of the commanding officer of the military member involved and advise them of the incident.

Per Iowa Code chapter 321.176, any person while operating a military motor vehicle in the service of the armed forces of the United States are exempt from driver’s licensing requirements.

NOTE: The driver’s licenses of military personnel do not expire until six (6) months after one’s separation from duty.

Legislators: [61.1.3c]
Legislators are not protected and not immune from traffic citations. If encountered, they should be treated with the same respect and held to the same responsibilities as the general public. However, Iowa State Legislators and members of the United States Congress are immune from physical arrest except for treason, felony, or breach of peace during session and in the going to and returning from the same. During that timeframe, officers shall not take a legislator into custody except, if a felony was committed. If a situation should arise where any members of the general public would be taken into custody, then the legislator shall be allowed to sign a consent to delay and be released, unless a felony has been committed.

TAKING OF DRIVER'S LICENSES, VEHICLE REGISTRATIONS, AND LICENSE PLATES:
If the driver's license, registration, or license plate(s) have been altered or are required by the Iowa DOT to be turned in, and criminal charges are filed:
• Include a photocopy of the license, registration or plate(s) with the officer’s paperwork.
• Fill out a Property Receipt Form (CRPD #407) for any property taken as evidence, and give the driver their copy of the receipt.
• The property should be labeled with an Evidence Tag (CRPD #230) and turned into Property and Evidence.
• When completing the Supplement Report Form (CRPD #604) or narrative, officers should state which items were taken and where they were placed.

If a license is seized and no charges are filed:
• Fill out a Property Receipt Form (CRPD #407) for any items seized and give the individual their copy of the receipt.
  o Write on the Property Receipt Form (CRPD #407) “To be destroyed” unless the license was not altered or used in an illegal manner, and was returned to the owner by the seizing officer.

• Place the license in the locked shred box at the Watch Command Office.
• When completing the Supplement Report Form (CRPD #604) or narrative, officers should state which items were taken and where they were placed.

**SPEED-MEASURING DEVICES:**
The CRPD uses multiple speed-measuring devices for traffic speed detection. Officers will use only departmental approved speed-measuring devices. [61.1.8a] All officers are required to be trained and certified prior to issuing any citations or approving any civil penalties.

**Operational Procedures:** [61.1.8b]
Officers should follow the training they received concerning radar and lidar use. Refer to the appropriate owner’s manual for specific operational procedures for each unit type. Gatso USA can be located in Police Shares ➔ Traffic, while lidar and radar manuals are located on the Burbank Server.
• Only officers trained in the use of the speed measuring devices can use these devices
• Officers must check the calibration and proper working order of lidars and radars at a minimum of at the beginning and end of the officer’s shift. Refer to owner’s manuals for specifics.
  o The CRPD does not calibrate lidar and/or radar units. This will only be done at the factory or an authorized service center. Officers only can check the calibration and verify that the unit is in proper working order.
Officers must identify their target vehicle and make a visual estimation on that vehicle’s speed based on training.

After a visual estimate has been made, officers may confirm their visual estimation by utilizing either a radar or lidar unit.

If the speed-measuring device confirms the estimated speed, and that speed is in violation of any city or state laws, the officer will use discretion when determining whether or not to charge the driver with any violations.

Care and Upkeep: [61.1.8c]
Care and up keep is the responsibility of all officers. Officer should notify the Special Operations Commander concerning any issues with the radar, lidar, or speed trailer units, including malfunctioning or non-operable units.

- Gatso USA is responsible for the care and upkeep of their speed-measuring devices.

Maintenance and Calibration Records: [61.1.8d]
- Radar units are maintained by Fleet Services.
  - Service records are available with Fleet Services.
- All maintenance issues with the lidar units are handled by the CRPD and the unit’s manufacturer.
  - Service records are kept with the Traffic Unit.
- The Gatso USA speed-measuring devices are maintained by Gatso USA and are self-checking to ensure they are working properly.

Training and Certification: [61.1.8e]
Other than in a training environment, officers must complete the CRPD and/or Iowa Law Enforcement Academy (ILEA) radar and/or lidar speed detection training before operating any speed detection unit.

Officers using radar and/or lidar speed detection devices will maintain the appropriate certifications in accordance with state law. Training records/certifications are maintained by the Administrative Operations Division.
**POLICY TITLE:** Traffic Enforcement and Citations

**STANDARD/REF #:** 1.2.7; 44.2.1b,d ; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.8; 61.1.9; 61.1.12; 82.3.4

**APPROVED BY:** Wayne Jerman, Chief

**REVIEWED DATE:** 10/7/2019

**REQUIRED REVIEWERS:** Patrol Captain

**REVISED DATE:** 10/7/2019

**SUBJECT MATTER EXPERT:** Special Operations Commander; Traffic Unit Commander

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**PARKING ENFORCEMENT: [61.1.12]**

Officers will enforce parking ordinances and laws so as to maintain the safe and efficient movement of traffic. In addition, the City of Cedar Rapids contracts with Park-Cedar Rapids for enforcement and equipment maintenance of on street and ramp parking in the downtown district.

Uniformed officers will be responsible for the enforcement of parking regulations on city streets, alleys, and lots as regulated by city code and state law. All officers are equally responsible for enforcement of parking violations when brought to their attention or observed. The enforcement of parking regulations will be done at all times of the day.

Officers should use discretion in deciding the manner in which to enforce parking violations. Officers have options available to effect positive enforcement, which includes verbal advisement, citation, or towing.

In response to receiving complaints of vehicles being parked over the allowed amount of time, JCA will dispatch an officer. The officer will assess the situation:

- If the vehicle is in violation of a timed parking zone or oversized parking, the officer will
  - Mark the vehicle and document vehicle information in the CAD system.
  - Officers should recheck the vehicle to ensure it has been moved. If the vehicle has not been moved, the officer may issue a ticket after verifying the time violation in the CAD System.

- If the vehicle is believed to be in violation of City Code 61.102 Using Streets for Storage, the vehicle will be entered into the Street Storage system.
  - Officers should periodically check the Street Storage system for vehicles that need to be checked. This will include:
    - Adding new vehicles
    - Marking vehicles
    - Clearing moved/gone vehicles
    - Towing violators.
  - Vehicles that have been marked appropriately, documented and not moved within the 48 hour time frame may be towed.
    - Refer to the Vehicles, Towing and Impounding directive.
NOTE: Officers may occasionally receive a Parking Appeal Form from Park-Cedar Rapids. It is the officer’s responsibility to respond to the appeal and return the completed form to the Traffic Unit commander in a timely manner.

Refer to Towing and Impounding of Vehicles directive for additional information concerning abandoned, illegally parked, and disabled vehicle towing.

TRAFFIC CITATION MAINTENANCE:
The CRPD maintains a process for storing, issuing, and accounting of citation forms. This includes Iowa Uniform Citation and Complaints (state tickets), and City of Cedar Rapids Citation and Complaints (city tickets). While the majority of citations utilized by the CRPD are issued, accounted, and stored electronically with TraCS, occasional circumstances may require paper citations to be issued.

Citation Book (Ticket Book) – A sequentially numbered book of either the Iowa Uniform Citation and Complaints or the City of Cedar Rapids Citation and Complaints.

Procedure:
The Records Section will be responsible for the storage, issuing and accounting of all paper citations.

Storage:
The Records Section will store all unissued citation books in a locked room/secured location to avoid tampering or misappropriation until issued to an officer or the command desk. [82.3.4c]

Issuing and Accounting of Citation Forms:
The Records Section will be responsible for issuing citation books to requesting officers or the command desk. [82.3.4a] Each citation book is sequentially numbered. The series of citation numbers in an issued book will be recorded and cross referenced to the officer it is issued.

- If Records Section personnel are not present, a Shift Commander may issue citation books if needed.

Accounting for Citations: [82.3.4b]
The Records Section shall maintain a validation procedure for citation books issued and accounting of all citations used, not used, and voided. When an officer requests a citation book, the issuing Records Section personnel will log at minimum:

- The date and time issued
• The officer’s name and PIN number
• The type of citation book – City or State
• The sequence of ticket numbers in the citation book

This data will be entered into a computerized system for automatic validation. Every time an officer issues a paper citation, the Records Section will document the citation number in order to keep track of which citations have been utilized from that officer’s issued ticket book.

• If it is determined an officer is voiding an unusual amount of citations, the Records Section supervisor shall notify the officer’s commander. The commander will attempt to determine the reason for the voided citations and take corrective actions as appropriate.
• If an officer starts using a new citation book and still has not utilized previously issued citations, the Records Section supervisor shall notify the officer’s commander who shall then determine the status of the unused citations and report that information to the Records Section supervisor.

**Officers’ Responsibilities:**
When a citation is issued from a citation book, officers will supply the appropriate copies to the defendant. All other copies will be turned in to the Command Desk and subsequently to the Records Section after notarization.

• If an officer voids a citation for any reason, an email must be sent to the Records Section to account for the citation.
  o A copy of the email should also be forwarded to the officer’s shift commander.

If a citation is used from a citation book not issued to the officer:
• For tracking purposes, the issuing officer must email:
  o The Records Section
  o The officer’s shift commander
  o The shift commander of the officer the citation book was issued to

• The email must include:
  o The issuing officer’s name and PIN
  o The name of the officer the book is issued to
  o Citation number(s) and case number (if any)
  o Charge(s)
Commander’s Responsibilities:
In order to avoid any misuse and to determine if additional training is needed, shift commanders will review each incident where an officer voids a paper citation or uses a paper citation from a citation book issued to another officer. The matter will be addressed between the shift commander and the officer, unless the shift commander determines the matter needs to be addressed by Administrative Operations.

The shift commander will be responsible for monthly verifying the numerical sequence of citations in a state or city ticket book issued to an officer.

- This will be accounted for on the Supervisor Monthly Line Inspection Checklist (CRPD Form #742).
  - The numerical sequences will be forwarded by the shift commander to the Records Unit by either email or a copy of the Supervisor Monthly Line Inspection Checklist (CRPD Form #742).