

Procedure

6.2

**EFFECTIVE
DATE
7-15-99**

Eugene Police Department



Traffic Enforcement

6.2.1 PURPOSE AND SCOPE

Enforcement of traffic laws and ordinances is a basic responsibility of the department. The primary objectives are to achieve voluntary compliance with the law by all motorists, bicyclists, and pedestrians and to reduce accidents. Our role is to detect and prevent violations of traffic laws and to take appropriate action when violations are observed. This is done through a combination of education and enforcement.

PART I - Responsibilities and Procedures for All Personnel

- A. General enforcement guidelines
- B. Specific enforcement guidelines
- C. Special enforcement situations

6.2.2 RESPONSIBILITIES AND PROCEDURES FOR ALL PERSONNEL

- a. General enforcement guidelines
 - 1. The goal of your action is to educate the violator in an effort to obtain voluntary compliance with traffic laws and ordinances. Your actions should demonstrate a professional attitude and serve as well to improve the relationship between members of the public and law enforcement officers. You should not scold, belittle, or berate a traffic violator.
 - 2. The action you take---a verbal warning, issuance of a citation, or a custody arrest---will depend on such factors as the nature and seriousness of the violation, intent of the violator, and the level of hazard created. You are expected to use your training, experience, and common sense in selecting an appropriate enforcement option that is consistent with department policy.
 - a. A verbal warning may be appropriate when the violator commits an act due to ignorance of a unique local ordinance or a violation of which the driver may not be aware. A warning may be issued when, under the totality of circumstances, you believe the warning will achieve the purpose of future voluntary compliance with traffic laws.

- b. You would normally issue a citation if the operator's action (or lack of action) is deliberate, excessive, negligent, or hazardous. Barring extenuating circumstances, you will normally issue a citation if the violation has resulted in an accident that you investigate. (For accident investigation criteria, refer *Policy 602 – Traffic Collision Reporting*.)
3. Major Traffic Offenses: (as defined in **ORS 153.500**): Major traffic offenses are, by their nature, serious offenses and allow very little leeway in enforcement activities. Normally a citation should be issued (or an arrest made, when consistent with other department policies) anytime the offense occurs in your presence or when you have probable cause to believe the offense has been committed.
4. Hazardous violations: Hazardous violations (e.g., speed racing, careless driving, significant speed violations, violations resulting in traffic accidents) are viewed more seriously and generally should be handled through formal enforcement action (e.g., traffic citation).
5. Non-hazardous violations: Non-hazardous violations (e.g., equipment violations, vehicle licensing violations) allow an officer a much wider range of enforcement options to gain compliance. Initial contacts may best be handled with a verbal warning, while subsequent contacts may be best addressed with formal enforcement action.
6. Pedestrian and bicycle violations: Pedestrian and bicycle violations need to be addressed from the standpoint of public safety. Citations become appropriate for repeated violations, for those that created accidents, or for those that by their nature create a serious safety risk.
7. Newly-enacted laws: Newly-enacted laws, or changes in traffic controls, should normally be enforced by verbal warnings rather than traffic citations for the first 30 days.

b. Specific enforcement guidelines:

Appropriate enforcement action should normally be taken under the circumstances listed for each type of violation below.

1. Excessive Speed
 - a. When, under normal circumstances, the vehicle's speed is more than ten miles per hour over the limit, or anytime the speed is too fast for conditions (e.g., ice, snow, fog.)
 - b. If the bail on a citation is doubled for excessive speed in a highway work zone where workers are present or school zone where children are present (pursuant to *ORS 811.230 or 811.235*), indicate on face of the citation that those persons were present (e.g., by writing “workers present”).
2. Traffic control signals

- a. When the light has changed to red before the vehicle enters the intersection; or
- c. The vehicle accelerates on a yellow light.

3. Stop Signs

Any vehicle that fails to come to a complete stop before entering the intersection.

4. Failure to Yield Right-of-Way

- a. Anytime the violation creates an unsafe condition; or
- b. The violator fails to yield right-of-way to pedestrians when required to do so.

5. Improper Lane Usage

Anytime a vehicle turns from the wrong lane or changes lanes unsafely.

6. Equipment Violations

- a. When the equipment defect creates a hazard; or
- b. When you believe the violator has prior knowledge of the defect and failed to correct it.

7. Noise Violations

- a. Creating noise (e.g., tire, engine, exhaust) greater than is reasonably necessary to operate a vehicle.
- b. Persons may be cited or arrested individually or collectively for violating the City noise ordinance on private property.

8. Licensing Violations

Anytime a violator:

- fails to produce a valid driver's license, or
- fails to change information on his or her driver's license within 30 days or as required by law, or
- fails to produce a valid vehicle registration, and you are unable to determine that the vehicle is properly registered, or
- has a driver's license or vehicle license which has been expired for more than 30 days, and the violator has failed to renew, or the violator is knowingly driving with an expired license.

9. No insurance

When a person is driving without insurance, or cannot show proof of insurance, cite the person for violation of *ORS 806.010* (“Driving Uninsured Prohibited”). Do not cite for violation of *ORS 806.012*, as this takes discretion in handling the case away from the judge.

c. Special enforcement situations

1. Persons in-route to emergency situations

If you observe a traffic infraction committed by a physician or other person en route to an alleged emergency:

- a. Obtain the identity and intended destination of the violator.
- b. If the emergency is extreme, you may transport the person to the location of the emergency. If the person is suffering from a medical emergency, consider requesting EMS. We will not escort a person in another vehicle utilizing our emergency equipment.
- c. If the emergency is not extreme but is urgent, do not detain the violator, but advise him/her to proceed in a safe, legal, and prudent manner.
- d. Take whatever enforcement action is appropriate after the emergency situation no longer exists.

2. Enforcement action in other jurisdictions

If you must take enforcement action while outside Lane County, report any exercise of police authority to the agency of jurisdiction as soon as possible. (Note: This is in addition to any actions required for off-duty actions by *Procedure 1.1 – Off Duty Intervention and Enforcement*.)

3. Driver’s license re-examination recommendations

If you contact a licensed driver showing signs or symptoms of conditions which may prevent the person from safely operating a motor vehicle (e.g., physical or mental incompetence, disease), report the driver to the Department of Motor Vehicles using the “Request for Driver’s License Examination” form.