

KANSAS CITY, KANSAS POLICE

GENERAL ORDER

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SUBJECT: Traffic Enforcement

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CROSS REFERENCE:

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I. PURPOSE

- A. To provide uniform procedures for enforcement of traffic law violations.
1. The immediate objectives of a traffic enforcement program is to promote traffic safety by deterring the violator or potential violator. The long range goal is to increase the level of voluntary compliance to traffic regulations. Officers are responsible for maintaining a working knowledge of traffic laws and their proper application.

II. GENERAL ENFORCEMENT

- A. Depending on the circumstances, traffic law violations will be handled either by a physical arrest, a written notice to appear, or a written warning. Proper enforcement efforts are expected when traffic violations occur in the officer's presence. The degree and severity of the traffic law violation shall be considered when taking enforcement action.
1. A physical arrest of the traffic violator is warranted in serious traffic offenses: vehicular homicide, DUI, fleeing and attempting to elude, and driving on a suspended or revoked driver's license. Violators who refuse to sign a traffic citation for a traffic offense and transients residing in non-compact states may also be subject to arrest or the posting of bond as provided in KSA 12-4212(B), 8-2107, and 22-2401(D).
 2. A notice to appear may be issued to a traffic violator when the officer has observed the driver perform an act (or omit a required act) as specified in Chapter 35 of the Unified Government Ordinances or KSA Chapter 8, Motor Vehicle Laws. Citations may be issued when in the course of investigating a motor vehicle accident, the officer determines that a violation of the above laws or ordinances occurred and that the

officer develops a probable cause to indicate that the driver committed (or omitted) the act.

3. A written warning may be issued by an officer in lieu of a NTA. The officer should consider the violator's level of interference with other traffic, mitigating factors, road conditions, and the officer's ability to educate the violator without seeking punitive action. This approach may be appropriate in minor and/or inadvertent violations of traffic laws.

III. ELECTRONIC TICKETS

- A. Upon issuing an electronically generated notice to appear to a traffic violator in our jurisdiction, the officer will ensure that the following information is provided to the recipient:
1. The specific local ordinance: An electronic ticket (e-ticket) can accommodate up to ten (10) citations/offenses.
 2. Officers will attach their signature to the mobile computer software or handheld device upon going into service so their name and serial number are attached to any citations/summons written during that tour.
 3. The court date is generated by the software. Officers should check the date to make sure the date is valid, i.e. Monday, Tuesday or Wednesday and not on a holiday.
 4. The fines will be calculated by the software unless any of the charges on a single ticket include a traffic offense or misdemeanor charge. In that case, COURT APPEARANCE will be displayed in the fine area.
 5. When checking the box indicating the violation occurred in a construction zone, the software will automatically double the fine of the first violation recorded. The software will add the fine for violations in a school zone if the box is checked. The software will automatically add the state fee.
 6. Make sure that SERVED check box on the violation tab is checked indicating that the violator was given their copy of the citation/summons and are aware of the court date, fines and instructions.
 7. Violators will be advised to thoroughly review the footer of their citation copy. This will assist in answering most questions that the violator may have regarding the citation/summons issued.
 8. If the citation fails to print, the officer should first try one of the following:
 - a. Make sure the printer is turned on.
 - b. Check to see if paper has been installed.
 - c. Make sure the paper door is completely closed and,
 - d. All connections are secure.

9. If the citation still does not print, remember the ticket has been saved and will be transmitted to Municipal Court, generating a docket and potentially a warrant. If order to supply the offender with the required information of the stop, the officer has two (2) options:
 - a. The officer may duplicate the information on the hard copy of a paper ticket. The officer should strike through the ticket number on the paper ticket and write in the e-ticket number which is located in the miscellaneous tab. The hard copy will then be given to the offender and all other copies shall be disposed of in an appropriate shred box.
 - b. If the officer does not have a paper ticket, or he/she decide the offense doesn't warrant the additional time it would take to duplicate the ticket, the officer can void the ticket in compliance with the procedures prescribed in General Order 70.01, Court Appearance and Scheduling Procedures and General Order 80.03, Report Procedures Sec. V. Ticket Accountability.

IV. NOTICE TO APPEAR FOR TRAFFIC VIOLATIONS

- A. Upon issuing a notice to appear to a traffic violator in our jurisdiction, the officer will insure that the following information is provided to the recipient:
 1. The specific local ordinance number will be cited, being careful to use hyphens or periods in the proper location, e.g., 35-820. One citation can be used for up to ten (10) violations, with the exception of DUI, Attempting to Elude, and Reckless Driving. If the officer writes in a violation, it will be violation number one (1) on the citation.
 2. Officers will sign their names and print their serial number legibly.
 3. The court appearance date and time.
 4. The fine amount or "court" if the violation mandates a court appearance.
 5. Officers should thoroughly advise the violator that signing the citation is not an admission of guilt, but merely a promise to appear in court (or pay the fine) at the designated time and date.
 - a. If the violator refuses to sign the citation for a traffic infraction, the officer need only give the violator the hard copy, mark that a copy has been served to the violator, and continue with his duty.
 - b. Violators who refuse to sign a traffic citation for a traffic offense and transients residing in non-compact states may also be subject to arrest or the posting of bond as provided in KSA 12-4212(B), 8-2107, and 22-2401(D).
 6. Violators will be advised to thoroughly review the back side of their citation copy. This will assist in answering most questions that the violator may have regarding the citation issued.
 7. Voiding Uniform Traffic Citations shall comply with procedures prescribed in General Order 70.1, Court Appearance and Scheduling Procedures, and General Order 80.3, Report Procedures, under Ticket Accountability.

V. EXCEPTIONAL CATEGORIES OF VIOLATORS

There are several categories of traffic law violators that may require a departure from the normal arrest/citation/warning procedures. However, officers shall take appropriate action whenever a violation is detected. This includes provable violations determined as a result of accident investigation as well as officer observed violations.

- A. Unless the traffic regulation violated is unique to this jurisdiction, no special consideration shall be granted because the violator is a non-resident. Non-residents of Kansas will be issued the ticket and allowed to leave in accordance with the Interstate Traffic Compact, after being personally served the citation.
 1. The Non-Resident Violator Compact as an interstate agreement that provides a procedure whereby a non-resident motorist receiving a traffic citation in a member state must fulfill the terms of that citation or face the possibility of license suspension in the motorist's home state until the terms of the citation are met.
 2. Violators who reside in a non-member state may be required to post a bond as prescribed by KSA 8-2107(g). The non-member states are Hawaii, California, Indiana, Michigan, Montana, Oregon, and Wisconsin.
 3. The Compact stipulates that non-resident motorists from compact states will be allowed to sign their traffic citation when charged with traffic infractions.
 4. The Compact does not affect the law enforcement officer's option to take a non-resident motorist (from Compact states) into custody for traffic offenses e.g., driving under the influence, leaving the scene of an accident, etc., nor does it, in any way, affect the officer's authority to make a full custodial arrest for misdemeanor offenses resulting from traffic-related stops, e.g., possession of contraband, disorderly conduct, resisting arrest, etc.
 5. The provisions of the Compact do not apply to parking or standing violations, or to violations of laws governing the transportation of hazardous materials.
- B. Juveniles, regardless of resident or non-resident status, involved in traffic violations shall be processed in accordance with General Order 40.2, Juvenile Procedures, per the section entitled "Juvenile Traffic Offenders."
- C. Foreign drivers are required to carry an International Driving Permit when visiting within the confines of the United States. They must also have a valid registration and valid license plates. When declaring residence within the United States, foreign individuals must immediately acquire a domestic driver's license.
 1. Certain foreign individuals that carry diplomatic passports (ambassadors, foreign consuls, etc.) are afforded a certain degree of diplomatic immunity from prosecution for traffic infractions and offenses. In some instances, diplomats are immune from prosecution for felonious violations such as vehicular homicide, etc. (Reference 1978 Diplomatic Relations Act, 22 USC 254). If some degree of doubt exists, contact a supervisor, or for verifying diplomatic immunity contact the State Department Office of Protocol.
 2. Refer to G.O. 1.08, Detention and Arrest Procedures Appendix A for guidelines and information when encountering Diplomatic and Consular officials.

D. Kansas State Senators and Representatives

1. Article 2, Section 22 of the State Constitution of Kansas states in part:
 - a. No member of the US legislature shall be subject to arrest in going to, or returning from the place of the meeting, or during the continuance of the session.
 - (1) Exceptions include any felonies or breach of the peace violations.
2. Officers will not issue citations or take into physical custody any person who properly identifies himself or herself as a member of the Kansas legislature if the circumstances concur with the State Constitutionally granted exemptions listed above.

E. Military personnel, state militia, reserve or guard.

1. United States military services personnel are in some cases exempt from certain legal process. However, officers should take the appropriate enforcement action (citation or arrest) as with any other case, regardless of questioned active military duty standing, and shall clearly note the claim of military exemption in all reports related to the incident.
2. Persons who display a valid U.S. military identification shall be exempt from those local ordinances and state statutes relating to expiration and renewal requirements of vehicle operators licenses for the term of the identification and an additional thirty days.
3. The military forces of the U.S. and the State of Kansas, while on any authorized duty involving controlled movement of military convoys, critical supplies or equipment, or during any national or state emergency, shall not be restricted by state or municipal traffic regulations and shall have the right of way on any street or highway against all except carriers of the U.S. mail and other emergency vehicles (KSA 48-252(a)).

VI. CONSIDERATIONS FOR ENFORCEMENT ACTION

This section is not intended to supersede the judgment of the individual officer in a specific traffic stop. As is the case in many aspects of law enforcement, the officer may usually exercise discretion in handling the situation with a written warning, a written notice to appear, or an arrest, depending upon the totality of the circumstances.

- A. Interference with other traffic: The primary purpose of any traffic enforcement program is to facilitate the safe and efficient flow of traffic. Generally the most serious and obvious act of obstructing traffic is the traffic accident. Officers should consider the degree of danger posed to public safety by the traffic violator.
- B. Mitigation: A minor factor which may lessen the severity of the violation, an example of a mitigating factor could be that the vehicle's occupants are involved in some type of personal emergency which may justify why certain violations were committed.
- C. Hazardous Factors: A hazardous factor is one which makes the violation more dangerous. Examples of hazardous factors may be severe weather, slick streets, heavy traffic, or children playing on the side of the street.
- D. Education of the violator should be considered when the driver has inadvertently violated a minor regulation or has

just moved into the area. If the officer feels that a warning would be of more benefit under the circumstances, then he or she may issue a written warning.

- E. An officer may request re-examination of any driver who has a Kansas Driver's License when the officer has probable cause to believe that the driver is unable to properly operate a motor vehicle safely and in accordance with driving regulations (KSA 8-241). Once the driver has been issued a citation, the officer can write a letter, on Department letterhead, explaining what happened and why the driver should be retested. The letter should be sent to Kansas Motor Vehicle Department-Driver Control Bureau, PO Box 2188, Topeka, KS 66626, Attention: Terry Mitchell. After the citation has posted on the driver's record (30-60 days), the office will send a letter requiring the driver to retest within 30 days.

VII. MISCELLANEOUS VIOLATIONS/REGULATIONS

A. Hazardous Violations.

1. Driving under the influence of alcohol or drugs. Operation of a vehicle is prohibited by anyone who has a BAC which exceeds .08%, or exhibits sufficient impairment due to alcohol or drug use. DUI procedures are covered in General Order 60.1. No warning will be issued.
2. Driving with a suspended, revoked, or cancelled Driver's License. KSA 8-257 requires that a license which is suspended or revoked be surrendered to the Division of Motor Vehicles and retained by the State for the term of suspension. It is unlawful for a person whose license has been suspended or revoked to present or possess an apparently valid driver's license (KSA 8-260). Driving while suspended is a serious traffic offense and shall be enforced.
 - a. If a violator presents or is found to be in possession of a suspended or revoked license, the license shall be seized by the officer stapled to the request for certified records and sent to the Division of Vehicles.
3. Reckless driving requires a willful or wanton disregard for the safety of persons or property. The officer must therefore consider whether other persons were in the immediate vicinity of the driver during the violation and whether they reasonably could have been harmed.
4. Fleeing and attempting to elude requires that the officer consider the length of a pursuit, evasive turns made by the violator, speeds attained by the violator, and whether the driver should reasonably have known that he was being pursued.
5. Failure to yield right of way. The officer should consider whether an accident occurred or whether other vehicles or pedestrians were in danger.
6. Stop sign and signal violations. The officer should consider the amount of traffic in the area, the speed of the vehicle prior to entering the intersection, and whether the speed was reduced significantly, e.g. a "rolling stop."

B. Speed Violations

Officers may utilize either radar or the pace method to enforce the speed limits on streets, roadways, or highways located within the jurisdiction. Although both types of enforcement are approved, the radar method is preferred based on its higher degree of accuracy. Officers interested in becoming certified on department radar units should

contact the traffic commander through their chain of command so that arrangements can be made for radar training and certification. The following procedures shall apply to enforcement of speed violations.

1. Pace - The officer will maintain a constant speed with the violator vehicle for at least 1/8 mile, neither gaining nor losing distance between the police vehicle and the violator's vehicle.
2. Radar - The officer may use radar in either the moving or stationary mode.
 - a. Radar units will be tested before and after use with a tuning fork as a check for radar accuracy. This check will be in addition to any internal calibration or test functions performed by the unit itself.
 - b. The radar units will be FCC approved and will operate using the Doppler Principle. The units will operate on either the X-band (10.525 gigahertz) or the K-band (24.15 gigahertz).
 - c. The LIDAR Unit (Light Detection and Ranging) will also be used by the Department. These units are self-calibrating.
 - d. If the radar unit is not calibrated properly or malfunctions in any way it will be brought to the attention of the afternoon traffic supervisor who shall make sure that the unit is sent to the contract service company for repairs. The radar units will receive scheduled routine maintenance. The afternoon traffic supervisor will keep maintenance records and any documentation submitted by the contract service company.
 - e. Officers must be trained and certified in the use of any radar device they will be responsible for prior to its use.
- C. Mechanical Violations. The officer should consider whether headlights, tail lights, turn signals, etc., may have ceased functioning recently or if the operator should reasonably have known that the equipment was malfunctioning.
 - a. Anyone written a mechanical violation summons will be afforded the chance to correct the issue prior to the court date.
 - b. When an officer is presented with this summons they will ensure that the mechanical correction has been made, then sign and date the ticket, next to the violation.
 - c. It is the citizens responsibility to ensure the signed copy is presented to the courts on or before the court date listed on the summons.
- D. Public Carrier/Commercial Vehicle Violations. Generally the Kansas Highway Patrol enforces equipment violations and licensing regulations through their inspection services. Carrier violations, however, when observed, shall be enforced by officers. School buses and carriers of hazardous materials, e.g., gasoline, must stop at all railroad crossings. No Warning. Vehicles carrying loads which project more than six inches from the side or four feet to the rear must display warning devices (lamps or flags). Officers should consider whether the load could have shifted causing the violation and whether the violation is obviously intentional.
- E. Parking Regulations. Street and lot parking is restricted in various areas to ensure fair access to parking and to

expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the jurisdiction.

- F. Pedestrians. A pedestrian shall obey the instructions of any official traffic control device specifically applicable to such person unless otherwise directed by a police officer. Ordinances governing forbidden and required acts by pedestrian traffic are located in the Unified Government Ordinances 35-398 through 35-411.
- G. Bicycles, motor assisted bicycles, and low power cycles. Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle except for those provisions contained in the ordinances which by their nature can have no application. Ordinances governing forbidden and required acts specific to bicycles are found in the Unified Government Ordinances 35-686 through 35-696.
- H. All-Terrain Vehicles. If an all-terrain vehicle is stopped on the roadway the vehicle may be towed and/or the driver may be cited.
- I. Other Non-hazardous violations. Drivers who use their vehicle's horn in a manner other than as a warning device should be warned to cease, should the activity continue the officer may issue a citation. When an officer locates a vehicle with loud or no mufflers, the officer should consider whether or not the violation is of recent equipment failure or an intentional act. The officer may direct the driver to repair the vehicle or issue a citation. Officers may warn or cite violators who create noise from a radio or similar device audible in excess of fifty feet from a vehicle.
- J. Multiple Violations. Violations encountered with serious traffic offenses, such as DUI, reckless driving, or attempting to elude, should be documented with separate citations. With less serious traffic stops, the officer should consider whether the violator would be better educated by issuing citations for the initial violations and giving written warnings for the lesser or secondary violation(s).
- K. Newly Enacted Laws. Generally new laws and ordinances require a period of time before the public becomes aware of the changes. The department will attempt to publicize these changes. During the first month after a law or ordinance is issued, officers are encouraged to issue warnings in an effort to educate the public. Thereafter, officers may issue citations at their discretion.
- L. Accident Related Violations. When investigating an accident, incidents not occurring in the officer's presence but for which evidence exists to satisfy all of the elements of a particular violation, enforcement action should be taken.

VIII. TYPES OF TRAFFIC PATROL

- A. Line Patrol - Patrol between two specific points on a given street.
- B. Area Patrol - Moving patrol within a defined geographic area (district, division, etc.).
- C. Stationary Traffic Observation - This shall include visible stationary traffic observation and concealed stationary traffic observation. This type of enforcement is generally a result of citizens' complaints or officers' observations of ongoing traffic hazards.
- D. All vehicles used for the purpose of traffic enforcement will be equipped with emergency lights and an audible siren. If it is necessary or appropriate to use vehicles not so

equipped, such vehicles shall be utilized only for detection purposes. Under such circumstances only vehicles equipped with emergency lights and a siren shall be utilized to effect traffic stops.

may be used to observe the vehicle's occupants or provide some level of concealment upon approaching the violator's vehicle. Officers should keep in mind, however, that an officer should not allow his or her own lights to make a silhouette of the officer.

IX. USE OF EMERGENCY EQUIPMENT IN TRAFFIC STOPS

- A. All vehicles used in traffic law enforcement will be equipped with emergency lights and siren. The following procedures direct the use of such equipment relative to traffic law enforcement. Procedures to be followed for pursuit incidents are outlined in General Order 40.4, Pursuit Policy. Procedures to be followed for emergency response to calls for service are established in General Order 40.3, Emergency Operation of Police Vehicles.
1. Emergency lights and siren will be activated when attempting to stop a violator.
 2. After the stop has taken place, the officer should leave the emergency lights activated.
 3. During the hours of darkness the vehicle mounted spotlight may also be used to attract the violator's attention. Care must be taken, however, not to temporarily blind the violator or other motorist with the spotlight.
 4. The P.A. system is used only to give directions to drivers for immediate safety reasons. The routine use of the P.A. system on normal traffic violations is not authorized.
 5. In any situation where the officer is stopped in the roadway, emergency lights will be utilized. Four ways and rear facing ambers may also be activated for additional visibility. Additional guidelines for the use of emergency lights for traffic hazards, stranded motorists, and vehicle accident scene safety is addressed in General Order 60.2, Traffic Services, Hazards, and Direction.
 6. When stopping a vehicle, officers should assess the need for backup and notify the dispatcher using established radio procedure, advising the following information at a minimum:
 - a. Unit radio number,
 - b. Tag information, and
 - c. Location.
 - d. Request for a backup unit if needed.
 7. Depending upon the circumstances, officers may also advise the following if practical:
 - a. Description of vehicle,
 - b. Description or number of occupants,
 - c. Reason for stop, and
 - d. Any other information the officer believes may be necessary and useful.
 8. An officer shall consider officer safety, the safety of the person stopped, and the safety of the public when determining where to place his or her vehicle during a car stop.
 9. Officers should consider cover and concealment potential before they approach a vehicle. Especially at night, lights such as the spotlight and take-down lights