

## 205.00 - ENFORCEMENT – TRAFFIC

### 205.01 General Procedures - Traffic

- (1) When a uniformed officer of this department witnesses a violation of the traffic law, unless otherwise officially engaged, they shall take appropriate action as in all other law violations.
  - a. Officers observing traffic violations committed by Regional Transportation District (RTD) bus drivers will stop the bus at the next bus stop and issue the driver the citation at that time. The officer will complete the citation as quickly as possible, keeping the inconvenience to the passengers to a minimum and bearing in mind the potential traffic hazards posed by a large vehicle stopped for any length of time.
  - b. In the event the next bus stop is a considerable distance from the point of the violation, the officer will stop the driver as soon as practical, notify them of the violation and direct them to stop at the next bus stop and await the issuance of the citation.
- (2) The aim of every police officer should be the use of the least irritating methods which will provide enough of the proper kind of enforcement and still maintain the best public relations possible. A violator is not entitled to both a citation and a lecture.
- (3) Officers off duty shall not arrest or cite traffic violators on sight except when the violation is of such a flagrant or dangerous nature that the officer is required to take the violator into custody.
- (4) Officers will not pursue traffic violators while in a private or personal vehicle.

### 205.02 Deleted

### 205.03 Guidelines for Handling Traffic Violators

- (1) Take uniform actions for the same violations under similar conditions.
  - a. Officers shall be well-informed and remain current concerning the rules, regulations, procedures and duties governing their specific assignments as well as any laws they may be required to enforce.
  - b. Officers shall have sufficient evidence to support the formal citation of an offense.
- (2) Take immediate action once a violation is observed. This must be done with the safety of the public and the police officer in mind.
- (3) Pursuit and Stop
  - a. Prior to the stop, take note of the license number, make, model and color of the vehicle and any other identifying characteristics; note the number of people in the vehicle and their sex; and check to see if the vehicle is on the stolen car list.
  - b. Notify the dispatcher of your anticipated traffic stop, giving your location and vehicle identification information, when practical.
  - c. After signaling the violator to stop, using emergency lights, P.A. system, horn, siren, or spotlight, direct the driver to the edge of the roadway or, if possible, off the roadway. If on the roadway, park your car ten (10) to twelve (12) feet to the rear of the violator's car and off-set three (3) feet leaving your four-way warning lights on.
  - d. Notify the dispatcher of your final location.
- (4) Vehicle Approach
  - a. Be alert at all times. Simple traffic violations may develop valuable police information or lead to the arrest of the violator on other charges.
  - b. A solo officer must be particularly cautious when making a traffic stop.
    1. Approach the vehicle from the left side, when practical, positioning yourself so that you may check the security of the trunk, the seats and floors, particularly if there are occupants in the front and rear seats.

2. Conduct business from behind the rear edge of the driver's door, when practical, being able to watch both front and back seats.
  3. For safety, the Uniform Traffic Summons and Complaint/Penalty Assessment Notice should be completed by the officer out of traffic, on the sidewalk or shoulder of the road.
  - c. The second officer in a two officer car shall cover the citing officer from the right side of the violator's car, making the vehicle occupants aware of his presence and positioning himself in such a way that he may observe all occupants. At no time will the second officer remain in the patrol unit.
- (5) Contact with the Violator
- a. An officer, acting in a professional manner, can minimize potential conflicts with the violator.
    1. An officer shall present a professional image in dress, grooming, language and attitude.
    2. Greet the violator in a courteous manner.
    3. Request the required papers. Documents should be removed from any holders. If a violator claims to be without a driver's license, he should be asked to produce other identification to insure proper issuance of legal documents.
      - a. If the violator has no valid identification, the Identiseal should be used and a print of the right index finger should be placed on the back of the City Attorney's copy.
      - b. If identification or information other than a driver's license is used to establish a driver's identity, note what form of identification or information was used.
      - c. If the driver refuses to identify himself, the officer may transport the driver to the Identification Section for the purposes of establishing positive identification. See OMS 204.06(4) d.2.
    4. Advise the driver of the reason for the stop and what action will be taken.
  - b. It is normal for traffic violators to offer excuses, rationalize actions or admit guilt. Officers should allow the violator to talk as this permits release of tension. Officers should not respond with any comment. If it is necessary to ask questions concerning the offense, avoid all derogatory statements.
  - c. Officers shall take appropriate action regardless of excuses offered by the violator: verbal or written warning, Uniform Traffic Summons and Complaint/Penalty Assessment Notice or arrest. If a verbal warning is appropriate, it shall be given expeditiously and courteously. See OMS 205.04.
  - d. To expedite the citation service, officers shall have the necessary equipment and forms readily available.
  - e. Documents given to violators shall be completed clearly and legibly, using black non-erasable ink. See OMS 204.14 Voiding Citations.
  - f. Upon completion of the contact, the violator's documents will be returned, one by one, with any necessary explanations. The violator is then allowed to proceed.
  - g. If necessary, assist the motorist back into the traffic flow. As a matter of courtesy, do not continue to follow the violator any longer than necessary.
  - h. Traffic violators are not to be seated in police vehicles unless they are to be jailed. An exception to this procedure is during the investigation of traffic accidents, when interviewing parties is required.
- (6) When it is necessary to have the violator get out of the vehicle, have the driver exit in such a manner that he/she stays out of the flow of traffic.
- (7) All the necessary information and instructions to the violator are located on both sides of the Defendant's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (8) Officers shall refrain from committing traffic violations themselves when contacting citizens concerning traffic violations, unless necessary to initiate the contact. See OMS 112.08, Emergency Operation of Police Vehicles, and RR-900, Vehicle Operation.

- (9) In an effort to reduce accidents and accident-causing violations through the deterrent effect of high visibility patrol and selective enforcement, uniform traffic officers will give enforcement preference to high-accident locations identified throughout the city. See OMS 205.00, Traffic Enforcement.
- (10) All unmarked vehicles used for traffic enforcement should be equipped with emergency lights (red/blue) and a siren.

#### **205.04 Recommending Drivers for License Re-Examination**

- (1) An officer who contacts a driver who appears, due to age, infirmity, handicap, or other reasons, to be incompetent to safely operate a motor vehicle may submit a Request for Driver License Re-examination (Motor Vehicle Form 536) - to the Colorado Department of Revenue.

#### **205.05 Bicycles and Mopeds - Enforcement**

- (1) Every person riding a bicycle or a moped shall be subject to the laws applicable to the driver of a motor vehicle, except for special regulations and provision which by their nature have no application.

- (2) The following procedures shall apply to bicycles:

- a. On traffic citations issued to bicyclists, the officer shall indicate in the "Other Violation" section, Motor Vehicle Laws Apply to Bicycles (RMC: 54-565), followed by the number and title or description of the ordinance which was violated.

Example: Motor Vehicle Laws Apply to Bicycles RMC: 54-565.  
Taking the Right of Way on a Left Turn RMC: 54-179.

In the vehicle description space, write bicycle so that points are not incorrectly assessed to the bicyclist's driver's license.

- b. Traffic accident reports shall be made for accidents involving bicycles and operated motor vehicles, when the criteria in OMS 203.02(1) have been met.
- c. Operators of bicycles may not be charged with DUI or DWAI under the provisions of C.R.S. §342-4-1301.

- (3) The following regulations shall apply to motorized bicycles (Mopeds):

- a. A motorized bicycle (Moped) is defined in C.R.S. §342-1-102(58) as a two or three wheeled vehicle, not exceeding 50cc (6HP), with an automatic transmission and a maximum design speed of not more than thirty (30) MPH.
- b. Motorized bicycles shall be registered by a statewide system only. No local licensing is permitted.
- c. Moped registration shall consist of a State issued decal to be affixed to the frame of the moped in a conspicuous place.
- d. Officers shall use the same procedures for mopeds as for bicycles when issuing traffic citations or investigating accidents. However, operators of mopeds may be charged with DUI or DWAI.
- e. Operators of a motorized bicycle (moped) are required by C.R.S. §342-2-103 to possess a valid driver's license.

#### **205.06 Pedestrian Traffic Violations**

- (1) A pedestrian violating traffic ordinances on any City street will be cited on a Uniform Traffic Summons and Complaint/Penalty Assessment Notice **ONLY** when:

- a. Vehicular traffic is also present which presents an imminent danger to the well-being of the violator; OR;
- b. The pedestrian's violation(s) impedes the normal flow of vehicular traffic.

- (2) In the absence of an imminent danger for the pedestrian or motorists, or any interruption of the vehicular traffic flow on City streets, officers will:

- a. Orally reprimand the pedestrian violator; OR

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- b. Issue the pedestrian violator a Courtesy Traffic Warning citation, DPD 175.
- (3) Officers observing any pedestrian traffic violator on the freeway or interstate highway system will consider this action to present an imminent danger for the pedestrian or motorists and shall vigorously enforce the ordinances prohibiting hitchhiking, R.M.C. Section 54-543(c), or pedestrians on the highway, Section 54-237.
- a. In all instances, officers will make certain that pedestrian violators are removed from the freeway or interstate highway system without delay.
  - b. A second contact for the same offense or the presence of aggravating circumstances strengthens the case for citing the pedestrian violator on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (4) Accurate identification information and the complete address of a violator must be clearly printed on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice and on the Courtesy Traffic Warning. Pedestrian violators unable or unwilling to provide officers with adequate proof of identity may be walked through the ID Section to establish a positive identification. Details of the violation will be included on the back of the Courtesy Traffic Warning, just as they are on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.

**205.07 Violations by Colorado Legislators**

- (1) Pursuant to Article 5, Section 16 of the Colorado Constitution, no member of the Colorado General Assembly may be arrested while in route to or from legislative sessions, except for treason or felony violations.
- (2) Traffic citations may be issued, however the legislator shall not be detained for an undue amount of time.
- (3) Should an officer have reason to believe a legislator is driving under the influence AND there is an accident with serious injuries or a fatality involved, the legislator will be arrested and processed for the suspected felony; DUI violation.
- (4) In the absence of felony violations, should an officer have reason to believe a legislator is driving under the influence, the officer may cite for a violation which caused an accident or was the reason for a traffic stop. For the safety and welfare of the public and the legislator, the officer will arrange for other transportation for the legislator and his/her vehicle will be parked and locked.