



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 506 – Traffic Law Enforcement

Office with Primary Responsibility:	TSC	Effective Date:	March 11, 2015
		Prior Revision Date:	July 10, 2013
Office(s) with Secondary Responsibilities:	PSC, PNC, MCC, CLD	Number of Pages:	8
Forms Referenced in Procedure:	SAPD Form #13	Related Procedures:	505, 602, 607, 609, 619, 802

### **.01 INTRODUCTION**

This procedure provides guidelines for the uniform traffic law enforcement of all traffic law violations with the primary goal and objective of promoting traffic safety.

### **.02 POLICY**

- A. It is the policy of the San Antonio Police Department that on-duty uniformed officers in marked police vehicles enforce all traffic laws when traffic law violations occurs in the officers' presence.
- B. Off-duty officers in uniform or not and on-duty officers not in uniform shall only enforce traffic law violations in accordance with Rule and Regulation 3.25, *Traffic Stops While Not In Uniform*.

### **.03 UNIFORMED ENFORCEMENT ACTIONS BY OFFICERS**

- A. All officers are to use discretion and good judgment in the enforcement of traffic law violations.
- B. Enforcement actions officers may use when enforcing traffic law violations include the following:
  - 1. Warnings (verbal or written);
  - 2. Citations;
  - 3. Custodial arrests; and
  - 4. Towing.
- C. The enforcement actions officers take should be commensurate with applicable traffic laws and the degree and severity of the violations should be considered when taking enforcement actions.
- D. Officers conduct warrant, insurance, and driver's license status checks on all persons stopped for traffic law violations.
- E. Officers issuing citations to traffic law violators shall afford the violators the opportunity to sign the citations. No traffic citations will be mailed to traffic law violators.
- F. Officers needing to personally file Class C misdemeanor charges with Municipal Court for traffic law violations must submit a written report to their immediate Supervisor prior to filing the charges. The written report must have an assignment number and state the reason for filing the charges and the date and time of the alleged offense.
- G. Although officers use discretion and good judgment in enforcing traffic law violations, they should enforce all traffic law violations in the below listed categories using uniform traffic law enforcement measures according to Training Academy guidelines to achieve voluntary compliance with traffic laws and regulations:
  - 1. Speed violations;
  - 2. All other hazardous violations, in addition to speeding;
  - 3. All non-hazardous violations;



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4. Multiple violations;
5. Off-road vehicle violation (on public property);
6. Equipment violations;
7. Public carrier/commercial vehicle violations;
8. Violations resulting in traffic accidents, if the violations occur in the officers' presence;
9. Pedestrian and bicycle traffic violations;
10. Class "B" offense of Racing, Exhibition of Speed or Acceleration, and Reckless Driving (exceed Municipal Court jurisdiction) and must be handled in accordance with GM Procedure 505, *Misdemeanor Citation Release*.
11. Newly enacted traffic laws and/or regulations.

### **.04 METHODS USED TO ENFORCE TRAFFIC LAWS**

- A. Methods used by officers to enforce traffic laws should not interfere with the safe flow of traffic and should be consistent with the type of violation committed.
- B. The Department authorizes three (3) methods for enforcing traffic laws.
  1. Line Method - Patrolling between two specific points on a street or expressway;
  2. Area Method - Patrolling within a geographical area; and
  3. Stationary Method - Observing from a specific location, whether visible or concealed.
- C. In normal traffic law enforcement activities, officers should remain visible as a deterrent for traffic violations.
- D. Special or selective traffic law enforcement in high accident areas may be conducted using the visible or concealed stationary method.

### **.05 STOPPING AND APPROACHING TRAFFIC VIOLATORS - HIGH RISK (FELONY) TRAFFIC STOPS**

- A. Officers attempting to conduct high risk or felony traffic stops use the following six (6) step stop and approach method.
  1. Prior to the stop, follow the vehicle at a safe distance, if possible, and notify the dispatcher of the following:
    - a. Location and direction of travel;
    - b. Description and license number of vehicle;
    - c. Number and description of occupants; and
    - d. Wait for cover officer(s) to arrive.
  2. Activate emergency lights and attempt to stop the vehicle in a location of your choice. If the vehicle does not stop, the pursuit is handled in accordance with GM Procedure 609, *Emergency Vehicle Operations*.
  3. Notify the dispatcher of the location where the stop was made and:



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- a. Position your vehicle 30 to 40 feet behind the suspect vehicle;
  - b. Take a quick glance at your surroundings for cover and concealment;
  - c. Take your weapon out of its holster and be prepared to counter a threat; and
  - d. Position yourself using the police vehicle for maximum cover.
4. Address the occupant(s) of the vehicle with the PA system or by voice:
- a. Identify yourself as a police officer with the San Antonio Police Department; and
  - b. Tell the occupant(s) to keep his hands in sight and not to move;
5. The first arriving cover officer should position his vehicle to the right and even with the primary vehicle, if possible. If not possible, the cover officer should position his vehicle to the left and even with the primary vehicle.
6. After the officers have communicated responsibilities with each other, the suspect is removed from the vehicle and processed according to the violations committed:
- a. If there are multiple occupants in the vehicle, they are removed by either the “echelon” or “one by one” method.
  - b. If at any time an occupant refuses to exit the vehicle or refuses to surrender, the situation is no longer a high risk traffic stop but is a barricaded suspect or hostage situation and handled in accordance with GM Procedure 802, *Unusual Occurrences and Critical Incidents*.
- B. In conjunction with the above steps, officers also use the tactical training received in the Police Training Academy and all of their acquired experience in conducting high risk or felony traffic stops.

### **.06 STOPPING AND APPROACHING TRAFFIC VIOLATORS - LOW RISK TRAFFIC STOPS**

- A. Officers conducting low risk or routine traffic stops use the following seven (7) step stop and approach method.
1. Be sure a violation has occurred;
  2. Determine if it is safe to pursue and stop the violator;
  3. Make the traffic stop in a safe place using the emergency lights;
  4. Give the dispatcher the location of the stop and the license plate number of the vehicle;
  5. Park a short distance behind and offset to the left of the violator’s vehicle;
  6. Exit the vehicle in a safe manner while maintaining visual contact with the violator; and
  7. Approach the violator’s vehicle on the driver’s or passenger’s side. Do not go beyond the trailing edge of the driver’s or passenger’s door.
- B. The seven (7) step stop and approach method is a guideline for low risk traffic stops. Officers should be aware that they may need to change or alter the method without notice, depending on conditions and circumstances beyond their control. When this low risk stop and approach method needs to be altered, officers use their training and experience in determining what stop and approach methods work best for the circumstances.



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### **.07 OFFICER CONDUCT WITH LOW RISK TRAFFIC VIOLATORS**

- A. Officers conducting routine traffic enforcement activities shall ensure that their conduct and appearance are reflective of a professional police image.
- B. Officers conducting routine traffic enforcement activities shall use the following seven (7) step violator contact method that is taught in the Police Training Academy.
  - 1. Greeting and Identification of the Police Agency - Officers should introduce themselves, stating they are with the San Antonio Police Department;
  - 2. Statement of Violation Committed - Officers advise the violator as to the reason(s) they were stopped;
  - 3. Identification of Driver - Officers identify violators by requesting their driver's license or one of the other listed accepted forms of identification:
    - a. State issued ID card;
    - b. United States Passport;
    - c. United States Military ID;
    - d. Foreign Passport;
    - e. Foreign Military ID; or
    - f. Consular ID.
  - 4. Statement of Action to be Taken - Officers tells the violator the exact action that is to be taken (i.e., warning, citation, or custodial arrest);
  - 5. Take The Action - Officers take the action they tell the violator;
  - 6. Explain What the Violator Must Do - Officers shall explain the following to all violators that have been issued citations:

**NOTE: Warning tickets must be routed to the SAPD Records Office and not Municipal Court.**

- a. The date the violator is to appear in Municipal Court, sets an arraignment date accordingly;
  - 1. 17 and older – count 30 business days and then use the next arraignment day assigned to each officer.
  - 2. 16 and younger –officers will write “court will notify” instead of an arraignment date.
- b. The violator may plead guilty and either mail in a fine or pay a fine in person at Municipal Court or online at [www.sanantonio.gov](http://www.sanantonio.gov);
- c. The required signature of the violator on the citation is not an admission of guilt, but a promise to appear in court; and
- d. If a vehicle is impounded for any reason listed in this procedure, officers will provide the vehicle owner/driver with SAPD Form #13, *Impounded Vehicle Release*, explaining how and where to recover their vehicle;



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7. Leave - When the officer has completed the explanation as to what the violator must do, the officer should close the contact with a statement such as “good morning, good afternoon, or drive safely” and immediately return to his vehicle.
- C. The seven (7) step violator contact method is used to ensure that officers take proper enforcement actions and attempt to favorably alter the violator’s future driving habits while minimizing conflict between the officer and the violator.

### **.08 SPECIAL TRAFFIC ENFORCEMENT POLICIES AND PROCEDURES**

#### A. Traffic Law Violators who are Nonresidents of the State of Texas

1. All officers are to be familiar with the Texas Transportation Code - Chapter 703, *Nonresident Violator Compact of 1977*. The Nonresident Violator Compact describes the reciprocal provisions applicable to residents of states that are members of the Compact.
2. When officers stop traffic violators who are nonresidents of this state, officers will assume the violator is from a state which is a member of the Nonresident Violator Compact and process the traffic law violator accordingly.
3. The United States and Mexico are both a part of the Convention on the Regulation of Inter-American Automotive Traffic and The United Nations Conference on Road Traffic.  
Violators with a driver’s license from Mexico:
  - a. When officers stop traffic violators who are bona fide visitors from Mexico and violator is in possession of a valid unexpired license from Mexico, the officer will process the violator as if the violator were from a state which is a member of the Nonresident Violator Compact.
  - b. New residents of Texas may use their valid, unexpired Mexico Driver’s License for up to 90 days.

#### B. Juveniles Traffic Law Violators

1. Juvenile traffic law violators are processed in accordance with this procedure and GM Procedure 602, *Juveniles*.

#### C. Legislators who Commit Traffic Law Violations

1. The Texas Code of Criminal Procedure, Art. 1.21, *Privilege of Legislators*, states that senators and representatives are privileged from arrest during the session of the Legislature, and in going to and returning from a session. This privilege applies except in cases of treason, felony, or breach of the peace.
2. Officers stopping legislators while a session of the Legislature is in progress or while a legislator is traveling to or from a session will not issue citations or make a custodial arrest of a legislator for a traffic law violation.

#### D. Foreign Diplomats/Consular Officials who Commit Traffic Law Violations

1. Diplomatic immunity is granted to foreign officials by the United States Government under the provisions of the Vienna Convention on Diplomatic Relations.
  - a. Any person having a legitimate claim to diplomatic immunity should carry some form of diplomatic identification issued by the US State Department.
  - b. Officers having any questions regarding verification of diplomatic identification may contact the US State Department.



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2. Foreign diplomats and their family members have full diplomatic immunity and shall not be issued citations or physically arrested for traffic law violations. They may be temporarily detained to verify immunity status as referenced in GM Procedure 619, *Consulate Notification and Diplomatic Immunity*.
3. Consular officials have limited diplomatic immunity, but shall not be issued citations or physically arrested for traffic violations. They may be temporarily detained to verify immunity status.
4. Any officer stopping a foreign diplomat, a family member of a foreign diplomat, or a consular official shall immediately notify a supervisory officer if there is a question regarding their diplomatic status or immunity.
5. Officers having any contact with foreign diplomats or consular officials during traffic enforcement activities shall document the contact in a written report. The report shall be routed through the officer's chain of command to the Office of the Chief.

### E. Military Personnel who Commit Traffic Law Violations

1. Military personnel who commit traffic law violations are treated as residents of this state.
2. Officers should be aware that the driver's license requirements for military personnel are different from civilians; therefore, officers refer to the Texas Transportation Code to clarify the status of driver's licenses held by military personnel.

### F. Drivers with No Valid Driver's License

1. Drivers found to be operating motor vehicles without valid driver's licenses are arrested for the offense, except:
  - a. When the officer verifies the identity of the driver, utilizing an approved form of ID listed below, the officer may issue a traffic citation (instead of booking the individual) for violation of the Transportation Code, Chapter 521.025, *License to be Carried and Exhibited on Demand*:
    - (1) State issued ID card;
    - (2) United States Passport;
    - (3) United States Military ID;
    - (4) Foreign Passport;
    - (5) Foreign Military ID; or
    - (6) Consular ID.
  - b. If a person does not have a valid driver's license but does have evidence of financial responsibility on the vehicle:
    - (1) If there is a passenger in the vehicle with a valid driver's license, the person with the valid driver's license will be allowed to remove the vehicle;
    - (2) The driver will be allowed thirty (30) minutes (from the time the traffic stop initiated) to arrange for another driver with a valid driver's license to remove the vehicle;
    - (3) If a licensed driver is not available within the allotted thirty (30) minute time frame, the vehicle will be impounded;



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- (4) Failure to provide evidence of financial responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124)
    - c. When verification of a valid driver's license is inhibited due to a computer problem and the person's identity is established, the person is issued a traffic citation; or
    - d. When a recently expired driver's license, not suspended, canceled, or revoked, is presented or found to exist for the driver, the person is issued a traffic citation.
  2. Persons physically arrested for not having valid driver's licenses are returned to the City of San Antonio Detention Center.
- G. Drivers with No Valid Auto Liability Insurance
1. Officers have the authority to impound the vehicle of any person driving without state mandated minimum auto liability insurance coverage. This policy allows officers the option of impounding the vehicle if a motorist, insured or not, cannot produce the required insurance documentation before being towed.
  2. Officers will first check for evidence of financial responsibility on the vehicle, if the driver is unable to provide such proof, the officer will accept evidence of financial responsibility on the driver, which is covered in GM Procedure 607, *Impounding Vehicles*, Section .02 C 1-7.
  3. Failure to provide evidence of financial responsibility provides the officer authority to impound the vehicle. (TTC 601.051 – 601.124)
  4. Officers shall follow GM Procedure 607, *Impounding Vehicles*, Section .10A3, *Uninsured Driver*, when determining the circumstances in which to impound.
- H. Drivers with Suspended or Revoked Driver's License
1. Drivers found to be operating a motor vehicle while their Texas driver's license is suspended or revoked, with no prior convictions, are cited for the violation of the Transportation Code, Chapter 521.457, *Driving While License Invalid*.
    - a. The driver may be issued a traffic citation for Driving While License Invalid and the vehicle may be released to a licensed driver or impounded according to GM Procedure 607, *Impounding Vehicles*.
    - b. The driver will be allowed thirty (30) minutes from the time the traffic stop initiated to arrange for another driver with a valid driver's license to remove the vehicle.
    - c. If a licensed driver is not available within the allotted thirty (30) minute time frame, the vehicle will be impounded.
    - d. Prior convictions will be noted on a complete driving history or in the master name file of the driver.
  2. Drivers found to be operating a motor vehicle while their Texas driver's license is suspended or revoked from a prior conviction of Driving While License Invalid are arrested for the violation of the Transportation Code, Chapter 521.457, Subsection (f) and (f-1) *Driving While License Invalid* (Class B misdemeanor).
    - a. An offense report is prepared and submitted;
    - b. Copies of the violator's driving record, supporting the officer's probable cause are attached to the offense report and to any copies submitted to the magistrates or representatives of the District Attorney's Office; and
    - c. Traffic citations are issued or the person is booked for other traffic violations committed.



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3. If the arrested person presents a current or expired Texas driver's license, the driver's license is confiscated as evidence and placed in the Property Room.

### I. Refusal to Sign Citation

1. Adults refusing to sign a traffic citation are booked for the violation committed and transported to the City of San Antonio Detention Center following normal booking procedures.
2. Juveniles refusing to sign a traffic citation are returned to the Juvenile Processing Office and processed in accordance with Juvenile Processing Office standard operating procedures.

### J. Arrests for City and DPS Traffic Warrants

1. When Texas Department of Public Safety troopers arrest persons wanted on City of San Antonio Municipal Court traffic warrants, the troopers are authorized to transport the subjects to the City of San Antonio Detention Center for processing.
2. When SAPD officers arrest persons wanted on DPS traffic warrants, the officers shall call the DPS Communications Office (531-2280), located at 6502 S. New Braunfels, to verify the traffic warrant prior to returning the subjects to the City of San Antonio Detention Center.
  - a. If the warrant is active, the DPS Communications Clerk is asked to fax or teletype the verification to the Magistrate's office at the Detention Center (335-6120).
  - b. If the DPS traffic warrant is not active or if verification can not be made within thirty (30) minutes, the subjects shall be released outright.

## **.09 REFERRAL OF DRIVERS FOR RE-EXAMINATION**

- A. All officers receive training through the Police Training Academy regarding the identification of drivers who are suspected of having physical or mental disabilities, disease, or other conditions that might prevent them from operating a motor vehicle in a safe manner.
- B. Any officer conducting traffic law enforcement or traffic crash reporting/investigating activities who comes into contact with a person they believe has a condition that prevents the person from operating a motor vehicle in a safe manner shall refer the person to the Texas Department of Public Safety for re-examination in the following manner.
  1. The officer completes a *Medical Evaluation Request* form supplied by the Texas Department of Public Safety; and
  2. Routes the completed form to the Texas Department of Public Safety at the address listed on the form.