



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 114A

Effective Date 04/19/2018

Policy Name Violation of Traffic Ordinances

Approved Date 04/18/2018

Approved by *Wendell Franklin, Chief of Police*

Previous Date 05/22/2013

PURPOSE OF CHANGE:

To update the policy format.

POLICY:

When a violation of a City Traffic Ordinance is observed, an officer may give the violator a verbal warning, a written warning (for equipment violations only), a citation with a preset fine and court date, a citation with only a court date, or physically arrest the violator. However, the *State and Municipal Traffic Bail Bond Procedure Act* limits when officers may physically arrest a violator or require them to post bond. Officers will base their decision on the guidelines set forth in the following procedures.

SUMMARY: Procedures for issuing traffic ordinance citations.

APPLIES TO: All sworn personnel

DEFINITIONS: None

PROCEDURES:

1. All traffic violators, whether a resident of this state or a non-resident, will be issued a citation and released on their own recognizance when:
 - a. The violator has been issued a valid license to operate a motor vehicle.
 - b. The officer is satisfied as to the identity of the violator.
 - c. The violator signs the written promise to appear in court as provided for on the citation.
2. If the violation meets any one of the following criteria, an officer will either issue a citation or arrest the violator in accordance with the Fine/Court Schedule listed in 37 T.R.O. 204, *Fine and Court Schedule*, or state law.
 - a. A felony.
 - b. Negligent homicide.
 - c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician.
 - d. Eluding or attempting to elude a law enforcement officer.
 - e. A violation relating to the transportation of hazardous materials.
 - f. An arrest based upon an outstanding warrant.
 - g. An overweight violation, or the violation of a special permit exceeding the authorized permit weight.
 - h. Operating a motor vehicle without having been issued a valid driver license, or while the driving privilege and driver license is under suspension, revocation, denial or cancellation.
 - i. A traffic violation coupled with any offense stated in subparagraphs a through h of this paragraph.

3. If the violator has not been issued a valid driver license, or the driving privilege is under suspension, revocation, denial or cancellation conduct a brief background investigation to determine that the citation and the release procedure is appropriate. This investigation should include:
 - a. Adequate proof of identity.
 - b. Previous criminal record.
 - c. Length of time the violator has resided at the present address.
 - d. Occupation, employer, and length of service with the present employer.
 - e. Adequate proof of residency within the City of Tulsa that will allow service of an arrest warrant if the violator does not honor the citation.
4. If a violator is arrested in lieu of a citation, document the circumstances in the Arrest and Booking Data Sheet or in the *Incident Report*.
5. When a traffic violation is observed:
 - a. Determine whether the violation qualifies for a citation as mandated by the State and Municipal Traffic Bail Bond Procedure Act.
 - b. Determine whether the violator is in possession of or has been issued a valid driver's license.
 - c. If the violator has been issued a valid driver license and the officer is satisfied as to the identity of the violator, complete the citation and provide the violator with the opportunity to sign the written promise to honor the citation (i.e., by paying the citation in person or mailing the preset fine). If the violator does not sign the promise to appear in court as provided for on the citation, the violator may be arrested, or the officer may refer the case to the city prosecutor for issuance of a warrant and prosecution.
6. For violations with a preset fine, an officer may book the citation to court in the following circumstances:
 - a. The violation is of an aggravated nature.
 - b. The violation is a second or subsequent offense.
7. If the citation is booked to court, document the circumstances on the citation in the OFFICER'S NOTES SECTION or in an *Incident Report*.
8. For violations designated as court only, write CRT in the fine block. Select a court date in accordance with Policy 114D, *Fine and Court Schedule*.
9. If a violation is not listed in 37 T.R.O. 204, or Policy 114D, *Fine and Court Schedule*, book the citation to court.
10. If an officer issues a book-to-court traffic citation to a defendant, all other traffic citations issued to the defendant, at that time, shall be book-to-court citations without regard to their designation by ordinance as pre-set fine violations.
11. Complete all requested information on the citation. If information is not available, write NONE in the appropriate blank. The Department of Public Safety will not process a DL suspension without a complete address and zip code.
12. If physical evidence is collected, list the property receipt number in the witness section of the hard copy of the citation and/or in the *Incident Report*, if required.
13. When a citation is issued for mandatory insurance verification or improper tag display, the last five digits of the VIN number must be included on the citation.
14. If a person is arrested on State warrants along with Municipal offenses, see Policy 142, *City of Tulsa Municipal Jail*.

15. Without the consent of the Chief of Police for special projects or enforcement efforts, warning citations may only be issued for equipment violations. Print the word WARNING in the space provided for the preset fine.
16. Physically Disabled Persons Parking Citations:
 - a. Officers may take appropriate enforcement action against a vehicle parked in spaces reserved for the physically disabled when the vehicle does not display the appropriate insignia. Enforcement action may be taken whenever the violation is observed on public property and private property open to the public (shopping center parking lots, etc.).
 - b. No enforcement action may be taken for violations occurring on private property where the public is not invited (apartment complex parking lots, etc.).
 - c. Vehicles bearing permits issued outside of Oklahoma shall be afforded the same parking privileges as vehicles bearing Oklahoma Disabled Parking Permits.
 - d. When determining whether a violation has occurred officers should check for the proper display and validity of an insignia, as well as, verify that the parking space has been designated as reserved for the physically disabled. If the vehicle is in violation, cite the vehicle describing the location as accurately as possible.
17. Turn in the hard copies of all citations by the end of the shift.

REGULATIONS: None

REFERENCES:

22 O.S. 1115.1
37 T.R.O. 204, 700
114D, *Fine and Court Schedule*
142, *City of Tulsa Municipal Jail*