

COLLIER COUNTY SHERIFF'S OFFICE

OPERATIONS MANUAL

CHAPTER O-1, SECTION 19

SECTION TITLE: TYPES OF TRAFFIC ENFORCEMENT

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APPLICABILITY: CERTIFIED LAW ENFORCEMENT DEPUTIES

PURPOSE - The purpose of this Directive is to describe various types of traffic violations which might be encountered by a Deputy and to provide guidelines for appropriate actions to be taken.

1.19.1 ENFORCEMENT POLICIES FOR VARIOUS TYPES OF VIOLATIONS:

The following guidelines are established in an attempt to standardize enforcement practices throughout CCSO as much as possible. Tolerances listed are to be followed whenever possible; however, as with all enforcement, the final decision is at the Deputy's discretion unless ordered otherwise. These guidelines should not preclude the use of good judgment by the Deputy in evaluating the seriousness of the violation in relation to the circumstances and conditions existing at the time of the violation.

- A. SAFETY BELTS/CHILD RESTRAINTS – CCSO must take a leadership role in raising seatbelt compliance. The goal of CCSO is to reduce fatalities and serious injuries through increased seat belt compliance. The issuance of a civil infraction is the preferred response to all operators violating any provision of F.S. Chapter 316 seatbelt laws. Through this initiative, CCSO can significantly reduce fatalities and serious injuries with a minimal impact on Collier County motorists.
Primary Action (stop):
- a. Children age five and under must be in an appropriate restraint device, i.e., child safety seat, booster seat, or safety belt.
 - b. Children ages 6 – 17 must be restrained in both the front and back seats of the vehicle.
 - c. Adults ages 18 and over must wear safety belt when riding in the front seat of a vehicle.
 - d. Driver to be cited for each child 17 and under who is not properly restrained.
- B. DUI - Upon stopping a driver and determining that he/she is under the influence of alcohol and/or other chemical substance, a Deputy shall take the appropriate law enforcement action. If probable cause exists, a custodial arrest is the preferred response.
- C. SPEEDING - The following factors should be considered when deciding what action to take:
1. MPH over the speed limit;
 2. Threat to other occupant safety;

3. Threat to public safety in area of violation;
 4. Weather conditions;
 5. Road conditions; e.g., construction, school zone, surface condition;
 6. Vehicle condition.
 7. Reckless driving factors
- D. HAZARDOUS VIOLATIONS - Enforcement action taken for violations such as careless driving or improper turns is totally discretionary.
1. Factors used for determining enforcement actions for speeding violations may also be used for this category.
 2. Deputies should also consider whether the driver intentionally committed the violation.
- E. EQUIPMENT VIOLATIONS:
1. When a vehicle is found to have one or more equipment violations, and a Deputy chooses to write a citation, he/she may issue a citation for:
 - a. One violation under F.S. Section 316.215 which carries a mandatory fine, or
 - b. One citation for each violation under Section F.S.316.610 which requires the violator to repair the violations within a specified time period, after which the repairs must be witnessed by a Deputy, and the violator must pay the Clerk of Courts filing fee.
 2. A Deputy may also "deadline" (prevent further usage and/or movement of) a vehicle for violation(s) which endanger public safety.
- F. PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS - Deputies should keep in mind that the potential for injury and/or property damage is much greater with violations committed by drivers of public carriers and commercial vehicles. Due to this increased potential, more scrutiny will be applied with these types of vehicles. Checkpoints and periodic inspections at companies will be conducted to check paperwork, licensing, weights, etc. in order to prevent crashes.
- G. SUSPENDED OR REVOKED DRIVER'S LICENSE:
1. If the Deputy has probable cause to believe the violator's license has been suspended or revoked with knowledge, he/she may issue a court-appearance citation on a criminal charge, or arrest the violator.
 2. If the Deputy is unsure of the actual status of the violator's license, he/she should record the pertinent information about the individual.
- H. NON-HAZARDOUS VIOLATIONS - Enforcement action for these violations is discretionary.
- I. MULTIPLE VIOLATIONS:
1. The following factors should be considered when deciding what action to take:
 - a. Number of violations;
 - b. Type of violations;
 - c. Type of vehicle;

- d. Threat to other occupant safety;
 - e. Threat to public safety;
 - f. Weather conditions;
 - g. Road conditions, e.g., construction, school zone, surface condition;
 - h. Whether the driver is aware of the violations.
2. Deputies should not seek to punish the violator by writing multiple citations.
- J. NEWLY CREATED STATUTES AND/OR ORDINANCES: In addition to the other factors to be considered, Deputies should consider how recently the law took effect in deciding what action to take, unless ordered otherwise.
- K. DRIVERS NEEDING RE-EXAMINATION:
1. Traffic Crash Related - If a Deputy believes a driver's ability to operate a motor vehicle is questionable, the appropriate block on the crash report form shall be checked and an explanation shall be given in the report narrative.
 2. Non-Traffic Crash Related:
 - a. A Deputy may observe driving behavior that indicates a possibility of the licensed operator being incompetent to drive a motor vehicle due to physical or mental disability, disease, or other condition, and which results in the operator presenting a danger to the public.
 - b. If such behavior is observed, the Deputy shall initiate a request for re-examination.
 - 1) If the operator's license was issued by the State of Florida, the request for re-examination shall be initiated by completing a "Re-examination Investigation" form which shall be completed through the Driver And Vehicle Information Database (DAVID). Through this system, the driver's personal information will pre-populate on the form. The submitting Deputy will verify the information, then select the reason(s) for the request and provide a short narrative explaining the reasons for the request.
 - 2) If the operator's license was issued by another jurisdiction, the appropriate licensing agency can be contacted via teletype or by written correspondence and notified of the request for re-examination.

1.19.2 DUI COUNTERMEASURES:

- A. CCSO fully supports a comprehensive cooperative DUI countermeasures program and has established DUI enforcement as one of its highest priorities. Deputies shall make every effort to detect and apprehend drivers under the influence of alcohol and/or other drugs.
- B. CCSO shall utilize the following countermeasures in its DUI enforcement program:
 1. Selective assignment of Deputies at the time of and to the locations where analyses have shown a significant number of violations and/or crashes have occurred involving impaired driver.

2. Surveillance on roadways experiencing a high number of drinking-driving crashes in order to ascertain the profile of the problem drinker who drives.
3. Analyses of selected alcohol related crashes.
4. Roadway checks for deterrence.
5. Expeditious processing of violators.

1.19.3 DUI ENFORCEMENT:

- A. The following visual clues are indicators that the operator of a motor vehicle may be under the influence of alcohol and/or other drugs. This may include, but is not limited to:
1. Turning with wide radii.
 2. Straddling center or lane marker.
 3. Weaving (vehicle).
 4. Driving off the roadway.
 5. Drifting from traffic lanes.
 6. Driving in opposing traffic lanes.
 7. Turning abruptly or illegally.
 8. Driving abnormally slow or fast.
 9. Slow response to traffic signals.
 10. Accelerating or decelerating rapidly.
 11. Stopping without cause, especially in traffic lane.
 12. Braking erratically.
 13. Following too closely.
 14. Signaling inconsistently with driving actions.
 15. Driving with headlights off in rain or darkness.
 16. Appearing to be impaired.
 17. Nearly causing a crash.
- B. When a Deputy suspects that a motor vehicle operator may be impaired, he/she shall initiate a traffic stop. The Deputy should note the following concerning the driver:
1. Clothing description, including the condition.
 2. The presence of alcohol or drug odors, especially on the his/her breath.
 3. Demeanor.
 4. Whether the face is flushed, pale, or normal.
 5. Whether the eyes are bloodshot, watery, or normal.
 6. Whether the pupils of the eyes are constricted, dilated, or normal.
 7. Whether he/she is hiccupping, belching, vomiting or exhibiting any other unusual behaviors.
 8. Whether the speech is mumbled, slurred, stuttered, thick tongued, or understandable.
- C. When the Deputy suspects that the driver's ability to operate a motor vehicle is impaired, the driver will be requested to submit to field sobriety exercises.
1. The driver shall be asked to move to an area a safe distance from the traffic way and/or to a firm level surface.
 2. The currently accepted field sobriety test will be used.

- D. When the Deputy is satisfied that probable cause exists to charge the suspect with DUI, the subject should be arrested using the appropriate uniform traffic citation as a charging document.
- E. The arresting (or designated) Deputy is responsible for:
1. Assuring that medical attention is provided to any party needing such.
 2. Transporting the arrested person in a timely manner and a manner that is safe for both the Deputy and the detainee.
- F. Deputies may conduct tests to determine blood alcohol content.
1. The Deputy will request the subject to take a breathalyzer test, if possible. If the subject indicates a desire to refuse to submit to the requested test, the appropriate State of Florida Implied Consent Warning must be read to the subject.
 2. A blood sample may be requested by a deputy if a breath test is impractical due to a delay of release from, or admittance to a hospital. No arrest is necessary to request a legal blood sample. If the subject refuses, the State of Florida Implied Consent Warning must be read to the subject.
 3. Blood may be forcefully drawn by an approved medical technician as required by statute, such as in a case involving DUI with a fatality or serious injuries.
 4. Blood drawn for medical purposes when an impaired driver is detained at a health care facility may be subpoenaed.
 5. If, upon completion of the deputy requested breath test, the subject makes an unsolicited request for an independent blood test, he/she shall be provided a telephone book and timely access to a telephone to make arrangement for such test.
 - a. This provision is available only after such time as the subject has complied with a deputy's request for a breath test.
 - b. The arresting deputy is under no obligation to transport to a medical facility or to further assist in securing such test.
 - c. A deputy is not required to inform a subject of the right to an independent blood test.
- G. Drivers may be impaired by substances other than alcohol. A driver may provide breath samples which indicate a breath alcohol concentration lower than the Illegal Per Se level of .080.
1. In the event the driver provides valid breath samples which indicate a breath alcohol level at .079 or below, or where the level of impairment that was observed is inconsistent with the alcohol level obtained, the arresting Deputy shall:
 - a. Request the driver submit to a Drug Influence Evaluation(see section 1.19.4).
 - b. Request a urine sample from the driver. The Drug Recognition Expert (DRE) will assist the arresting deputy in the collection, packaging and preparation of the sample if needed. The arresting deputy will submit the sample to their respective evidence center for submission to FDLE.

- c. Request an on-duty or on-call DRE via the CCSO Communications Center.
 2. A driver who refuses to provide a urine sample, whether or not he/she consents to the evaluation, must be read Implied Consent warnings related to urine samples. A refusal to provide urine will result in the driver being processed as though he/she had refused the breath test.
 3. A Drug Influence Evaluation will not be completed on a driver who refuses to take a breath test.
- H. The arrestee's vehicle shall be released or impounded as specified in Section 27 of this chapter.
- I. Juveniles shall be charged the same as adults on traffic offenses. Therefore, the same procedure shall be followed for a juvenile as for an adult, with the following exceptions:
 1. The Deputy shall notify the juvenile's parents or legal guardians and request that they meet the Deputy at the Jail facility, where the juvenile may be released to them after the testing and paperwork are completed. The parent/legal guardian must:
 - a. Have proper identification.
 - b. Be sober.
 2. See O-5.2 for further instructions regarding juvenile misdemeanor and felony traffic arrests and parent/guardian notification.

1.19.4 DRUG INFLUENCE EVALUATIONS:

- A. The Drug Influence Evaluation is a standardized and systematic method of examining a driver suspected of impairment by drugs to determine:
 1. Whether the driver is impaired.
 2. Whether the impairment is caused by drugs or a medical condition;
 3. If drugs, the category (or categories) of drugs that is likely to be causing the person's impairment.
- B. The Drug Influence Evaluation will be conducted by a Deputy who:
 1. Has been trained and certified by the International Association of Chiefs of Police (IACP) as a DRE, or
 2. Has completed training and is conducting evaluations under the supervision of a DRE Instructor for training purposes.
- C. The DRE will conduct a preliminary examination of the subject. This will determine if the Drug Influence Evaluation should continue. The DRE has the authority to terminate the evaluation at any time for safety reasons. Drug Influence Evaluations will not be performed if a person is combative or overtly violent.
- D. In the event that the impairment observed is determined to be the result of a medical problem, a determination shall be made regarding the necessity of providing immediate emergency medical care. If the DRE is conducted in the jail, the Jail Medical staff will make the determination.

- E. All evaluations will be conducted in accordance with current procedures as outlined by the IACP.
- F. The DRE conducting the evaluation will complete the necessary Drug Influence Evaluation packet to include, but not limited to:
 - 1. A Drug Influence Evaluation face sheet
 - 2. A Drug Influence Evaluation narrative
- G. Copies of the Drug Influence Evaluation packet shall be provided to:
 - 1. DRE maintains the original
 - 2. State's Attorney Office- copy via interoffice mail
 - 3. DRE coordinator
- H. The DRE is responsible for maintaining a file containing completed evaluations, a "rolling log" of all evaluations completed and a resume for court presentation purposes, as well as periodic recertification by the IACP (International Association of Chiefs of Police).

1.19.5 PEDESTRIAN AND BICYCLE TRAFFIC LAW ENFORCEMENT:

Traditionally, pedestrian and bicycle traffic law violations have been looked upon lightly by law enforcement and have been unpopular with the public to enforce. However, many deaths and injuries result from pedestrian and bicycle traffic law violations. Therefore:

- A. Deputies will take appropriate enforcement action when and where pedestrian and bicycle violations are observed.
 - 1. Pedestrian Enforcement:
 - a. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted. This is particularly true in those areas where pedestrian laws have previously received minimal attention.
 - b. Deputies shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.
 - c. With regard to pedestrian traffic laws, the "spirit" of the law shall supersede the "letter" of the law; and application shall be made accordingly.
 - 2. Bicycle Enforcement:
 - a. Laws pertaining to the proper operation of bicycles shall be strictly enforced:
 - 1) In areas of heavy congestion and frequent traffic crashes involving bicycles, and
 - 2) On those arteries with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles.
 - b. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience low, Deputies should stop bicyclists as necessary, and educate them with regards to safe operation.

- B. The enforcement actions will be commensurate with the pedestrian and bicycle crash experience, and at times and places as determined through the analysis of crash reports.

1.19.6 OFF-ROAD RECREATIONAL VEHICLES:

Off-road recreational vehicles (mini-bikes, ATV's, dirt bikes, etc.) are used extensively in Collier County. Their use has resulted in citizen complaints of excessive noise, trespassing, and property damage. Deputies shall therefore take appropriate enforcement action for violations observed and/or reported, particularly for the following circumstances:

- A. Crashes involving off-road vehicles.
- B. Unlicensed vehicle usage on streets and highways.
- C. Violations of off-road vehicle registration laws when driven on roadways.
- D. Improper use of street and highway crossings.
- E. Citizens complaints of excessive noise, trespass and/or property damage.
- F. Juvenile offenders.

1.19.7 ACCOUNTING FOR COUNTY PARKING CITATIONS:

- A. County parking citations shall be handled much in the same manner as Uniform Traffic Citations.
 - 1. The Central Records Bureau shall maintain a log of parking citation books issued to the District Substations, Bureaus and individual Deputies.
 - 2. Each District Substation or Bureau shall maintain a log to record their issuance of parking citation books to individual Deputies.
 - 3. The supervisor issuing a parking citation book shall indicate in the log the date, citation numbers, and the receiving Deputy.
 - 4. Upon receipt the Deputy should examine the book to ensure all citations are accounted for and that the citations are not damaged. Should there be missing or damaged citations the Deputy should report same to his/her supervisor and return the entire citation book to the Central Records Bureau indicating same. Each parking citation book should contain 50 tickets.
 - 5. Deputies voiding a citation shall mark "VOID" and the reason for the void on the citation and forward all copies to the Central Records Bureau.
- B. Each citation is comprised of three copies:
 - 1. The white copy of the citation with the envelope attached to the back shall be given the person to receive the parking ticket or if the vehicle is unattended it shall be attached to the vehicle in a conspicuous place.
 - 2. The yellow copy and the remaining white copy shall be forwarded to the Central Records Bureau in the same manner as a Uniform Traffic Citation.

1.19.8 ENFORCEMENT OF PARKING REGULATIONS:

- A. Parking laws to be enforced are found in:
 - 1. Florida Statutes
 - 2. County ordinances
- B. The "Florida Uniform Traffic Citation" shall not be issued for violations of county parking ordinances.
- C. A Deputy may have a vehicle towed from the public highways or publicly owned property for parking violations as specified in F.S. Chapter 316, (or its successor).

APPROVED BY
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