

HANOVER PARK POLICE DEPARTMENT

HANOVER PARK, ILLINOIS



DIRECTIVE: 362-T

REFERENCE STANDARDS: 61.1.2 61.1.3 61.1.4
61.1.5(c)(d)(e)(f)(h)(i)(j) 61.1.6 61.1.9

SUBJECT: Traffic Law Enforcement

PURPOSE: To define enforcement procedures, set guidelines for traffic stops, and provide guidance for officer discretion as to enforcement methods and procedures.

POLICY: It will be the Hanover Park Police Department's policy to aggressively and equitably enforce all traffic laws and take enforcement action upon the detection of an illegal and/or potentially hazardous act(s). The Hanover Park Police Department makes impaired driving, speed enforcement, distracted driving, and occupant protection/restraint enforcement a top priority. The Department recognizes that those violations contribute to the majority of crashes involving personal injury or death.

I. ENFORCEMENT ACTION

- A. Members of the Hanover Park Police Department shall take appropriate enforcement action for each violation of the law witnessed by them. Such action shall be accomplished by using one of the four following methods:
1. Physical arrest
 2. Issuance of Notice to Appear (Citation)
 3. Issuance of a Compliance Citation (C)
 4. Verbal warning
- B. Officers are to use discretion, based upon professional judgment, as well as considering the tolerances, as to what form of enforcement action will be taken. To facilitate uniformity in the application of traffic laws, the following guidelines should be used:
1. Physical Arrest - Officers will effect the arrest person who violates any traffic law that requires the establishment of identity and/or bond in excess of the minimum preset bail amounts, as required and described in the Illinois Vehicle Code or the Municipal Code of Hanover Park. (61.1.2a)
 2. Notice to Appear (Citation) - The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic including

hazardous moving violations, licensing violations, parking violations, and operating unsafe and/or improperly equipped vehicles. (61.1.2b)

3. Compliance Citation (C) - A "C" is an alternative available to officers in response to a minor infraction committed in those areas where accident experience is minimal. C's are only appropriate for those violations that have been identified by the department in respect to the Illinois Vehicle Code, 625 ILCS 5/6-204(a)2.
4. Verbal Warning - A verbal warning is appropriate when the violator commits an act which may be due to ignorance of the law or a violation of which the operator might not be aware. Similarly, a verbal warning is appropriate for equipment failure that the driver might be unaware of. (61.1.2c)

II. SPECIAL ENFORCEMENT PROBLEMS

A. Nonresidents

1. 625 ILCS 5/6-800, of the Illinois Vehicle Code describes the reciprocal provisions applicable to residents who are members of the "Nonresident Violator Compact". All officers shall be familiar with these provisions listed in the Vehicle Code. (61.1.3a)
2. Motorists who fall under the "Nonresident Violator Compact" provisions shall be allowed to give their personal recognizance to comply with the terms of the citation. Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place according to law, following issuance of the citation. Motorists of Non Compact states shall post a bond as set forth by Rule of Court. If unable, they will be taken before the nearest judge as soon as possible.

B. Juveniles (61.1.3b)

1. Juvenile traffic offenders will be issued recognizance bonds if they are unable to post a cash bond or other acceptable bond as set forth by state statute.
2. Officers issuing a traffic summons to a juvenile offender shall advise them as to their court date, which is mandatory, and also that the parents would be required to attend as well.
3. The arresting officer will notify a parent or guardian if the citation involves alcohol or drugs or requires parental appearance as defined in the Illinois Code, 625 ILCS 5/16-107.

C. Diplomatic Immunity (61.1.3d)

1. Diplomatic immunity is granted by the U. S. Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity:
 - a. Diplomats and members of their families enjoy full immunity.
 - b. Employees of diplomatic missions and members of their families enjoy immunity with respect to actions performed in the course of their official duties.

2. While the burden is upon the diplomat to claim immunity through the presentation of valid credentials, diplomatic status may also be verified through the State Department Consular Officers, telephone 202-647-7277.
3. Consular Officers enjoy immunity but members of their families do not. However, they should receive appropriate courtesy and respect.
4. Report all serious incidents involving diplomatic and consular officers and their families to the U.S. Department of State, Office of Protocol. All diplomatic and consular officers should be treated with courtesy and respect that befit their positions. At the same time, it is a well-established principle of international law that persons who enjoy such privileges and immunities should respect local laws and regulations.

D. Congressional Immunity (61.1.3c)

1. Members of Congress may not be detained for the issuance of a citation for a minor traffic violation while they are in transit to or from the Congress of the States.
2. If a member of Congress is stopped for an infraction, they should be identified and immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress, or on official business.

E. Military Personnel (61.1.3e)

1. All military personnel assigned to local military installations should be treated as residents.
2. Military personnel not assigned to local installations should be dealt with in accordance with provisions of Section III.A. of this Directive.
3. Officers are reminded that the home state operator's license of military personnel does not expire until 90 days after separation from active duty.

F. State Statute Exceptions

1. Illinois Criminal Code 725 ILCS 5/107-7, states that other individuals and public officials may be privileged from arrest.
 - a. Senators and Representative of the Illinois State Assembly when going to and returning from same (except for felony or breach of the peace arrests).
 - b. Electors shall be privileged from arrest going to and returning from an election (except for felony or breach of the peace arrests).
 - c. Militia shall be privileged from arrest going to and returning from attendance at musters or elections (except for felony or breach of the peace arrests).
 - d. Judges, attorneys, clerks, sheriffs, and other court officers shall be privileged from arrest while attending court and while going to and returning from court.

III. MOTORIST INFORMATION (61.1.4a,b,c,d)

- A. At the time a motorist is charged with a traffic offense, the issuing officer will provide the motorist information relative to the charge(s). Information will be contained in one or more of the following handouts:
 - 1. Cook County Mailer
 - 2. Cook County Citation
 - 3. DuPage County Citation
 - a. DuPage Citations are issued in multiple violations mandating court appearances
- B. Officers will familiarize themselves with these documents and their contents so that they will be able to provide motorists with the information they need prior to release.

IV. ENFORCEMENT POLICY (61.1.5c,d,e,f,h,i,j)

- A. Violation Tolerances
 - 1. Tolerances, indicated in this Directive are to be followed whenever possible. However, attendant circumstances may change the seriousness of the violation. Therefore, the tolerances provided in this Directive will not preclude the use of good judgment by the police officer in evaluating the seriousness of the violation in relation to the circumstances and conditions existing at time of the violation.
 - 2. Multiple Hazardous Violations
 - a. Enforcement of hazardous violations will follow established arrest and warning tolerances in multiple violations as well as in the single violations. It is the exception rather than the rule or policy for the police officer to refrain from issuing a citation for a second hazardous violation when the violation is serious enough to fall within the arrest tolerances.
 - b. The exceptions referred to are those situations where the two violations under consideration are similar to the extent that one law exists for the purpose of compliance with the other law. For example: when a driver has failed to stop as required and his actions result in a “right of way” violation, the “stop sign” citation would be issued and no action would be taken for failed to yield as required.
 - c. If a motorist fails to stop where required and pursuit reveals a speeding violation, both should be considered appropriate action taken based on the established tolerance for each violation.
 - d. A second citation would not be issued when the first citation is an all-inclusive charge and the specific violation for which a second citation is being considered is important evidence for the successful prosecution of the first charge. A motorist who has been charged with “reckless driving” would not be charged also with “operating on the left side of the roadway” or “speeding” if these are important factors in the case of “reckless driving”.
- B. Multiple Hazardous and/or Nonhazardous Violations
 - 1. Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation. In cases such as this, where the elements of one offense are closely related to the element of the second offense, one citation can obtain compliance and the second should not be written.

2. In all instances, multiple violations found which can be classified separately as hazardous and nonhazardous will be dealt with independently. A motorist stopped for following too closely and subsequently found operating without a driver's license could be separate citations if the seriousness of the first violation falls within the warning tolerance.

C. Equipment Violations

1. Equipment violations may be evaluated on their own depending upon the seriousness of the violation.

D. Newly Created Statutes and/or Village Ordinances

1. It will be the policy of this department to recognize newly enacted Laws or Ordinances and when enforcement action is applicable.
2. The Chief of Police, or his designee, may issue special orders to the enforcement process that may include warnings be issued for a set period of time.

V. ENFORCEMENT PROCEDURES (61.1.6a,b,c)

- A. Strategies and tactics for traffic law enforcement should be consistent with the nature of the violation and its potential for interfering with the free and safe flow of traffic. This may involve one or more of the following types of traffic patrol:

1. Line Patrol - Patrol between two specific points on a given street.
2. Area Patrol - Moving patrol within a defined area.
3. Stationary traffic observation
 - a. Visible
 - b. Concealed

- B. Officers may utilize countermeasures that would be effective for specific enforcement problems with approval of the Chief of Police. These measures may include:

1. Marked vehicles
2. Semi-Marked vehicles
3. Unmarked vehicles
4. Specialty Vehicles
 - a. Bicycles

- C. Officers may utilize either of the two approved methods of speed timing that may be effective for the nature of the violation.

1. Pace - the officer will maintain a constant speed with the violator vehicle for a sufficient distance, neither gaining nor losing distance between the police vehicle and the violator's vehicle.

2. Radar - the officer may use the radar device in either the moving or stationary mode. The radar will be F.C.C. approved. (61.1.9)
 - a. All personnel authorized to operate radar units will be trained in their use. Instruction in radar use will be through a department-approved course or it's equivalent.
 - b. Radar units will be tested before and after use with a tuning fork or the internal calibration device. Units or tuning forks not properly calibrated or malfunctioning in any way will be written up on a To/From, describing the malfunction(s) and immediately forwarded to the Deputy Chief of Services.
 - c. The Deputy Chief of Support Services will be responsible for the repair and maintenance of all radar units and shall maintain all records pertaining to it.
- D. Roadside safety checks will only be utilized upon approval of the Chief of Police and within approved guidelines established in the State of Illinois. (61.1.6d)

VI. EQUIPMENT

- A. All vehicles used in the traffic law enforcement function will be equipped with an approved red light and siren.
- B. Red lights will be activated when attempting to stop a violator. Additionally, sounding the horn and/or the siren, will put the violator on notice of the officer's intent to stop them.
- C. If the officer is pursuing a motorist, they will be governed by the pursuit procedure contained in Vehicle Operation Directive 222-P.
- D. Once the stop has taken place, the officer will leave his emergency lights activated during the entire stop. If conditions exist where undue attention can be brought upon the officer or violator, the emergency lights may be discontinued.
- E. The spotlight will be used to illuminate the interior violator's vehicle and, if necessary, to gain the violator's attention during the evening hours.
- F. The public address system may be used to communicate with a violator. Instruction should be given slowly and clearly to avoid confusion.

VII. OFF ROAD VEHICLES

- A. All officers are responsible for the enforcement of laws dealing with off-road vehicles, and for providing information, not only to users, but the general public as well concerning:
 1. Licensing and registration violations;
 2. Equipment violations;
 3. Illegal or improper use of sidewalks, bike trails, traffic-way crossing, and other related violations.

- B. Officers shall be familiar with laws relating to off-road vehicles and take appropriate enforcement action when violations are observed.

VIII. PROHIBITED ACTION

- A. All phases of traffic law enforcement shall not be based upon the individual's physical characteristics of race, color, sex, age, disability, national origin or ancestry as the sole basis for an investigatory stop or warrantless arrest. Traffic enforcement will be based upon probable cause.
- B. Violations reported to the department will be investigated as outlined in DIR 181-A, Internal Investigations.