

# COLUMBUS POLICE DEPARTMENT



## General Order 61: Traffic

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## **Policy**

This General Order governs the processes and procedures of the traffic related responsibilities and services of the department.

### **61.1 Traffic Enforcement**

#### 61.1.2 Uniform Enforcement Procedures

While the agency prohibits practices requiring officers to issue a predetermined number of citations, arrests, or summonses not directly related to improving public safety, all enforcement actions incidental to traffic law violations will be accomplished using the following methods:

- A. Physical Arrests – Physical arrests shall be made in accordance with Indiana law and in accordance with General Orders 1.2.5(B), 1.2.5(C), 61.1.5(A) and 61.1.5(B).
- B. Citations (notice to appear) – When an officer witnesses a traffic law violation, they have the option to issue a uniform traffic ticket. The decision to issue a traffic ticket should increase when the violator’s actions indicate deliberate disregard for traffic regulations and/or with the seriousness of the violation.
- C. Warnings – When an officer witnesses a traffic law violation, they have the option to issue either a written or verbal warning. However, a written warning is preferred in order to show compliance with General Order 1.2.9. The decision to issue a warning should increase when the violator’s actions indicate inadvertent violations and/or with the triviality of the violation.

#### 61.1.3 Violator Procedures

Procedures for handling traffic law violations by special persons shall be:

- A. Non-residents
  - 1. Non-residents from states that are recognized by the State of Indiana by agreement shall be handled in accordance with IC 9-28-1.
  - 2. Non-residents from states that are not recognized by the State of Indiana by agreement shall be handled in accordance with IC 9-28-2.
- B. Juveniles - The procedure for handling juvenile traffic law violators will be in accordance with General Order 44.

- C. Legislators - United States Senators, Congressman and Indiana Legislators, in all cases except treason, a felony or a breach of peace, shall be immune from arrest while going to, returning from and attendance at sessions of their respective houses. This section grants immunity from arrest but would not preclude the issuance of a traffic citation.
- D. Foreign Diplomats and Consular Officials should be afforded their respective privileges, rights and immunities as directed by international law and federal statutes (see [www.travel.state.gov/consularnotification](http://www.travel.state.gov/consularnotification)). Issuance of a citation does not constitute an arrest or detention.
- E. Military personnel who have committed a traffic violation shall be handled as any other traffic violator.

#### 61.1.4 Informing the Violator

At the time that a motorist is cited for a violation, personnel shall provide information relative to the specific violation, to include:

- A. The date and time of their deadline to either pay the fine or to notify the prosecutor's office that he/she wishes to contest the ticket.
- B. Whether the court appearance is optional or mandatory;
- C. Notice of whether the motorist is allowed to enter a plea and how to pay the fine; and
- D. Referral to the Bartholomew County Court's schedule of fines and costs.

#### 61.1.5 Uniform Enforcement Policies

- A. Operation of a vehicle by a driver under the influence of alcohol and/or drugs:
  1. Recognize and document specific driving behaviors that suggest that the driver may be impaired.
  2. Recognize and document all observations during face-to-face contact leading to the suspicion that the driver may be impaired.
  3. If reasonably practical and if reasonable suspicion exists, request the subject exit the vehicle and move to a safe location. If the suspicion that the driver may be impaired is believed to be a result of drugs and not alcohol, and a Drug Recognition Expert (DRE) is on-duty and can practically be used, it is preferred the DRE be utilized to perform field sobriety tests. Otherwise, the officer should determine whether probable cause exists based on the evidence accumulated by administering the following field sobriety tests:

- a. Horizontal gaze nystagmus;
  - b. Walk-and-turn;
  - c. One-leg stand; and
  - d. Portable breath test (PBT).
4. If probable cause exists, the officer shall read the driver implied consent (IC 9-30-6-2). If an officer has reason to believe a person operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury, the officer shall offer that person a portable breath test or chemical test (IC 9-30-7-3). The two tests that may be offered are breath tests and blood tests; urine tests should not be offered.
- a. If the driver consents:
    - i. Breath tests must be done by a certified chemical breath test operator (IC 9-30-6-5).
      - a. If the law enforcement officer believes probable cause exists for the arrest of the suspect, the officer should generally remand the subject to the Bartholomew County Jail after the chemical breath test.
    - ii. Blood tests must be done by a phlebotomist at the hospital lab using a blood draw evidence kit. The officer will seize the kit as evidence, and it will be sent to the State Department of Toxicology for analysis. The hospital will not be doing any of the actual blood testing.
      - a. Inform central dispatch to contact the Columbus Regional Hospital and inform them that you will be requesting a blood draw.
      - b. Upon arrival at the hospital, you should be provided with a location within the emergency room and present the subject to the phlebotomist.
      - c. If the subject gives consent for the test, complete the hospital form entitled "Consent for Specimen Collection for Criminal Investigation."
      - d. Follow the guidelines for responsibilities for blood tests as outlined in General Order 61.1.5(A)(5).

- b. If the driver refuses OR is unable to consent or refuse:
  - i. Complete the “Affidavit of Probable Cause For Search Warrant” form (hereafter, “PCA”).
  - ii. Present the completed PCA and a “Warrant for Search” form (hereafter, “search warrant”) to a judge.
  - iii. Present the search warrant to the suspect.
  - iv. Inform central dispatch to contact the Columbus Regional Hospital and inform them that you will be requesting a blood draw.
  - v. Upon arrival at the hospital, you should be provided with a location within the emergency room and present the subject to the phlebotomist.
  - vi. Present a copy of the PCA and the search warrant to the phlebotomist.
  - vii. Follow the guidelines for responsibilities for blood tests as outlined in General Order 61.1.5(A)(5).
5. If probable cause does NOT exist, AND the driver was involved in a fatal or serious bodily injury accident, AND the driver is unable to consent or refuse the chemical test, the officer should obtain the test results from the blood and/or urine draw conducted by medical personnel for their own purposes (IC 9-30-6-6).
  - a. If the test results show no indication of alcohol or drug use, the investigation is complete.
  - b. If the test results indicate drug or alcohol use, pursuant to IC 9-30-6-6, the actual blood sample taken by medical personnel shall be obtained by the officer with the assistance and guidance of a prosecutor, and the officer shall follow normal department protocol to ensure that the evidence is then sent to the Indiana State Department of Toxicology for analysis.
6. Responsibilities for blood tests
  - a. The phlebotomist will obtain a blood sample from the subject using a blood draw evidence kit (the evidence kits are kept at the hospital).
    - i. The investigating officer will:

- a. Complete boxes 1 through 4 on the “Toxicology Analysis Request Form” in the kit completely and legibly.
  - b. Personally witness the blood draw collection, and after the blood is drawn shall sign as the “Witness” in box 5.
- ii. The phlebotomist will:
- a. Draw the blood sample according to hospital protocol. The phlebotomist will label each sample with the subject’s name, date and time of collection and the phlebotomist’s badge number.
  - b. Complete the specimen collection information (“Specimen Collected By”, “Collection Facility”, “Date Collected,” and “Time Collected”) on the first two lines of box 5 of the “Toxicology Analysis Request Form.” The phlebotomist may also make a copy of the completed form for hospital records.
  - c. If there is no warrant, complete the information required of the hospital employee on the appropriate lab form (either “Law Enforcement Officer’s Request for Sample in Serious Bodily Injury/Death case” or “Consent for Specimen Collection for Criminal Investigation”).
- b. The phlebotomist will package the filled tubes in the evidence kit’s container, place the container in the plastic bag provided in the kit, and present the bag to the law enforcement officer.
  - c. In the presence of the phlebotomist, the law enforcement officer will seal the bag with an evidence seal, place the bag in the evidence kit’s box, seal the box, and take possession of the sealed box as evidence.
  - d. If the law enforcement officer believes probable cause exists for the arrest of the suspect, the officer should generally remand the subject to the Bartholomew County Jail at this time.
  - e. As soon as possible after the suspect is remanded, the evidence box should be placed into the department’s refrigerated temporary storage location. (Follow normal department protocol to ensure that the evidence box is then sent to the Indiana State Department of Toxicology for analysis).

- f. If a search warrant was obtained, complete the “Return of Warrant for Search” section of the search warrant and file it with the court. If the court is closed, file it with the court on the next business day.
- g. If a search warrant was obtained, when you send your case to the prosecutor’s office for review, be sure to submit your copy of both the PCA and the search warrant with your case materials.

7. Notes

- a. Except in cases involving serious bodily injury or death, if the subject physically resists the phlebotomist such that a blood draw is not possible without the use of force, officers may only use lower levels of force that are reasonable under the circumstances to obtain a blood draw. Document the resistance in your written narrative, and if possible take a taped statement from the phlebotomist regarding the suspect’s resistance. If the case does involve serious bodily injury or death of anyone other than the suspect, then higher levels of force may be used if they are reasonable and necessary under the circumstances to obtain the blood sample.
  - b. Time is of the essence. If a subject refuses the chemical test and a search warrant is necessary to draw the blood, do not delay in applying for the search warrant. Make every effort possible to have the blood draw occur within three hours of the time that the officer had probable cause to believe the driver committed the offense (IC 9-30-6-2 and 9-30-7-3).
8. If an officer has probable cause to believe that a person committed an offense under IC 9-30-5, the person may be arrested. However, if the chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an offense under chapter IC 9-30-5 or IC 9-30-9. (IC 9-30-6-3)

B. Operation of a vehicle after driving privileges have been suspended or revoked:

1. Suspended/Infraction

- a. If the status reads “indefinite” anywhere on the driver’s license return, the driver should be cited for DWS/Infraction (9-24-19-1).
- b. If “indefinite” does not appear anywhere on the return:
  - i. If the eligibility date has passed, the driver should be cited for “No Valid License” (9-24-1-1), which is an infraction.

- ii. If the eligibility date has not passed, the driver should be cited for DWS/Infraction (9-24-19-1).

## 2. Suspended/Prior

- a. If the status reads “indefinite” anywhere on the driver’s license return, the driver should be cited for DWS/Prior (9-24-19-2) and arrested, or cited with the misdemeanor offense and released.
- b. If “indefinite” does not appear anywhere on the return:
  - i. If the eligibility date has passed, the driver should be cited for “No Valid License” (9-24-1-1), which is an infraction.
  - ii. If the eligibility date has not passed, the driver should be cited for DWS/Prior (9-24-19-2) and arrested, or cited with the misdemeanor offense and released.

## 3. Suspended/Misdemeanor

- a. If the status reads “indefinite” anywhere on the driver’s license return, the driver should be cited for DWS/Misdemeanor (9-24-19-3) and arrested, or cited with the misdemeanor offense and released.
- b. If “indefinite” does not appear anywhere on the return:
  - i. If the eligibility date has passed, the driver should be cited for “No Valid License” (9-24-1-1), which is an infraction.
  - ii. If the eligibility date has not passed, the driver should be cited for DWS/Misdemeanor (9-24-19-3) and arrested, or cited with the misdemeanor offense and released.

## 4. HTV and Lifetime suspension

- a. If the status reads “indefinite” anywhere on the driver’s license return, the driver should be cited and arrested for the offense (9-30-10-16 or 9-30-10-17).
- b. If “indefinite” does not appear anywhere on the return:
  - i. If the eligibility date has passed, the driver should be cited for “No Valid License” (9-24-1-1), which is an infraction.
  - ii. If the eligibility date has not passed, the driver should be cited and arrested for the offense (9-30-10-16 or 9-30-10-17).



- C. Moving Violations – Officers should decide what enforcement, if any, is appropriate when following the uniform enforcement procedures contained within General Order 61.1.2.
- D. Non-Moving Violations - Officers should decide what enforcement, if any, is appropriate when following the uniform enforcement procedures contained within General Order 61.1.2.
- E. Public Carrier/Commercial Vehicle Violations – Carrier and Commercial vehicle violations shall be treated in the same manner as any other driver or vehicle.
- F. Multiple Violations – When multiple violations are observed, officers shall consider this as a factor when deciding what enforcement, if any, is appropriate when following the uniform enforcement procedures contained within General Order 61.1.2.
- G. Newly Enacted Laws and/or Regulations – Officers shall issue warnings for a period of fourteen (14) days after the date a new law or local ordinance becomes effective unless otherwise specified by law or another directive by the department.
- H. Violations Resulting in Traffic Collision or Crash – Officers may issue citations for traffic infractions to the drivers of vehicles involved in traffic accidents if the investigating officer believes in good faith the person has committed the infraction (IC 34-28-5-3).
- I. Pedestrian and Bicycle Violations – For pedestrian and bicycle violations, officers should decide what enforcement, if any, is appropriate when following the uniform enforcement procedures contained within General Order 61.1.2.

#### 61.1.7 Stopping/Approaching

Officers shall comply with the limitations of IC 9-30-2-2 (marked vehicle or uniformed officer) when stopping a motor vehicle. When conducting a motor vehicle stop it is recognized that varying conditions may require officers to alter from the following procedures on occasions. However, the following procedures should generally be followed when stopping a motor vehicle:

- A. Unknown Risk Stops
  - 1. Once an initial decision has been made to stop a motorist, the officer shall select an area that provides reasonable safety, which includes avoiding curves, hills, heavily trafficked and poorly lit areas and roads without shoulders.
  - 2. When a location has been selected for the stop, the officer shall notify the communications center providing unit number, location, and vehicle tag number.

3. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or at the safest shoulder by activating the emergency lights and siren, as necessary.
4. Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the violator's vehicle and at a slight angle, with the front approximately 2 feet to the traffic side of the violator's vehicle.
5. At night, the spotlight should be used to illuminate the vehicle's interior once stopped.
6. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers.
7. The officer may approach the vehicle from either the driver's side or passenger's side. The officer should be observant of the passenger compartment and stop at a point to the rear of the trailing edge of the front door in order to communicate with the driver.
  - a. The officer should choose a path that will not allow the occupants to thrust the door open against the officer.
  - b. Instead of approaching the vehicle, the officer may order the driver and passengers to exit the vehicle (*Maryland v. Wilson*).
8. If a second officer is present, he/she will be responsible as an observer and cover for his/her fellow officer. During hours of darkness, a second officer should provide back-up on a traffic stop, unless disregarded by the primary officer or other exigent circumstances exist.
9. During the course of the stop, the officer and other parties should be positioned to the side of the road, clear of the motor vehicles. The officer should, if possible, avoid positioning himself/herself or others in front of, between or behind the stopped vehicles.
10. When preparing citations, the officer should position paperwork and related materials in a manner that allows him/her to maintain vantage over actions of the violator and other occupants.

#### B. High-Risk Stops

1. When planning to stop the vehicle, the officer shall notify the communications center providing unit number, location, a description of the vehicle, vehicle tag number, and number of occupants.

2. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time, or when the urgency of the situation demands immediate action.
3. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop by activating the emergency lights and siren, as necessary.
4. Officers should position their vehicles approximately 30 feet behind the suspect vehicle, in positions that will maximize opportunities for cover and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage.
5. Officers should exit their vehicles quickly and assume positions of cover.
6. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants. Officers should communicate so that only one officer is issuing commands at a time.
  - a. The occupants should be ordered out of the vehicle one person at a time.
  - b. The commands should be individually given.
  - c. The commands should be applicable to the situation, which may include commands such as:
    - i. Lower the window;
    - ii. Remove the keys with your left hand;
    - iii. Place the keys on the roof of your vehicle;
    - iv. Open your door from the outside;
    - v. Step out of the vehicle;
    - vi. Turn around completely;
    - vii. Face away from me;
    - viii. Walk backward until commanded to stop;
    - ix. Get down on your knees;

- x. Lay face down on the ground with hands stretched far to the sides; etc.
7. When all occupants are believed to be removed and secured, with appropriate cover, officers should then approach the suspect vehicle.

#### 61.1.10 DUI Procedures

The procedures for handling persons suspected of operating while intoxicated are governed by General Order 61.1.5(A).

### **61.3 Traffic Direction and Control**

#### 61.3.2 Direction/Control Procedures

##### A. Procedures Applicable at the Scenes of Traffic Collision or Crash:

1. The first officer to respond to the scene of an accident will be in charge of the scene and will call for assistance to handle traffic direction and control, unless relieved of this duty from a higher-ranking officer.
2. Officers assigned to traffic direction and control at the scene of an accident will coordinate traffic flow to allow traffic to continue to move as freely as possible, while protecting the scene and those involved in the accident.
3. Officers will have the responsibilities described in General Order 61.3.2(A), and in the case of a critical incident, officers should also establish a location for access to and egress from the scene for all involved agencies.

##### B. Procedures Applicable During Periods of Adverse Road and Weather Conditions

1. Upon discovering an adverse road or weather condition, officers shall cause appropriate agencies to be notified to correct the condition.
2. Officers should provide traffic direction and control services and scene protection services in the vicinity until the condition can be corrected unless other calls for service are of higher priority.

##### C. Manual Operation of Traffic Control Devices – Various circumstances may warrant the manual operation of traffic control devices such as:

1. Malfunction of the signal;
2. Facilitating movement of traffic at accidents or other emergencies;
3. Providing a thoroughfare for motorcades;

4. Alleviating congestion, etc.

D. Use of Temporary Traffic Control Devices – Various circumstances may warrant the use of temporary traffic control devices such as:

1. Movable barriers;
2. Portable signs;
3. Portable stop signs, etc.

E. Reflective Clothing – The department provides high visibility outerwear vests to personnel who are likely to be assigned to perform manual traffic direction and control functions. Personnel must wear such high visibility outerwear vest whenever conducting manual traffic direction and control or when assisting or investigating accident scenes, and putting on the vest is practical.

### 61.3.3 Escorts

A. Escorts may be provided in the following instances:

1. When funeral homes request a funeral procession escort, if an officer is available, he/she will lead the procession to the cemetery or to the city limits; however, the officer may be permitted to lead the procession beyond the city limits with prior supervisor approval. The officer leading the procession will use emergency lights and siren, when necessary at intersections, and drive at a slow pace to keep the vehicles together. Utilizing a fully marked police vehicle for these escorts is preferred.
2. When businesses request a bank escort, an officer will follow the requestor to the requested facility and remain until their business is safely accomplished. If the requestor requests to ride in the officer's vehicle, he/she may do so.
3. Upon request by EMS personnel, officers may provide emergency escorts for EMS vehicles to area hospitals or operate EMS vehicles
4. Any other request for an escort shall be approved by the Chief of Police or his/her designee and processed in advance in order to plan for needed personnel and/or equipment.

B. Officers should not escort civilian vehicles in medical emergency circumstances, and should be avoided whenever possible. Upon discovering a vehicle in which a medical emergency exists, the officer may call for an ambulance and render aid until EMS personnel arrive, or release the vehicle after advising the driver to proceed with caution.

## 61.4 Ancillary Services

### 61.4.1 Motorist Assistance

Law enforcement personnel are expected to provide motorists with general assistance by providing information and directions, assisting stranded or disabled motorists, and other miscellaneous needs. To satisfy these requests, officers shall respond to calls for service and render such aid or advice as requested or indicated by the situation.

#### A. General Assistance to Motorists

1. To perform their basic duty of promoting safety, protecting human life and preserving peace on the streets and highways, officers will diligently patrol their service area and offer assistance when and where it is needed.
2. Since saving lives, aiding the injured, locating lost people, keeping the peace and providing for other miscellaneous needs are basic services provided by this department, officers of this department will respond to calls for service and render, or cause to be rendered, such aid or information as is called for by the situation.
  - a. Because of the overall danger to stranded motorists, the department will offer reasonable assistance to any motorist who appears to need assistance.
  - b. On many occasions, the disabled vehicle must be promptly removed from the highway.
    1. Officers will not use their patrol cars to pull or push a vehicle;
    2. Officers should request additional assistance from other officers or appropriate service vehicles if the individual officer cannot move the disabled vehicle.
  - c. After ensuring that assistance is available, the officer may transport stranded motorists to the nearest convenient location where assistance may be obtained.
  - d. Officers will provide information and directions upon request.

#### B. Mechanical Assistance or Towing Services

1. Whenever a motorist requires a wrecker or roadside service or repair and there is no immediate need for removal, the officer will first ask if the motorist has a preference of facilities or services and ask dispatch to make the request.
  - a. If the motorist has no preference, the officer will ask dispatch to contact the on-call wrecker or service organization.

#### C. Protecting Stranded Motorists

1. Because of the overall danger to the stranded person and also to other motorists potentially affected by the stranded person, officers will offer reasonable assistance at all times to the stranded person who appears to be in need of aid.
2. Officers should ensure that assistance arrives in a timely fashion and that motorists are directed or actually transported to a place of safety.

#### D. Emergency Assistance for Motorists

##### 1. Emergency Assistance for Motorists

- a. First-aid;
- b. Obtaining EMS assistance;
- c. Fires; and
- d. Obtaining Fire Department assistance

All emergency requests shall be communicated to the dispatcher for additional responses.

61.4.2 Hazardous Roadway Conditions – Upon discovery of any hazardous road condition, the officer will remove the hazard, if possible and practical, or request that the dispatcher make notification to the appropriate agency responsible for correcting the hazard. Hazardous conditions include but are not limited to:

- A. A weather condition;
- B. Debris in the roadway;
- C. Defects in the roadway;
- D. Defective, downed or damaged traffic control devices and/or traffic control signs; and
- E. Other roadside hazards including vehicles parked or abandoned on or near the roadway; see General Order 61.4.3.

##### 61.4.3 Towing

A. Abandoned Vehicles – Officers may tow abandoned vehicles in accordance with IC 9-22 and local ordinance 10.48.

1. When dealing with an abandoned vehicle on private property, the “Abandoned Vehicle On Private Property Statement” form must be signed by:
  - a. Owner of the property, or;
  - b. A manager of a company that manages the property or business.

2. Once signed, the officer will place a 72 hour notice on the vehicle.
3. After 72 hours have passed and someone reports that the Abandoned Vehicle is still on the property, an officer will respond to the property and tow the vehicle.

B. Removal and Towing of Vehicles from Public and Private Property – Any vehicle may be removed, towed or otherwise impounded by officers:

1. When permitted by local ordinance;
2. When permitted by state law;
3. When the vehicle poses a traffic or safety hazard;
4. When the vehicle is stolen or is improperly registered;
5. When the vehicle is needed for evidence;
6. When the vehicle is seized for forfeiture proceedings;
7. When an arrest would lead to the vehicle being unattended on public property;  
or
8. When an arrest would lead to the vehicle being unattended on private property and the property owner, or representative, requests the vehicle be towed, unless the vehicle is in a proper parking space, the vehicle is not a traffic hazard, and the arrestee has some control of the private property (i.e. he/she lives within the apartment complex, he/she owns the property, etc.).


C. Record of Vehicles

1. All vehicles towed at an officer's request, except public assistance tows (accidents, requests of owner, etc.), shall be documented by an electronic department Tow/Impound/Repossession form.
2. It shall be the tow-in officer's responsibility to thoroughly and accurately complete the electronic form including documenting the inventory, which shall be completed in accordance with General Order 1.2.4(A)(2)(e).



Acceptance by Columbus Police Department Captain's Board:

Date: 5-18-2021

  
Michael Richardson, Chief

Attest:

  
Kathy Rondomanski, Chief's Secretary

  
Steve Norman, Deputy Chief

  
Toby Combest, Uniform Captain

  
Jay Frederick, Administrative Captain


Acceptance by Columbus Board of Public Works and Safety:


Date: 5/18/2021

  
Jim Lienhoop, Mayor

Attest:

  
Luann Welmer, Clerk-Treasurer

  
Mary Ferdon, Member

  
John Pickett, Member

  
Jim Strietelmeier, Member

  
Brenda Sullivan, Member