

# Arizona Peace Officer Standards and Training

## Basic Curriculum Model Lesson Plan

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### LESSON TITLE: TRAFFIC CITATIONS 4.2

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|-------------------------|---|
| SUBJECT:                | Traffic Citations   |
| AZ POST DESIGNATION:    | 4.2   |
| HOURS:                  | 5   |
| COURSE CONTENT:         | <p>A discussion of the proper attitude and techniques essential in dealing effectively with traffic violators. The legal basis of the Uniform Traffic Citation and the differences among misdemeanors, petty offenses and civil traffic violations are discussed. Specific techniques for stopping and approaching suspects in vehicles are covered and the mechanics of completing the citation form are demonstrated.</p>   |
| PERFORMANCE OBJECTIVES: | <p>Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:</p> <p>4.2.1 Given a simulation, <b><u>demonstrate</u></b> the proper procedures for conducting a traffic violation stop, including:</p> <ul style="list-style-type: none"><li>A. Techniques for gaining a driver's attention (e.g., red light, horn, headlights, spotlight, siren, etc.).</li><li>B. Selecting a tactical location for a vehicle stop (minimize traffic hazards, escape routes and population).</li><li>C. Vehicle positioning.</li><li>D. Exiting vehicle.</li><li>E. Approach to violator's vehicle.</li><li>F. Control of occupants of a vehicle.</li><li>G. Records checks.</li><li>H. Contact with the driver.</li><li>I. Communication(s) with dispatch.</li></ul> |

- J. Avoidance of traffic hazards.
- K. Termination of a stop.
- 4.2.2 Given a written, verbal or visual description of an individual providing driver identification during a traffic stop, determine the acceptability of the following forms of driver identification:
  - A. Arizona state driver's license.
  - B. Out-of-state driver's license.
  - C. Temporary driver's license.
  - D. Learner's driver's permit.
  - E. Military I.D.
  - F. Consulate/international driver's license.
- 4.2.3 Identify the following hazards to an officer when approaching, on foot, a vehicle stopped for a traffic violation:
  - A. Attack by the occupant(s) of the vehicle.
  - B. Being struck by passing traffic.
  - C. Interference by outside parties.
- 4.2.4 Identify the proper procedures for safely stopping, approaching and contacting the occupant(s) of a vehicle at night, to include:
  - A. Proper position relative to both the vehicle's occupant(s) and passing traffic.
  - B. Use of spotlight, flashlight, headlights, etc.
  - C. Approach (avoid silhouetting).
  - D. Termination of a stop.
- 4.2.5 Given a written, verbal or visual description of a situation involving the stopping of an "unconventional" vehicle, identify proper tactics for safely stopping, approaching and/or removing suspects from the vehicle (e.g., motorcycles, campers/vans, buses, semi-trucks and motorhomes).

- 4.2.6 Identify the following hazards of failing to closely watch the movements of the occupant(s) in a vehicle before, and during, the vehicle stop:
- A. Attack by occupant(s).
  - B. Destruction or concealment of evidence.
  - C. Escape of occupant(s).
- 4.2.7 Identify the following reasons for recording the license number, vehicle description and number of occupants before making a vehicle stop:
- A. Officer safety.
  - B. Follow-up investigation.
  - C. To establish a record of the encounter.
- 4.2.8 Identify examples of the following types of vehicle stops:
- A. Traffic enforcement stop: A stop made because an officer has "reasonable suspicion" to believe the driver committed a traffic infraction.
  - B. Investigative stop: A stop made because an officer has "reasonable suspicion" to believe one (1) or more of the vehicle's occupants has engaged in, or is about to engage in, criminal activity.
- 4.2.9 Identify examples of the following legal considerations for stopping a suspicious vehicle:
- A. Reasonable suspicion.
  - B. Search and seizure laws.
  - C. Laws of arrest.
  - D. Constitutional law.
- 4.2.10 Identify the following procedures that should be followed when interacting with a traffic violator:

- A. Upon initial contact:
    - 1. Greet the violator.
    - 2. Identify yourself as a law enforcement officer.
    - 3. Obtain the violator's driver's license, vehicle registration and proof of insurance.
    - 4. Inform the violator of the reason for the stop and explain the circumstances for issuance of the citation.
  - B. Maintain a position of officer safety at all times.
  - C. Do **not** argue with the violator.
  - D. Do **not** accept the violator's wallet or purse.
  - E. Be courteous and professional at all times.
  - F. Check both the validity and authenticity of the violator's driver's license.
  - G. Advise the violator of court procedures and alternatives with respect to issued citations.
  - H. Explain to the violator that by signing the citation he/she is **not** admitting guilt, but simply acknowledging receipt of the citation in the case of a civil violation and promising to appear in the case of a criminal violation.
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- 4.2.11 Identify that there are situations in which issuance of a traffic citation is not in the best public interest.
  - 4.2.12 Identify the legal authority for issuance of a traffic citation as per A.R.S. §§28-1594 and 13-3883.
  - 4.2.13 Identify the procedural differences with respect to handling criminal and civil traffic offenses.
  - 4.2.14 Identify the notice requirements of citing a violator into court per A.R.S. §28-1592.
  - 4.2.15 Identify examples of situations where a person arrested for a traffic violation must be immediately taken before a magistrate per A.R.S. §13-3898.

- 4.2.16 Identify that the violator is issued a legible copy of a traffic citation.
- 4.2.17 Given a simulation requiring the issuance of a traffic citation form, properly, legibly and quickly **complete** the form.

DATE FIRST PREPARED:

August 1995

PREPARED BY:

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DATE: January 2000

REVIEWED – **REVISED**:

SME Committee

DATE: May 2001

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AZ POST (Word)

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AZPOST (DocX)

DATE: December 2021

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DATE: July 2019

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INSTRUCTOR REFERENCES:

CLASS LEVEL:

Student

TRAINING AIDS:

Computer aided presentation equipment, notices of violation and equipment repair order, sample forms of citations of all agencies represented in the recruit class, NCIC abbreviation cards for automobiles and states, one (1) marked police vehicle (lights – spotlight) and one (1) unmarked vehicle.  
<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY:

Interactive lecture, reading assignments, instructor demonstration, group discussion, problem solving, role playing and practical exercises.

SUCCESS CRITERIA:

70% or higher on a written, multiple-choice examination.  
Pass/fail on demonstration requirements.

COMPUTER FILE NAME:

4.2 Traffic Citations

DATE RELEASED TO THE SHARE FILE:

May 27, 2022

**I. INTRODUCTION**

- A. Instructor – (self) introduction.
- B. Preview of performance objectives.

**II. OFFICER Demeanor AND CONDUCT**

- A. At all times, no matter what the demeanor of the violator, officers will be professional.
- B. Prior to pulling over a violator, it is important to record the license number, vehicle description and the number of occupants to ensure: **P. O. 4.2.7**
  - 1. Officer safety. **P. O. 4.2.7A**
  - 2. A follow-up investigation, if needed. **P. O. 4.2.7B**
  - 3. A record of the stop is established. **P. O. 4.2.7C**
- C. Positive interpersonal skills with the violator should be utilized. **P. O. 4.2.10**
  - 1. Greet the driver. **P. O. 4.2.10A1**
  - 2. Identify yourself as a law enforcement officer. **P. O. 4.2.10A2**
  - 3. Question the driver in a polite, non-offensive manner.
  - 4. Obtain the driver's license, vehicle registration and proof of insurance. **P. O. 4.2.10A3**
  - 5. Remember: You have established authority – now request the license. **INSTRUCTOR NOTE: Effective 2019, electronic versions of documents are acceptable.**
  - 6. Inform the driver of the offense – explain the circumstances for issuing the citation. **P. O. 4.2.10A4**
  - 7. Accurately explain available options to the violator: **P. O. 4.2.10G**
    - a. Pay the fine by mail.
    - b. Driver improvement school.
    - c. Court date.
  - 8. All courts in Arizona are required to have these three (3) options; however, they do not apply to all violations (i.e., criminal violations cannot be resolved via traffic school).
  - 9. Exhibit command presence and maintain a position of officer safety at all times.

- P. O. 4.2.10B**  
**P. O. 4.2.10E**
10. Be courteous and professional at all times.
  11. Control emotions (anger, frustration, etc.).
    - a. Do not argue with the violator. **P. O. 4.2.10C**
    - b. Avoid writing "attitude" tickets.
  12. Do not accept the violator's wallet or purse. **P. O. 4.2.10D**
    - a. Avoid theft accusations.
    - b. Get a better look at the actual license.
  13. Check both the validity and authenticity of the violator's driver's license. **P. O. 4.2.10F**
- D. Many times, the only contact many citizens have with the police is when they commit a traffic violation.
1. Remember, receiving a citation is an emotional and very negative experience for a citizen.
  2. You are the representative of your city, agency, chief and self.
  3. Your attitude, even with a "trying" violator, is very important. A poor attitude can result in:
    - a. Verbal/physical confrontation or endangering officer safety.
    - b. Citizen complaint.
    - c. Alienation of a segment of the community.
    - d. Possible discipline.
  4. A professional attitude can/will avoid these problems, can often calm a violator and will leave a good impression with:
    - a. The violator.
    - b. The public.
    - c. The supervisor.

**III.       TRAFFIC ENFORCEMENT FORMS**

- A.       Traffic Ticket and Complaint (citation).
  - 1.       Used for both hazardous and non-hazardous violations.
  - 2.       Identity of the defendant is known.
  - 3.       Also used for certain non-traffic criminal citations.
  - 4.       Used for both state and city codes.
- B.       Notice of Violation (N.O.V.).
  - 1.       Used for parking violations.
  - 2.       Identity of the defendant is unknown.
  - 3.       Used for both state and city codes.
- C.       Equipment Repair Order (E.R.O.).
  - 1.       Used for faulty or illegal equipment.
  - 2.       Identity of driver known.
  - 3.       Used for state codes as well as applicable city codes.

**IV.       COMPLETING THE CITATION**

- A.       Citations will be printed clearly/legibly and in medium-point black ink. ***INSTRUCTOR NOTE:*** *Demonstration: In a classroom setting, go through the interpersonal skills of issuing a citation. A student is the violator and the instructor plays the role of the officer.*
- B.       Citations will not be completed in long hand (cursive). ***INSTRUCTOR NOTE:*** *Citations may be completed electronically.*
- C.       Only standard NCIC abbreviations will be used.
- D.       All blanks will be filled in completely.
- E.       Every block and section of the form will be completed.
- F.       The word "none" (in parentheses) will be entered in spaces for which information is not readily available.
- G.       The easiest way to not omit necessary information is to start from the top of the form and work

down.

- H. The driver's license number and class of license will go in the spaces provided.
- I. If the violator is in the military, check the appropriate box.
- J. Social security numbers, if available, will go in the appropriate box.
- K. Violators are not obligated to give you their social security number.
- L. Names will be spelled out completely.
  - 1. If the first and/or middle names consist of initials only, the word "only" (in parentheses) will be written after the initials.
  - 2. The use of a middle initial will be permitted.
  - 3. The word "none" will be used when there is no middle name or initial.
- M. The violator's complete address, including zip code, apartment number, etc., will be included.
- N. Make every attempt to obtain a street address for the violator, rather than using a post office box number or rural route number.
- O. Physical descriptions will be completed in the appropriate boxes.
  - 1. Height and weight will be to the nearest round number (e.g., 6' 1  $\frac{3}{4}$ " = 6' 2").
  - 2. NCIC abbreviations will be used for hair, eyes and race.
- P. Obtain the name and street address of the violator's employer, including zip code.
- Q. Obtain the name and approximate location of the employer if the exact address is unknown.
- R. Vehicle description will use NCIC abbreviations when applicable.
  - 1. The use of 4D (4 door), PU (pick up), etc.
  - 2. If the license plate number is unavailable, the space will be left blank.
  - 3. Classification of the plate (for dealer, etc.) may be added above the license number.
- S. All violations must be indicated as being either a civil or criminal traffic charge. **INSTRUCTOR NOTE:** *Many agencies require a DR number or a grid to be noted on the citation.*
- T. The date and time of the violation will use standard time only, not military time.

- U. If AM/PM blocks are provided, block out the box not being used (i.e., 6 AM, cross out the PM block provided).
- V. The specific location of the violation will be fully given and the location should always start where the violation was first observed (e.g., 3500-3300 West Van Buren, Phoenix, Arizona).
- W. If the violation occurs at an intersection, the letter "I" will be written in the location block provided, followed by the names of the intersecting streets separated by a slash (/).
- X. The specific code or statute will be cited with hyphens, periods and parentheses, which cannot be interchanged, and noted correctly.
  - 1. Example: §28-645(A)(3)(a).
  - 2. Example: §28-2531(B)(1).
- Y. The written description of the violation will be accurate and complete.
- Z. Examples:
  - 1. §28-701(A) – speed greater than reasonable and prudent.
  - 2. §28-855(B) – failure to stop for a stop sign.
- AA. The approximate violation speed will be accurately recorded as well as the lawful posted speed limit.
- BB. The officer's signature or printed name will be legible.
- CC. Court time will be in standard time.
  - 1. Court dates will be determined by your agency's orders or court calendars.
  - 2. Court locations will also be determined by agency orders.
- DD. Ask the violator to sign the citation. **P. O. 4.2.10H**
  - 1. Explain to the violator that signing his/her name to a civil citation is not admitting responsibility, only acknowledging receipt of the citation.
  - 2. Explain to the violator that signing his/her name to a criminal citation is not admitting guilt, only promising to appear in court.
  - 3. If a violator refuses to sign a civil citation, write "refused" on the defendant signature line and give it to the violator.
  - 4. If a violator refuses to sign a criminal citation:

- a. Explain again that it is not an admission of guilt. If the violator refuses, he/she will be booked.
  - b. "Booked" followed by the booking number will be written on the defendant's signature line.
  - c. Review your individual agency policy for further clarification.
- EE. After the violator signs the citation, he/she will be given the Defendant and Defensive Driving class information.  
**P. O. 4.2.14**
  - 1. The court copy will be sent in with normal paperwork.
  - 2. The enforcement copy will be retained by the officer.
  - 3. The violator will be given the mail-in card and safety school information, when applicable.
- FF. The enforcement copy should be kept and used for notes.
  - 1. Notes are accessible by subpoena and in some agencies, a copy must be submitted to the court.
  - 2. Be highly professional in your written communications.
  - 3. Note statements of the violator.
  - 4. Note traffic conditions, etc.
  - 5. Concise notes aid you in court six (6) months later.

**V. COMPLETING THE N.O.V.**

- A. Basically the same as the citation except:
  - 1. Check the appropriate box with an "X."
  - 2. If "other section" is marked, legibly print the violating code and written wording.
- B. Leave the back copy of the citation in a parking violation envelope with the vehicle.

**VI. COMPLETING THE EQUIPMENT REPAIR ORDER**

- A. Driver and vehicle information will be completed the same as the citation.
- B. Violation code will be checked with an "X."

- C. If a violation section is not listed, the proper code and wording will be printed legibly in the "other" block.
- D. E.R.O. will not be used for written warnings for hazardous or non-hazardous violations.
- E. E.R.O. will not be issued for the following violations:
  - 1. Faulty, illegal equipment which contributed to an accident.
  - 2. Intentional noise violations committed through the use of a faulty or illegal muffler.
  - 3. If an obvious violation existed for an unreasonable time.
  - 4. If an E.R.O. had been previously issued.
- F. The violator is asked to sign the violation.
- G. If the violator refuses to sign the E.R.O., a citation will be issued.

**VII. TRAFFIC STOPS AND USE OF EMERGENCY EQUIPMENT****P. O. 4.2.4**

- A. When pulling a violator over for a traffic citation, use care and caution to get the violator to the stop area safely, while being aware of other traffic and pedestrians. **INSTRUCTOR NOTE:** *Discuss nighttime challenges.* **P. O. 4.2.4A**
- B. Once you have decided to pull the violator over, position your vehicle behind the violator vehicle.
  - 1. Turn on your overhead lights to let the violator know you are attempting to get him/her off the roadway.
  - 2. If the violator still refuses to stop, use a short burst on the siren to alert him/her to your presence.
- C. As the vehicle begins to pull over and come to a stop, position the police car as follows:
  - 1. Offset position, right half (½) of the police vehicle in line with the left half (½) of the violator vehicle. **INSTRUCTOR NOTE:** *Creates a "safety alley" from approaching traffic.*
  - 2. Fifteen (15) to 22 feet behind the violator vehicle.
  - 3. Spotlight pointed into the rear-view mirror of the violator. **P. O. 4.2.4B**  
**INSTRUCTOR NOTE:** *Class discussion as to why this is the best placement.*
  - 4. Unlock the right side, front door of the patrol vehicle.

- D.     On approach to the violator vehicle, you should: **P. O. 4.2.5**  
**INSTRUCTOR NOTE:** *Discuss possible options on safely stopping, approaching and/or removing suspects from the vehicle (e.g., motorcycles, campers/vans, buses, semi-trucks and motorhomes.)*
1.     Exit the vehicle with only necessary equipment (e.g., a flashlight).
  2.     Keep the weapon hand free.
  3.     Leave a citation book in the police vehicle.
  4.     Check your last point of reference of your police vehicle – the left, front quarter panel.
- E.     Begin to use your flashlight in your non-weapon hand and begin to check the vehicle as you approach. **INSTRUCTOR NOTE:** *If nighttime-flashlight use.*
1.     Alternate the flashlight beam between the inside of the violator vehicle and outside the left rear-view mirror.
  2.     Keep visual contact on the violator and on the inside of the violator vehicle.
- P. O. 4.2.3**
3.     Watch for passing traffic – stay aware of what’s approaching from behind.
  4.     Watch for occupants for possible attack or destruction of evidence.
- F.     As you approach, get inside the "safety alley" which was created by the offset position of your police vehicle.
1.     Be cautious when you approach.
  2.     Stay close to the violator vehicle.
  3.     Check the back seat/truck bed.
  4.     Avoid silhouetting in your own headlights.
- P. O. 4.2.4C**
- G.     Stance when talking to the violator should be behind the driver's door post.
1.     Weapon hand free.
  2.     Flashlight to follow all movements of the violator.
  3.     Check the front seat, floor board, dash, etc., with the use of a flashlight.
  4.     Be constantly aware of the driver's door.
- H.     When you begin to talk with the violator, have the violator:

1. Shut off the vehicle engine.
2. Ask for:
  - a. Driver's license.
  - b. Registration.
  - c. Proof of insurance.
3. If the violator tries to hand you a wallet or change purse, ask the violator to remove the needed paperwork for you. **INSTRUCTOR NOTE:** Document such actions in your notes.
4. Ask the violator to please stay in the vehicle.
5. Be aware of interference from outside parties (bystanders) or others in the vehicle. Consider getting the driver out to avoid confrontation with others in the vehicle.
- I. Review the face/picture on the driver's license with the violator to ensure the person on the license is the same person you are talking to.
  1. Verify social security number if listed.
  2. Name (middle name also).
  3. Address.
  4. Date of birth.
  5. Check the expiration date of the license.
  6. Check the back side for a change of address, mail-in updates or license classification.
  7. Get work address and daytime/home phone numbers.
- J. The following forms of identification are acceptable in identifying the driver during a traffic stop:
  1. Arizona driver's license. **P. O. 4.2.2**  
**P. O. 4.2.2A**
  2. Out-of-state license. **P. O. 4.2.2B**
  3. Temporary license. **P. O. 4.2.2C**  
**INSTRUCTOR NOTE:** Electronic licenses from Arizona and other states are acceptable.
  4. Learner's permit. **P. O. 4.2.2D**

- 5. Military I.D. **P. O. 4.2.2E**
- 6. Consulate/international driver's license. **P. O. 4.2.2F**
- K. Advise/ask the violator the reason for the stop.
  - 1. Let the violator commit to the reason/excuse for the violation.
  - 2. Good statements from the violator make good convictions for court.
- L. Return to your patrol vehicle to check for warrants and license status and to complete the citation.
  - 1. Keep an eye on the violator. **P. O. 4.2.6**
  - 2. Check oncoming traffic frequently.
  - 3. Check the violator vehicle to ensure the violator vehicle has not been re-started.
  - 4. Walk to the back of your vehicle, keeping your eye on the violator. **INSTRUCTOR NOTE:**  
*Discuss various tactics for returning to your vehicle, i.e., lighting, traffic volume, etc.*
  - 5. Go to your right, front passenger door.
  - 6. Get into the passenger seat with the door open, your right foot on the door and your left foot inside the vehicle, or utilize your agency's policy.
    - a. Do not bury your head in the ticket book.
    - b. Look at the violator frequently.
  - 7. Do a warrants/status check on the Mobile Data Computer (MDC)/radio, frequently looking up at the violator.
  - 8. Once you have entered the needed information on the MDC/radio:
  - 9. Stand behind the open passenger door next to the open vehicle compartment to fill out the citation.
  - 10. If the violator is not compliant and leaves his/her vehicle, you and the violator will go to the side of the road, or other safe area, to complete the citation.
  - 11. Do not stay behind, in or around your vehicle with a mobile violator.
- M. A secondary approach to the violator/vehicle should use the same techniques and caution as your original approach and stance.

**VIII.   SALESMANSHIP OF THE CITATION**

- A.    Thoroughly explain to the violator:
  - 1.     The law that was violated.
  - 2.     Any possible hazard to the public by his/her actions.
  - 3.     Your reason for giving him/her the citation.
  - 4.     The importance of observing compliance of the law that you cited the violator for.
- B.    Explain court procedures thoroughly:
  - 1.     Advise of the court date and time.
  - 2.     Provide the location of the court.
  - 3.     Give the violator a mail-in envelope and violation card.
  - 4.     Explain traffic school alternatives, if available.
- C.    Signing the citation.
  - 1.     Civil citation – not admitting responsibility for the citation, only receipt. **INSTRUCTOR NOTE:** *Always compare the signature on the citations with the one on the driver's license.*
  - 2.     Criminal citation – not admitting guilt, but promising to appear.
- D.    Ask the violator if he/she has any questions.
  - 1.     Answer the questions you can.
  - 2.     Be polite and professional.
  - 3.     Ensure the violator is issued a legal copy of the citation.

**P. O. 4.2.16****IX.   LEAVING THE VIOLATOR**

- A.    Make a cautious re-approach to your police vehicle.
- B.    Watch the violator until he/she leaves and continues into traffic.
- C.    Check for oncoming traffic and turn off emergency equipment (lights).

**P. O. 4.2.4**

- D. Return to service.

**X. CITATIONS NOT IN THE PUBLIC INTEREST**

**P. O. 4.2.11**

- A. There are situations in which the issuance of a traffic citation is not in the best interest of the public.
- B. Several examples of those are:
- C. A husband speeding while driving his pregnant wife to the hospital because birth is imminent.
- D. A person speeding to a location where one of their close relatives has been injured or is in trouble.
- E. A person who is not aware of the violation and, in the officer's opinion, educating the offender and warning him/ her will have the same effect as a citation.

**XI. CIVIL AND CRIMINAL CITATIONS**

**P. O. 4.2.13**

- A. There are procedural differences in handling criminal and civil traffic offenses.
- B. Examples of some criminal offenses are:
  - 1. Hit and run.
  - 2. Fictitious license plates.
  - 3. Driving on a suspended license. **INSTRUCTOR NOTE: Beginning January 2019, a suspended license may be a criminal OR civil violation.**
  - 4. Reckless driving.
  - 5. DUI.
- C. Criminal violations require a court appearance and require a signature.
- D. Examples of some civil offenses are:
  - 1. Speeding.
  - 2. Illegal turns.
  - 3. Any other moving violations.
- E. Civil citations require a court appearance date and do not need a signature. **INSTRUCTOR NOTE: Refer to agency policy for assigned dates/times.**

**XII. TYPES OF TRAFFIC STOPS****P. O. 4.2.8**

- A. There are generally three (3) kinds of traffic stops.
- B. Traffic enforcement stop: **P. O. 4.2.8A**
  - 1. A stop was made because an officer has "reasonable suspicion" to believe the driver committed a traffic infraction.
- C. Investigative stop: **P. O. 4.2.8B**
  - 1. A stop made because an officer has "reasonable suspicion" to believe one (1) or more of the vehicle's occupants has engaged in, or is about to engage in, criminal activity.
- D. High Risk Stop: ***INSTRUCTOR NOTE: See Functional area 8.4 "High Risk Stops".***
  - 1. During practical exercises, recruits will receive instruction in approaching and stopping unconventional vehicles and removing occupants – stressing officer safety.

**XIII. LEGAL AUTHORITY TO CITE****P. O. 4.2.12**

- A. Discuss the legal considerations for stopping a suspicious vehicle as it relates to reasonable suspicion, search and seizure laws, and laws of arrest.
- B. Peace officers in the state of Arizona have the legal authority to issue a traffic citation under A.R.S. §28-1594, 28-1592 and 13-3883.
- C. 28-1594. Authority to detain persons.
  - 1. A peace officer or duly authorized agent of a traffic enforcement agency may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this title and to serve a copy of the traffic complaint for an alleged civil or criminal violation of this title
- D. 13-3883. Arrest by officer without warrant.
  - 1. A peace officer may, without a warrant, arrest a person if he has probable cause to believe:
  - 2. A felony has been committed and probable cause to believe the person to be arrested has committed the felony.
  - 3. A misdemeanor has been committed in his presence and probable cause to believe the person to be arrested has committed the offense.
  - 4. The person to be arrested has been involved in a traffic accident and violated any

criminal section of title 28, and that such violation occurred prior to or immediately following such traffic accident.

5. A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense. A person arrested under this paragraph is eligible for release under section 13-3903.

- a. A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation. A peace officer who serves a copy of the traffic complaint shall do so within a reasonable time of the alleged criminal or civil traffic violation. **INSTRUCTOR NOTE:** *Reasonable amount of time is considered to be approximately 20 minutes unless other articulable facts are present.*

E. 28-1592. Commencement of action.

1. A civil traffic violation case is commenced by issuance or filing of a uniform traffic complaint as provided in this article.
2. A civil traffic violation case shall be commenced as follows:
  - a. If a case is commenced by issuance, it shall be issued within sixty days after the alleged violation.
  - b. If the case is commenced by filing, it shall be filed within sixty days after the alleged violation and shall be served within ninety days after the filing date.
  - c. Except as provided in paragraph 4, within one hundred eighty days after the alleged violation if the alleged violation is under investigation in conjunction with a traffic accident.
  - d. Within one year after the alleged violation if the alleged violation is under investigation in conjunction with a traffic accident resulting in death.

F. Requesting a long form complaint or issuing a citation by mail

1. If the violation is criminal and you are not able to issue the citation you must file a long form complaint.
2. Normally this requires a written case along with a form 4 and the long form complaint. These are submitted to the prosecuting court for review and charging if accepted.
3. For civil violations that cannot be served to violators, they can be mailed.
4. The citation must be completed as if you had the violator with you and sent certified mail to the violators address.

5. In most cases this is done in a collision situation where the driver cannot be served or the investigation is not complete.

#### **XIV. CIRCUMSTANCES WHERE A TRAFFIC VIOLATOR MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE**

- A. The following are examples of situations where a person arrested for a traffic violation must be immediately taken before a magistrate per A.R.S. §13-3898: **P. O. 4.2.15**
  1. The person refuses to sign the criminal citation as a promise to appear.
  2. Due to the circumstances of the violation, the officer elects to “book” the person.
  3. Department policy dictates certain violations shall be booked (i.e., DUI, reckless, etc.).
- B. For a person who commits any act involving a misdemeanor, of any misdemeanor traffic violation, an officer has the following options:
  1. Cite and release (with a signature on the citation showing a promise to appear).
  2. Book (at which time the person will be brought before a magistrate for an initial appearance within 24 hours).

#### **XV. CONCLUSION – lecture portion**

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).

#### **XVI. PRACTICAL EXERCISES**

**P. O. 4.2.1A-K**

- A. During night field problems, the recruits will conduct a traffic stop. They will identify the various violations committed. ***INSTRUCTOR NOTE: This block will be done in an appropriate area with a marked police vehicle and an unmarked car.***
- B. Students will issue a citation(s) to the violator(s).
- C. Additionally, students will demonstrate safe approach techniques throughout high-risk stops (instructional outline performance contained in functional area 8.4).
- D. Students will identify examples of the following situations when involved in stopping suspicious vehicles:
  1. Reasonable suspicions.

2.     Appropriate search and seizure issues.
3.     Laws of arrest.
4.     Constitutional law.