

Traffic Enforcement

9.01.01 PURPOSE

The purpose of this order is to establish the policy and procedure regarding traffic enforcement, including moving, licensing, registration, mechanical, and parking violations, of both personal and commercial vehicles, and the issuance of citations at the scene of traffic crashes.

9.01.02 POLICY

Traffic enforcement is a responsibility of the San Francisco Police Department and is an important assignment for uniformed personnel. In partnership with the City and County of San Francisco's Vision Zero efforts, the goal of the Department's traffic enforcement program is to make San Francisco streets safer for all by reducing traffic crashes. The Department pursues this shared goal by enforcing traffic laws, facilitating traffic flow, and easing parking congestion.

When actively enforcing traffic laws, members should prioritize enforcing violations that directly impact public safety consistent with the above shared goal. Members enforcing traffic and parking laws should use discretion when enforcing violations. In exercising their discretion, members may use de-escalation techniques or disengage (such as giving a warning) to reduce the intensity of the situation. Members shall not let the attitude, race, gender, disability status, sexual orientation, or socioeconomic status of a person influence their enforcement action.

9.01.03 PROCEDURES

A. MOVING VIOLATIONS

1. **UNIFORMED MEMBERS** - Moving violations shall be enforced only by uniformed members, except as provided in DGO 5.08, *Non-Uniformed Officers*. Patrol Special and Assistant Patrol Special officers are not authorized to enforce moving violations or laws regulating pedestrian traffic.
2. **ENFORCEMENT** - Members should act on moving violations, while considering the totality of the circumstances, of the California Vehicle Code in any of the following circumstances, except any violations deprioritized in DGO 9.07.04, *Restricting the Use of Pretext Stops*:
 - a. After witnessing a violation of the Vehicle Code.
 - b. In response to a complaint or a private person's arrest for a violation of the Vehicle Code and in compliance with DGO 5.04, *Arrests by Private Persons*.

- c. When probable cause has been established by a qualified member investigating a traffic crash.
3. IDENTIFICATION AND QUESTIONING - When conducting traffic enforcement, members shall identify themselves by name and rank and inform the person of the reason for the stop before engaging in any questioning relating to a criminal investigation or traffic violation, or requesting any documentation (see DGO 5.03, *Investigative Detentions*; DGO 9.07, *Restricting the Use of Pretext Stops*; and Vehicle Code section 2806.5). This requirement does not apply if a member reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

B. MECHANICAL VIOLATIONS

1. UNIFORMED MEMBERS - Mechanical, licensing, and registration violations shall be enforced only by uniformed members, except as provided in DGO 5.08, *Non-Uniformed Officers*. Members may in accordance with Vehicle Code section 40001, cite the registered owner or agent of any commercial vehicle in absentia for any mechanical or registration violation, provided the operator of the vehicle is an employee of the owner (see below).
2. ENFORCEMENT - Member may act on any mechanical violations of the California Vehicle Code, except any violations deprioritized in DGO 9.07.04, *Restricting the Use of Pretext Stops*.

C. PARKING VIOLATIONS

1. UNIFORMED MEMBERS - Parking violations shall be enforced only by uniformed members or SFMTA Parking Control Officers. Patrol Special and Assistant Patrol Special Officers are not authorized to enforce parking laws.
2. ENFORCEMENT - Parking violations provide members with reasonable suspicion to hold the vehicle and detain any persons inside. If the vehicle is attended, members may inform the person regarding the violation and allow the person to make a correction. If members decide to issue a citation for a parking violation, unless there are independent facts connected to criminal activity, members shall not prolong the detention for longer than reasonably necessary to write a citation (see DGO 5.03, *Investigative Detentions*).

D. DISPOSITION OF TRAFFIC OFFENSES - Rules governing the disposition of traffic offenses depend on the kind of offense and age of the person. When issuing a citation, members should answer relevant questions, inform the person of the nature of the violation, and the proper means of disposing of the citation.

1. NON-PARKING OFFENSES (also see DGO 5.06, *Citation Release*)

- a. Adults cited with a “Notice to Appear” for any traffic offense must appear or submit bail. Certain moving violations require a mandatory appearance and must be assigned a specific court date. Members should follow the current Department policy regarding “Assignment of Court Dates for Non-Traffic and Traffic Adult Citations.”
 - b. Youth cited for traffic offenses shall be referred to the juvenile court for a court date and disposition. When members issue a traffic citation to a youth, check “To be notified by Juvenile Court” and have the youth sign the citation. For youth infraction violations of the Vehicle Code, no incident report is needed.
2. **BICYCLISTS AND PEDESTRIANS** - When citing a bicyclist or a pedestrian, members should check the appropriate box on the citation indicating that a bicyclist or a pedestrian was cited.
 3. **PARKING OFFENSES** - The rules governing the disposition of “Notice of Parking Violation” apply to both adults and youths. Instructions for disposition of the violation are printed on the back of the violator’s copy.
- E. RELEASE OF VIOLATORS** - Except as required by Vehicle Code section 40302, members shall release all persons cited for infraction traffic violations and some misdemeanor traffic violations with a “Notice to Appear” upon their written promise to appear. Members shall book those people charged with felony traffic violations per Vehicle Code section 40301. Members may book some people charged with misdemeanor traffic violations per Vehicle Code section 40303 (see DGO 5.06, *Citation Release*). Members shall document the reason for any traffic stop on any citation or police report that results from the stop (see Vehicle Code section 2806.5).
- F. IDENTITY** - When issuing a citation, members should reasonably ascertain the identity of the person before releasing them. If this is not possible through valid identification or other efforts, members shall book the person and enter the appropriate code on the booking card as the reason for not issuing a citation (see DGO 5.06, *Citation Release* and Vehicle Code section 40302(a)).
- G. REFUSAL TO SIGN CITATION** (see DGO 5.06, *Citation Release*)
- H. BOOKINGS** - Persons may be arrested and booked solely for traffic violations or a combination of traffic violations and non-traffic offenses (see DGO 5.06, *Citation Release*). Members should list all traffic and non-traffic charges on the booking card. Members **SHALL NOT** complete an “Admin” citation in addition to the booking card. All the charges will be combined into a single case by the District Attorney’s Office.
- I. STOP DATA** - Members shall submit stop data through a CalDOJ compatible electronic stop record for all traffic stops including, but not limited to, pedestrian, bicycle, and vehicle stops. Members shall enter all stop data prior to the end of their shift, unless

exigent circumstances prevent entry, in which case, members shall enter data by the end of their next shift.

9.01.04 SPECIAL CIRCUMSTANCES

A. CITING AT THE SCENE OF A TRAFFIC CRASH

1. **PURPOSE** - A citation may be issued by a qualified member investigating a vehicle crash, even though the violation did not occur in the member's presence. The purpose of issuing a citation is to bring a party at fault involved in a traffic crash into court.
2. **QUALIFICATION** - Only members who have completed the 40-hour POST-certified Basic Collision Investigation Course are authorized by law to issue citations at the scene of traffic crashes where they did not witness the event (see Vehicle Code section 40600).
3. **CRITERIA FOR ISSUANCE** - When issuing a citation at the scene of a traffic crash, a Traffic Crash Report (CHP 555) should be completed, and the qualified member must have probable cause to believe a traffic violation had occurred. The factors used to determine probable cause exists must be more than the statements of the parties involved. Members should determine probable cause using other methods, such as physical evidence, injuries, video footage, and independent corroborating witnesses.
4. **ISSUING THE NOTICE TO APPEAR** - Members should complete the citation in the same way as if the violation had been committed in the member's presence but check the box "Violation(s) not committed in my presence." Members should ensure that the crash report number is included on the citation. Members shall have the party at fault sign the citation and issue them a copy.
5. **MAIL-OUT CITATION** - Members should select the option for "MAILED Citation" on the electronic citation (or write "MAILED" in the signature box for a handwritten citation) and complete the citation as normal. Members should enter the crash report number on the citation and check the box "Violation(s) not committed in my presence." Members should not put in a court date or check the "Where to Appear" box. Members should forward the original citation and a copy of the report, via Department mail, to the Citation Review Officer at Traffic Company. The citation review officer is responsible for mailing the citation to the party determined to be at fault. Members should forward the original report to CISU/Records.
 - a. In instances where a non-life-threatening injury crash occurs and the member is unable to initially determine fault at the scene because further investigation is necessary (e.g., additional witnesses need to be interviewed or additional investigative steps are necessary, etc.), the member should make every reasonable effort to conduct the further investigation and obtain the additional information.

- b. If the member's continued investigation determines that there is probable cause, as outlined above, to believe that a party involved is at fault for a violation of the Vehicle Code and no criminal case will be pursued or no follow-up investigation will be conducted by another unit, such as a DUI arrest or a Hit & Run, the member may fill out a citation for the violation(s).
 - c. If during the investigation, the member determines either party was in violation of any misdemeanor of the Vehicle Code (e.g., driving unlicensed or while suspended/revoked, reckless driving, DUI, etc.), the member should issue the citation to the person, or arrest the person, at the scene. A citation cannot be "MAILED" for misdemeanor violations. The member should include all other infraction violations on the citation, or booking card, along with the misdemeanor. Members should forward the crash report to CISU/Records and the citation to the appropriate court.
6. TRAFFIC CRASH INVESTIGATION AND REPORT (see DGO 9.02, *Vehicle Crashes*). Members should establish and present the "corpus" of the violation and the basis for issuing the citation in the concluding narrative of the traffic crash report.
7. TRAFFIC CRASH INVESTIGATION UNIT (TCIU) NOTIFICATION AND FORWARDING
- a. For crashes involving fatal or life-threatening injuries, members shall call the Traffic Crash Investigation Unit (TCIU) to respond. A TCIU investigator should respond to determine charges and/or issue a citation, as warranted.
 - b. A TCIU investigator is not required for crashes resulting in non-life-threatening injuries, such as admission into the hospital. Instead, members should forward a copy of the crash report to TCIU with a citation attached. Members of TCIU should review the report and determine if the citation should be mailed.
 - c. Crashes where an Investigations Bureau investigator is assigned the case, the investigator should determine charges and/or issue a citation, as warranted.
 - d. If a criminal case is pursued but the District Attorney's Office declines prosecution, the assigned investigator should be responsible for ensuring that a citation for the appropriate violation of the vehicle code is issued and delivered to the party responsible for the crash.

B. MEMBER-INITIATED DRIVER INCAPACITY PROCEEDINGS

- 1. Vehicle Code section 21061 permits members to issue a "Notice of Department of Motor Vehicle Re-Examination" to a driver who cannot safely operate a vehicle because of the driver's mental or physical condition, a driver who is incapable of operating the vehicle safely and/or without danger of risk of injury, or a driver who

demonstrates an inability to safely operate a vehicle due to lack of knowledge and/or skill. Members shall use the DMV DS427 Form to request a DMV re-examination.

2. DMV re-examinations are designated as either “regular” or “priority.” Both re-examinations require evidence that a driver is incapable of safely operating a vehicle. A member may request a “regular” re-examination if a traffic violation is observed, or at the scene of a crash, and the member determines the driver demonstrates an inability to safely operate a vehicle due to lack of knowledge or skill.

A member may request a “priority” re-examination if, in addition to the above, the member determines the driver exhibits evidence of physical or mental incapacity, and the member describes why the driver potentially poses a significant traffic safety risk. A member does not need to cite or arrest a driver for a violation of the Vehicle Code in order to initiate a request for re-examination.

3. Members shall obtain a supervisor’s approval prior to initiating a DMV re-examination of a driver regardless of whether the re-examination is designated “priority” or “regular.”
4. Members should follow the instructions on the form when requesting a DMV re-examination, including faxing a “priority” re-examination form to the DMV prior to the end of their shift. Members shall sign the form under the penalty of perjury. A member must personally provide the pink “Driver” copy of the form to the driver when requesting a “priority” re-examination. When requesting a “priority” or “regular” re-examination, members shall not confiscate the driver’s license, unless there are other circumstances regarding the driver’s license status, e.g., suspended, revoked, or DUI violation.
5. Members should forward the white “DMV” copy of the re-examination form, along with copies of any reports, to Traffic Administration and the re-booking officer should forward the re-examination request to the DMV. Members should book the canary “Law Enforcement” copy of the form into evidence in accordance with Department policy.
6. Members should document in an incident report or in a supplement to a crash report the following information:
 - a. The factual basis for the re-examination.
 - b. They type of re-examination (priority or regular).
 - c. The supervisor who approved the re-examination.
 - d. The time, date, and manner the member provided the driver the pink copy of the priority re-examination form.
 - e. That the member booked the canary copy of the re-examination form into evidence.

C. COMMERCIAL VEHICLE MECHANICAL VIOLATIONS

1. **ENFORCEMENT PROCEDURES** - When stopping a driver of a commercial vehicle for a mechanical or registration violation, and the driver is an employee but not the owner of the business or the vehicle, the member should follow these procedures when completing the citation:
 - a. Members should complete all the information boxes for the driver and vehicle.
 - b. In the registered owner/lessee section, members should write the company name, the name and address of the owner, and the responsible person of the company to whom the citation should be directed.
 - c. Members should write “40001VC (OWNER’S RESPONSIBILITY)” in the signature section. The driver does not sign the citation.
 - d. Members should not detach the copies of the citation. Members should forward the entire set to the Traffic Division, Commercial Vehicle Unit.
2. **MOVING VIOLATIONS** - Moving violations are the responsibility of the driver. If the traffic stop includes a moving violation in addition to a mechanical or registration violation, members may issue a citation to the driver for the moving violation in the normal manner. Members should fill out a second citation as outlined above for the registration or mechanical violation.
3. **OUT OF STATE REGISTRATION** - The procedures above apply only to commercial vehicles registered in California. They do not apply to commercial vehicles registered in another state. If the commercial vehicle is registered in another state, members should issue the citation in a normal manner.

D. AUTONOMOUS VEHICLES - Because autonomous vehicle (AV) technology is quickly evolving, there will be unanticipated situations. Members should consider the totality of the circumstances and exercise appropriate reasonableness when deciding how to respond to unforeseen situations. Members should use sound, professional judgment, with public safety being the overriding factor, when making all decisions regarding AVs.

1. LAW ENFORCEMENT INTERACTION

- a. Members are reminded that every AV interaction involving law enforcement and the public at large is both audio and video recorded. It is possible to access these recordings to help with investigative leads.
- b. Live persons monitor the AVs and can communicate via the AV. Members shall not open the vehicle for non-emergency issues. The remote operator who is monitoring the AV will lower the window to communicate with members.

- c. Members shall not conduct a traffic stop of an AV unless a legitimate law enforcement action exists. Example, members shall not pull over AVs to check if the required DMV AV permits are issued.
- d. Currently, there are no exceptions for AVs from moving violations of the Vehicle Code.

2. VEHICLE CODE VIOLATIONS

- a. Moving or Mechanical Violations - If members witness a moving or mechanical violation by an AV, they may make a traffic stop. If there is a safety driver/operator in the AV, then members may cite that person for the violation. Members should cite the safety driver for moving violations, regardless of if the AV was in autonomous mode, because the safety driver is responsible for obeying all traffic laws. At this time, a citation for a moving violation cannot be issued if the AV is being operated in a driverless mode. Members may, in accordance with Vehicle Code section 40001, cite the registered AV owner or agent in absentia for any mechanical, registration, or permit violations. When a traffic stop is conducted, regardless of whether a citation is issued or not, members shall write an incident report that includes the following:

- Responsible company
- License plate number
- Car number and/or name
- Name and/or operator ID of the safety driver/remote operator
- Date, time, and location
- Description of violation observed
- Result of traffic stop (citation, warning, etc.)

Members should forward a copy of the report, along with any citations issued in absentia, to the Commercial Vehicle Unit at Traffic Company.

- b. Parking Violations - Members may issue a citation for parking violations. Members should send a copy of the citation to the Commercial Vehicle Unit at Traffic Company.

- 3. TRAFFIC CRASHES (see DGO 9.02, *Vehicle Crashes*) - Both injury and non-injury crashes involving an AV, whether physically operated or remotely monitored, members shall document the crash in a report (CHP 555). Members should forward copies of completed reports to the Commercial Vehicle Unit at Traffic Company.

4. DISABLED OR MALFUNCTIONING AUTONOMOUS VEHICLE

- a. AVs can become disabled due to programming or mechanical breakdown.
- b. Companies are alerted to this event and have live teams that can respond in 5-15 minutes.

- c. Members should contact the safety driver or the remote monitor.
- d. Members shall not attempt to move the AV.
- e. Members should provide traffic control, if necessary, and wait for the responding team.
- f. Members **SHALL NOT** cite a disabled AV for being disabled.

References:

DGO 5.03, *Investigative Detentions*
DGO 5.04, *Arrests by Private Persons*
DGO 5.08, *Non-Uniformed Officers*
DGO 9.02, *Vehicle Crashes*
DGO 9.07, *Restricting the Use of Pretext Stops*