

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

ISSUANCE OF UNIFORM TRAFFIC TICKET & ACCEPTANCE OF BOND

Reviewed by: Sgt. William Wright	Effective Date: July 7, 1995
Authorized by: Chief Daniel Donath	Revision Date: October 22, 2019

PURPOSE

The purpose of this SOP is to ensure that all Uniform Traffic Tickets are correctly completed upon issuance. This SOP will also serve as a guideline for officers to who are tasked with enforcement of the Illinois Vehicle Code and provide uniform traffic enforcement procedures.

TRAFFIC ENFORCEMENT

The primary objective for traffic enforcement should accomplish the following:

- * Facilitate the flow of traffic safely and expeditiously
- * Reduce traffic crashes and injuries related to those crashes

All officers should take proper enforcement action when dealing with each individual traffic offense they investigate. Officers will always enforce those traffic laws in a fair, impartial and courteous manner. Officers will follow the 8 step traffic stop when taking enforcement action (See SOP 1.27)

Our decision for traffic enforcement will always have the community's safety as our principal decision maker when enforcement action is taken. Our enforcement action can be placed into any of the three following categories:

- 1) Physical Arrest - Which is enforcement action where a subject is taken into custody for their actions.
- 2) Traffic Citations - Will be used for offenses when the officer has the belief that no form of warning will result in effectively gaining the future compliance of the violator, or when part of a focused traffic detail or grant funded enforcement.
- 3) Verbal Warnings - May be used by officers when it is their belief the violator will comply with the traffic law in the future.

When an officer encounters a subject with multiple violations, the officer needs to consider each violation separately. ALL enforcement action will be directed for the purpose of making our

roads safe for our community. Enforcement action will never be used for the purpose of generating revenue.

ENFORCEMENT OF VIOLATIONS

The following categories are common types of traffic enforcement situations which a patrol officer will find themselves typically enforcing. Listed within those categories are guidelines to provide direction in the uniform enforcement of our laws. It is intended that these guidelines account for prior experience, prior training, common sense, and individual awareness of the specific situation. Good judgement is always expected in the decision making process when deciding what enforcement action is appropriate.

- 1) **Driving Under the Influence:** Officers must always be aware of the possibility of a motorist being under the influence of alcohol or drugs. When an officer develops reasonable suspicion that a motorist could be impaired that officer will ensure a DUI investigation is conducted. That investigation should include Standardized Field Sobriety Tests (SFST) and obtaining blood/breath/urine as required by the Illinois Vehicle Code. If probable cause is established, as a result of the investigation, the officer will affect an arrest of the violator.
- 2) **Suspended/Revoked Drivers License:** When officers encounter a motorist with a suspended or revoked drivers license, or have no valid driver's license (never issued), some action on the part of the officer is expected. However, the action taken by the involved officer may vary. The officer may affect a custodial arrest or simply issue the proper IVC violation for the driving offense and release the violator from the scene with a Promise to Comply or Notice to Appear (see bonding instructions)
- 3) **Speeding Violations:** Although there is no defensible reason for a motorist to violate the posted speed limit, officers are encouraged to use discretion when encountering a speed violation. If the officer feels a warning will gain compliance from the violator, nothing prevents him/her from providing that warning. However, weather conditions, traffic volume, pedestrian traffic, time of day and locations should be determining factors in the decision. Officers should also be aware, if enforcement action is taken during a STEP or grant funded detail (see SOP 1.28) discretion could be limited due to the circumstances.
- 4) **Traffic Accident/Enforcement Actions:** Officers are expected to take enforcement action at the traffic crash scene, and shall write tickets for violation(s) of the traffic law which they find at the traffic crash scene or through later investigation. See SOP 1.05 for specific details.
- 5) **Equipment Violations:** Typically when a motorist is stopped for an equipment violation a warning from the officer is sufficient for the violation to be corrected. Officers are encouraged to utilize the Violator Compliance Program (SOP 1.04) to gain such compliance for these types of violations.
- 6) **Multiple Violations:** When an officer encounters a motorist who has committed multiple IVC violations, the most serious violation will dictate the enforcement action taken by the officer.

- 7) **Hazardous/Non-Hazardous Violations:** All violations will be evaluated as they have specific effects on the safe and efficient flow of traffic. Immediate enforcement action should be used for hazardous violations to ensure the safety of other motorists.
- 8) **Off Road Vehicle Enforcement:** Snowmobiles, dirt bikes, mini-bikes and all-terrain vehicles can all be found within our community. Officers are encouraged to review 625 ILCS 5/11-1426.1, 625 ILCS 5/11-1427, and 625 ILCS 40/1 to 40/11. These statutes deal with the laws regulating most types of off road vehicles.
- 9) **Legislative and Judicial Immunity:** Officers should familiarize themselves with 725 ILCS 5/107-7. This statute identifies those within the State of Illinois who have exemptions to arrest and/or detainment due to their job titles and duties.
- 10) **Military Personnel:** Officers should understand the stipulations set forth on 625 ILCS 5/6-115(d) referencing Illinois driver's license expirations for Active Duty Military and their families.
- 11) **Other Illinois Vehicle Code Violators:** Bloomington Police Officers can/will encounter not just traditional vehicles when enforcing the Illinois Vehicle code. The City of Bloomington has public and commercial carrier vehicles, bicycle traffic and a large amount of pedestrian traffic. All subjects and vehicle types will be expected to adhere to the Illinois Vehicle Code. These violations will be enforced with reasonableness and impartiality in accordance with the Illinois Vehicle Code.
- 12) **Newly Enacted Traffic Laws:** Officers will receive notification through PowerDMS when existing Illinois Vehicle Code has changed or new laws have been enacted.

ISSUANCE PROCEDURE

The following is a step by step guide to completing all sections of the Uniform Traffic Ticket. **PRESS HARD. YOU ARE WRITING THROUGH 4 COPIES.** Uniform Traffic Tickets must be completed in black ink.

1. The "COMPLAINT" number in the upper right hand corner is merely a ticket number that will not be used.
2. Leave the other lines (DCN ___ and CASE NO. _____) blank as they do not apply to this Department's current procedure.
3. This box should already be checked: "PEOPLE OF THE STATE OF ILLINOIS".
4. Fill in the violator's full name from the driver's license. If their name has changed, fill in current name.
5. Ask the violator if the listed address is current and fill it in.
6. Fill in the violator's current city, state and zip code of residence.
7. Fill in the violator's entire driver's license number and the state of issuance. (Note on the ticket if DL is an International driver's license)
8. Fill in the eye color, height, and weight descriptors of the violator.
9. Check either "Female" or "Male".
10. Fill in the date of birth of the violator.

11. Fill in the type, class, restrictions and expiration of the license. This format is primarily for Illinois Driver's License information. All out of state license information should be filled in as well.
12. Fill in the date and time of the offense. Circle "AM" or "PM" box even though you may use military time. (UTT's are entered into EJS using military time)
13. Fill in the registration number, state and year of the offender's vehicle. If it is a motorcycle, (MC) is to be written behind the registration number. If there is no registration number write in the complete VIN.
14. Insert the make and color of the vehicle.
15. Check the type of vehicle you are citing. If the citation is issued to a pedestrian, check "Pedestrian" box, and if the vehicle does not fit any of the listed categories, check the "Other" box and write in the type.
16. Fill out the location of the offense. It is recommended to use cross streets instead of block numbers and indicate the direction the vehicle was traveling. Example, Main St. (northbound) to Buchanan.
17. If the violation is for one of the violations listed, check the appropriate box. Each violation requires a separate ticket.
 - A. For the offense of "No Valid D.L." write one of the following in the Notations Section:
 1. Expired less than one year.
 2. Expired more than one year.
 3. Never issued.
 - B. For the offense of "Driving while License Suspended/Revoked" circle the appropriate license status.
 - C. For the offense of "Uninsured Motor Vehicle," write the last four of the VIN.
18. If the violation pertains to the I.L.C.S. (Illinois Compiled Statutes), insert the correct chapter, section and paragraph of the offense.
19. If the violation is not one of the listed violations, insert the correct chapter, section and paragraph of the offense. Write in the entire offense.
20. Do not use the local ordinance line. Issue an Ordinance Violation citation instead.
21. This section deals with the "Incident" at the time of the offense. If the offense concerns an accident, check the correct box for the "Accident Type": "PD" is for property damage; "PI" is for personal injury; and "Fatal" is for an accident with a fatality.
22. On every ticket, check the appropriate boxes for "Road Conditions," "Visibility," and "Method."
23. When required, insert the Department case report number.
24. Check the appropriate box concerning how the arrest should be catalogued.
25. If the violation is a petty offense as noted in 625 ILCS 5/6-308 (a) the driver is not required to post bond. The driver may be released after checking Promise to Comply and the driver signs the citation.
26. If the violator has a valid out of state driver's license and that state is a member of the Nonresident Violator Compact, the violator may sign the UTT and be released on a "Promise to Comply" or an I Bond. If the violator drivers' license is not from a state which is a member of the compact (Alaska, California, Michigan, Montana, Oregon, and Wisconsin) the violator may sign the UTT and be released on a "Promise to Comply." Have the violator sign the citation.

27. If cash is deposited, check box 1 and fill in the amount. This also applies to traveler's checks: have them made payable to the McLean County Circuit Clerk. Then have the violator sign on the signature line thus acknowledging the posting of cash. Do not take any Driver's License other than one from Illinois for bond.
28. If the violator wishes to post a bond card, check to see if the bond card is valid, has the violator's name or names of persons authorized to use the card and is listed as an acceptable bond card by the Circuit Clerk's Office. If the Bond Card meets the above criteria, check box 3 and write in the number of the bond card.
29. Place the name of the party issuing the bond card, example, Chicago Motor Club.
30. If this citation is in addition to one already issued, check box 4 and write in the ticket number with the highest bond.
31. The violator should sign the ticket here.
32. Insert your assigned court date. These dates and times are arranged by the State's Attorney's Office for all court appearances that are "NO Court Appearance Required," and should be "not less than 14 days but within 49 days after the date of arrest, whenever practical." Let the violator know that this is not the date to appear in court if they wish to contest the ticket, but is the date by which they must let the Circuit Clerk's Office know if they wish to appear in court. If the offense requires that the violator must appear, the appearance date should be any Tuesday which complies with the 14 to 49 day rule, and the time will be 9:00 AM. For Spanish speakers the court time will be 10:00 AM
33. Check this box if the offense is a Court Appearance Required violation.
34. Check this box if the offense is a NO Court Appearance Required violation.
35. Date, sign AND print your name. Write your ID# on the provided line. If an in car printer is used, you must still sign the citation in such a way that the printed name is legible.

All violations are marked "Court Appearance Required" in the Illinois Vehicle Code if the violation mandates the violator appear in court.

UNIFORM TRAFFIC TICKET DISTRIBUTION

1. For all "NO Court Appearance Required" violations, the violator should be given the 3rd and 4th copies of the ticket with an explanation on how to proceed further.
2. For all Court Appearance Required tickets that are jailable offenses, the violator should be given only the 3rd copy; destroy the 4th. On all "Court Appearance Required" tickets that are non-jailable offenses, issue both the 3rd and 4th copies to the violator. This will allow them to retain the 4th copy for any court communications that may be available to them. Let them know that they are expected in court on the court date unless they make other arrangements with the Circuit Clerk's Office.
3. After finishing with the violator, a brief account of the violation may be written on the back of the 2nd copy along with a brief sketch of the violation.
4. All tickets should be placed in the tray at the Command Tower before the end of shift. The on duty Shift Commander will review the tickets and initial them in some manner; acknowledging the tickets are completed correctly. The shift Commander will then place the green copy (i.e., Police Record copy) in the top hanging mailbox to the upper left of the Command Tower. The white copy (i.e., Complaint Copy) will be placed in the safe to the upper right of the Command Tower. When there is more than one ticket issued to a

violator, make sure that all tickets are either stapled together or placed in an envelope, if applicable.

BOND

Any driver who has been issued a UTT must post some type of bond. This will typically be done with the driver's signature. Illinois is a sign and drive state meaning no drivers license or cash is forfeited for bond on a UTT. The following chart outlines the type of citation issued, the preferred bond for each type, and whether or not a signature is required for each type.

<u>Type of Citation</u>	<u>Preferred Bond</u>	<u>Signature</u>
Petty Citations	Promise to Comply	No
Business Class Offenses	Promise to Comply	Yes
No Insurance Citations	Promise to Comply	No
Minor Traffic Citations	Promise to Comply	No
Major Traffic Citations	Promise to Comply	Yes
Non-Compact States (AK, CA, MI, MT, OR, WI)	Individual Bond	Yes

Any other out of state drivers license will be handled under the same provisions as an Illinois drivers license.

UTT'S ISSUED ALONG WITH CRIMINAL COMPLAINTS: if the subject has been issued UTT's and is also being charged with a criminal offense, the two can be treated separately.

If the violator is being released to the custody of McLean County Detention Facility (MCDF), check box 5, no bond confined at. On the line provided write MCDF. All copies of the citation, except "Police Record" shall be left with the jail staff.

NOTICE TO VIOLATOR OF APPEARANCES AND GUILTY PLEA: after issuing the violator a citation, the officer will inform the violator of the terms of the citation and the procedure for handling their requirements on the citation. An explanation of the "COURT APPEARANCE REQUIRED" needs to be given, if applicable, as well as the location of the court. If the citation allows a "NO COURT APPEARANCE REQUIRED," instructions will be given as to the location of the McLean County Law and Justice Center, as well as the defendant's option to enter a "not guilty" or "guilty" plea. The appropriate waiting period and the mail-in procedure need to be explained to the violator to eliminate any undue hardships. If the citation is for a "NO COURT APPEARANCE REQUIRED" violation, then the last

two copies of the citation will be given to the violator. However, if the violation requires a "COURT APPEARANCE REQUIRED," then only the violator's copy will be given to the violator, and the court communication's copy will be retained with the other copies of the ticket.

- Under no circumstances should an officer instruct a violator on how to have the citation dismissed in court, or discuss the possible penalties which may or may not be imposed by the courts.
- An Appearance Bond (long form I-Bond) is required when a subject (adult or juvenile) has been arrested for Driving Under the Influence AND has been admitted to a medical facility where extended treatment will be received. The Appearance Bond would also apply in a circumstance where a juvenile is arrested for DUI and is to be released to the custody of a parent or guardian. For any other circumstance, when the arrestee is not going to be transported to the McLean County Detention Facility they MUST be released on an Appearance Bond. The following information is required to be listed on the Appearance Bond:
 - 1) Name of Defendant
 - 2) Defendant's date of birth
 - 3) Offense the defendant is charged with
 - 4) Amount of Bond assessed for listed charge (DUI is \$3000.00)
 - 5) Check the Personal Recognizance box
 - 6) Obtain a good court date from the MCDF

The box that is listed as CERTIFICATE OF DEFENDANT: If they are medically able have the defendant complete this box. If the defendant is unable simply write *unable to sign*.

The arresting Officer is required to complete the signature box under the Certificate of Defendant box.

After completion of the Appearance Bond the White and Green copies will stay with the original copies of the citations and be sent over to the McLean County Courts and States Attorney's Office. The Yellow (canary) copy will remain with the Police Department records. The defendant will receive the Pink copy along with their copies of the citations issued.

