



**MIDDLETON POLICE
DEPARTMENT**

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POLICY
6.2.01

SUBJECT: **Traffic Law Enforcement**

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[WILEAG \(4th Ed.\) Standards](#); **6.2.1**; **6.2.2** (6.2.2.1, 6.2.2.2, 6.2.2.3, 6.2.2.4); **6.2.3**; **6.2.4** (6.2.4.1, 6.2.4.2, 6.2.4.3, 6.2.4.4, 6.2.4.5, 6.2.4.6, 6.2.4.7, 6.2.4.8, 6.2.4.9, 6.2.4.10); **6.2.5**; (6.2.5.1, 6.2.5.2, 6.2.5.3); **6.2.9** ; **6.2.12, 6.2.13**

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PURPOSE & POLICY

It is the purpose of this policy to ensure the uniform enforcement of all traffic laws and city ordinances as they pertain to the movement of vehicles within the City of Middleton. Traffic law enforcement is a routine function of law enforcement officers. Therefore, it shall be the policy of this department to enforce all ordinances of the City of Middleton and State laws as they pertain to the safe operation of vehicles within the City of Middleton. In doing so the enforcement must be done in an impartial and non-discriminatory manner.

TRAFFIC LAW ENFORCEMENT

1. Officers shall take enforcement action when they have probable cause or reasonable suspicion that a traffic law/regulation has been violated, unless it is impractical to do so. Officers are encouraged to self-initiate traffic enforcement. High visibility and regular enforcement are some of the best deterrents for continued traffic violations.
2. Traffic violations can be handled by the issuance of uniform traffic citations, written warnings, and/or custodial arrests of violators. The level of the enforcement action is dependent upon the violation committed as well as the officer's discretion.
3. Officers shall consider the following factors when deciding which type of enforcement action to take:
 - a. Weather, road conditions, vehicle and pedestrian traffic
 - b. Whether the violation was intentional or inadvertent
 - c. The seriousness of the offense
 - d. Whether the offense caused an accident
 - e. The offender's past driving record and criminal history
 - f. Whether the enforcement action would sufficiently deter future repetition
 - g. The protection of the interests of others involved
 - h. The extent of damage or injury caused in the case of an accident
4. Enforcement Action Types
 - a. Written warnings may be issued if the officer believes the infraction is inadvertent or minor and the officer believes a warning will sufficiently deter future repetition of the violation. Five-day equipment repair notices fall within this category.
 - b. Uniformed Traffic Citations may be issued when the violation was intentional, more serious and/or the officer believes the issuance of a warning will not deter future repetition of the infraction.
 - c. Custodial Arrests shall be used for the most serious of offenses including OWI and most criminal traffic violations.
 - i. Please see Release After Arrest ([1.7.04 Arrest Procedures & Alternatives](#), 6).

Special Group Violators

1. **Non-Residents** - A defendant charged with any traffic offense who is not a Wisconsin resident, or is operating under an out of state driver's license, may be required to post cash or a [valid bail bond card](#) or be incarcerated at the OIC's discretion. Please see Release After

Arrest ([1.7.04 Arrest Procedures & Alternatives](#), 6) or the [State of Wisconsin Revised Uniform Deposit and Bail Schedule](#) for traffic offenses and criminal misdemeanors.

2. *Juvenile Offenders*

ARREST GUIDELINES		
Traffic		
	Section I	Appearance Not Mandatory
	16 & Older:	UTC, adult deposit, and Middleton adult court date/time
	12 to 15:	UTC, adult deposit, Middleton Juvenile court date/time.
	11 & Under:	SAC, no deposit, Court Date = TOT Juvenile
	PAC	First Offense .08 to .999, write \$250 on PAC UTC
	Section II	Mandatory Appearance
	16 & Older:	UTC, adult deposit, and adult Dane County court
	15 & Under:	SAC, no deposit, Court Date = TOT Juvenile
	CDL:	Add \$8 to total deposit
Ordinance		
		Appearance Not Mandatory
	17 & Older:	UMCC, adult deposit, and court date/time
	12 to 16:	UMCC, adult deposit, juvenile court date/time
	11 & Under:	SAC, no deposit, Court Date = TOT Juvenile
Misd & Felonies		
		Mandatory Appearance
	17 & Older:	SAC, adult bail, and court date/time
	16 & Under:	SAC, no bail, County Court, and TOT Juv for court date

Please also refer to the [6.6.01 Juvenile Procedures](#) and [1.7.04 Arrest Procedures & Alternatives](#).

3. **Public Figures** (government officials, elected officials, celebrities, business leaders, movie stars, sports heroes) will not receive special treatment, and normal discretion and limits on discretion guidelines apply ([1.7.06 Use of Discretion](#); [1.7.04 Arrest Procedures & Alternatives](#)). Nonetheless, the situation may present special challenges, and the Shift Commander should be notified and consulted when making enforcement decisions, or the officer may defer enforcement decisions to the Shift Commander. The Shift Commander should notify the chain of command as may be appropriate. (Also see Restricted Access Incidents in [10.1.03 Reports and Documentation](#), 17.)
4. **Foreign Diplomats and Foreign Nationals** – Please see 6.2.2.3 Foreign Nationals and Diplomats.
5. **Active Duty Military Personnel** - Officers encountering active military personnel that are members of the armed forces, the reserves, or National Guard and on active duty orders will be considered residents for bond posting requirements.

Mandatory Information Provided to Operator

1. Prior to the release of a motorist for a traffic violation, an officer will provide the operator and/or occupants in violation, information relative to the enforcement action taken. This includes, but is not limited to:
 - a. Offense
 - b. Court location, date, time
 - c. Whether court appearance is mandatory or not
 - d. Information on how to pay the fine or contest the citation

This information is listed on the defendant's copy of the TraCS Citation.

2. If special circumstances arise where an officer is not able to issue the citation on scene, the officer shall mail the citation, along with a letter explaining the information relative to the violation, on department letterhead, to the offender's last known address.

Uniform Enforcement for Specified Violations

1. ***Speed Violations*** - For violations of speed restrictions from 1 to 8 miles per hour over the limit, enforcement action is generally inappropriate. For violations of speed restrictions of 9 to 11 miles per hour over the limit, officers should either give written warnings or issue a citation. For speed violations of 12 or more over the limit, officers should issue a Uniform Traffic Citation (1.7.06 Use of Discretion).
2. ***Hazardous Violations*** - Are violations of traffic laws that affect the safe operations of vehicular and pedestrian traffic. These include, but are not limited to, offenses involving excessive speed, traffic signal/sign violations, alcohol related vehicle offenses, reckless driving and/or eluding. Violations of this type should typically result in the issuance of a uniform traffic citation and/or custodial arrest.
3. ***Non-Hazardous and Equipment Violations*** - Officers should enforce equipment violations and non-hazardous violations with the goal of voluntary compliance. Officers typically should issue written warnings and uniformed traffic citations for these violations using their discretion.
4. ***Operating while Revoked or Suspended*** – When officers encounter drivers that do not have valid licenses, they should take the appropriate enforcement action. Officers should consider whether or not revocation was the result of an alcohol related offense as well as whether or not the violation is a first or subsequent offense.
5. ***Public Carrier/Commercial Motor Vehicles*** - Traffic law applies equally for public carrier/commercial vehicles as it does for passenger vehicles. Officers should take into consideration the possibility for delaying passengers and the delivery of perishable items on board, when determining the necessity to detain the operator of such vehicles. Officers should use their discretion when choosing the enforcement necessary for these vehicles while keeping in mind they may require special circumstances.

6. ***Multiple Violations*** - Officers may issue more than one citation when there is more than one violation. Though officers may choose to use their discretion and issue citations for the more serious offenses and warn for lesser offenses. The preferred course of action is to charge under Municipal Ordinance. However, where a violation of a statute adopted by ordinance is the probable cause for a stop leading to a section II or criminal charge, both should be charged as statute violations.
7. ***Off-Road Vehicles*** – Officers may enforce violations of traffic laws by off road vehicles including but not limited to all-terrain vehicles (ATVs) and snowmobiles. The help of Wisconsin Department of Natural Resources (DNR) may be requested for enforcement guidance. Officers should keep in mind restrictions on operating off road vehicles on roadways and violations of alcohol related offenses by operators of off-road vehicles.
8. ***Newly Enacted Laws and/or Regulations*** – Officers should use discretion when choosing whether or not to issue warnings or citations for newly enacted traffic laws and ordinances. Officers should keep in mind that the violation may not be intentional due to the law being newly enacted and may choose to use the opportunity to educate the offender of the new law and issue a warning. This does not prevent the officer from issuing a uniformed traffic citation if they are satisfied the offender clearly knew the law prior to committing the violation.
9. ***Violations Resulting in Traffic Crashes*** – Whenever the investigating officer detects a violation of a traffic law, whether or not it occurs in the officer’s presence, and when evidence exists to satisfy all the elements of that particular offense, enforcement action should be taken for “reportable” accidents. (Officers may use discretion for minor “non-reportable” accidents). On private property traffic laws relating to Reckless Driving, Hit and Run, Accident Reporting, and Operating While Under the Influence of Intoxicants or Drugs may be enforced (6.2.07 Accident Reporting and Scene Procedures).
10. ***Pedestrian and Bicycle Violations*** - Pedestrians and bicycles are subject to the enforcement of traffic laws. Officers should use their discretion on whether or not to warn or issue a uniform traffic citation for violations of a traffic law. Officers may choose this opportunity to educate the pedestrian or bicyclist involved. Hazardous violations and situations where the violator caused an accident due to their violation of a traffic law or ordinance should result in the issuance of a citation.

SPEEDING COMPLAINT PROCEDURE

The Department will utilize a standardized procedure for handling on-going speeding vehicle complaints within the City of Middleton. The procedure will be as follows:

1. A citizen can either fill out an [online complaint form](#) or call the Middleton Police Department to make the complaint.
 - a. The complaint will be forwarded to the appropriate supervisor/officer for review. The employee will log each complaint and track the Department’s response to those complaints.

2. If a determination is made to collect speed data for the area named in the complaint, the All Traffic Solutions' Speed Shield (speed data boxes) will be deployed for at least one week.
 - a. The data will be analyzed.
 - b. The supervisor/officer will determine how best to proceed based on the analysis.
 - c. Depending on the data received, implementation may be as follows:
 - i. No problem noted = no deployment.
 - ii. Minor problem noted = deploy speed trailer. Possible follow up with data boxes for analysis.
 - iii. Problem noted = deploy officers. Data boxes will be deployed after a brief reprieve in order to determine if deployment had an impact on speeds.
 - d. The supervisor/officer assigned to coordinate the complaint process will report the results to the complainant, the neighborhood officer, the City Alderperson for the area and to Department command staff.

PARKING ENFORCEMENT

Routine enforcement of local and state parking regulations is the responsibility of this department. Parking Violations fall into four general categories which are listed below in order of enforcement priority:

1. Those which ensure public safety
2. Those which provide for the orderly movement of vehicular and pedestrian traffic
3. Those which control or restrict on-street parking
4. Those which protect the rights of property owners

It should be noted that a particular regulation may fall into more than one of the above categories depending on the nature of the violation.

Warning Parking Tickets

Warning tickets (or verbal warnings) shall be used for a reasonable period of time after a new ordinance or seasonal restriction goes into effect and when either, because of unclear signing or in cases of a "technical" violation such that no immediate hazard exists, it is not likely the driver consciously committed the violation. Warning tickets shall be used for a 24 hour period prior to issuing a ticket for street storage.

Issuance of Parking Tickets

It shall be the policy of this department to use parking "tickets" for enforcement of parking regulations except in the case of aggravated violations of category 1, in which case a uniform traffic citation (UTC) may be used.

Officers should be certain to fully and accurately complete parking tickets, including the statute and/or ordinance number. If special circumstances require further comment, a report should be done and the case number entered on the ticket. A report is required on all "police towed" vehicles. (See [Towing](#) infra.)

Parking Penalties

The Common Council has established a uniform penalty schedule which must be adhered to. In the event of a police towed vehicle the amount due is the sum of the standard penalty plus the tow charge. In addition, if appropriate, note on the ticket, "plus storage charges".

PARKING VIOLATION TITLES & FINES				
Ordinance	Title	SS Sub	Deposit	After 5 Days
15.04(13)	2 Hour Parking 7:30AM-4:30PM		\$10	\$20
15.04(6)(h)	Abandonment Prohibit		\$25	\$35
15.04(6)(c)	Authority to Remove Illegally Parked MV		NA	NA
15.01/346.52(1)(f)	Double Parking		\$30	\$30
15.01/346.505(2)	Handicapped Parking Violations		\$150	\$150
15.04(11)	Loading Zones		\$10	\$20
15.04(2)	No Parking Any Time		\$20	\$30
15.04(9)	No Parking Intersection Curb Return		\$20	\$30
15.01/346.54(2)	Parking less than 2' From Other Vehicle	(1)(d)	\$30	\$30
15.01/346.54(2)	Parking greater than 12" from Curb or Edge of Street	(1)(d)	\$30	\$30
15.01/346.52(1)(g)	Parking Across from Fire Station Driveway		\$30	\$30
15.01/346.54(2)	Parking Against the Direction of Traffic	(1)(a)	\$30	\$30
15.01/346.52(1)(e)	Parking Along/Opposite Excavation or Obstruction		\$30	\$30
15.01/346.52(1)(c)	Parking Between Safety Zone & Curb		\$30	\$30
15.01/346.54(2)	Parking Failure to Angle Park as Posted	(1)(c)	\$30	\$30
15.04(1)	Parking Hour Restrictions		\$10	\$20
15.01/346.54	Parking Improper Parking/Standing of MV		\$30	\$30
15.04(6)(k)	Parking In A Lawfully Parked Vehicle		\$20	\$30
21.03(2)(g)	Parking in Conservancy		\$25	\$35
21.01(2)(g)	Parking in Park Outside of Designated Area		\$25	\$35
15.01/346.54(2)	Parking Not Parallel to Edge of Street	(1)(a)	\$30	\$30
15.01/346.52(1)(b)	Parking on Crosswalk		\$30	\$30
15.01/346.55(4)	Parking on P or P Property Contrary to Sign	Public or Private	\$30	\$30

15.01/346.55 (3)	Parking on Private Property Without Consent		\$30	\$30
15.01/346.52(1)(d)	Parking On Sidewalk		\$30	\$30
15.01/346.51(1)	Parking Outside Business/Residence District		\$50	\$50
15.01/346.54(2)	Parking Outside of Marked Angle Parking Stall	(1)(c)	\$30	\$30
15.01/346.53(4)	Parking Prohibited 4' of Driveway, Alley, P Rd		\$30	\$30
15.01/346.53(1)	Parking Prohibited In a Loading Zone		\$30	\$30
15.01/346.53(2)	Parking Prohibited in Alley in Business District		\$30	\$30
15.01/346.53(5)	Parking Prohibited Less than 15' to Crosswalk		\$30	\$30
15.01/346.53(3)	Parking Prohibited Within 10' Fire Hydrant		\$30	\$30
15.01/346.53(6)	Parking Prohibited/Restricted/Limited by Sign	On Hwy	\$30	\$30
15.01/346.52(2)	Parking Stop/Stand Highway Grade/School		\$40	\$40
15.01/346.52(1)(h)	Parking Where/When Contrary to Sign - Hwy		\$30	\$30
15.01/346.52(1)(g)	Parking Within 15' of Fire Station Driveway		\$30	\$30
15.01/346.52(1)(a)	Parking Within Intersection		\$30	\$30
15.01/346.53	Parking/Standing Where Prohibited		\$30	\$30
15.04(6)(f)	Private Parking Restrictions		\$20	\$30
15.04(8)	Restricted Bus Stops		\$10	\$20
15.04(3)(a)	Restricted School Parking		\$20	\$30
15.04(5)	Seasonal Night Parking		\$20	\$30
15.04(6)(a)	Street Storage		\$20	\$30
15.04(6)(d)	Temporary No Parking Zones		\$10	\$20
15.04(10)	Time Restricted Municipal Lots		\$10	\$20
15.04(4)	Time Restricted Parking		\$10	\$20
15.04(6)(i)	Truck Route Parking		\$25	\$25
15.04(6)(b)	Unattended Veh Running on Street		\$25	\$25
15.04(6)(j)	Unregistered Motor Vehicle		\$30	\$30
Note 1	Tow Cost is an additional \$75		\$75	\$75
Note 2	Ordinance 15.01 adopts entire traffic code			
Note 3	Last Updated 10-12-2012			

1.

Voiding or Withdrawing Parking Tickets

A parking ticket may be voided by the issuing officer if an error is made on the face of the ticket or if the driver returns to the vehicle while the ticket is being issued and corrects the violation (optional).

All voided tickets must be turned in with a brief explanation. A parking ticket may be withdrawn at the request of the a Captain if in his or her judgment the officer was in error in issuing the ticket, if it was issued contrary to department policy, or in the best interest of the city.

Assignment of Parking Court Dates

If a defendant wishes to contest a parking ticket, he or she can obtain a court date by contacting the Records Bureau or Office Manager, who will forward appropriate documents to the Municipal Court.

Parking Enforcement on Private Property

Officers shall not routinely enforce parking restrictions on private property except that a "standing request" may be honored from the school district or, in the case of marked fire lanes, if that request is made by the person in charge of the premises and if the request is approved by the Operations Captain. Absent a standing request, marked fire lanes will be enforced as a Parking Contrary to Sign violation upon a specific complaint (infra).

Enforcement on private property requires that a specific complaint must be received from the person in charge of the premises who must agree to be present during the initial police inspection of the vehicle. Additionally, in the case of commercial, industrial, and residential multi-family premises, tickets shall be issued only for the violation of posted restrictions, abandonment, and handicapped parking. Absent posting, a ticket may be issued 24 hours after notice of the violation has been placed on the vehicle or given to the vehicle owner or operator by the property owner/leasee or police. (See [Parking Enforcement Tows](#) infra.)

Handicapped Parking

Officers may enforce handicapped parking regulations on public or private property at any time if the property is held open to the general public and the parking stall is [properly posted](#). A request or complaint need not be received.

TRAFFIC STOPS

Although traffic stops are one of the more routine functions performed by officers, all too frequently persons are injured or killed or property damaged in the process. It is the objective of this directive to outline traffic stop procedures that minimize this risk to all involved. Officers have the flexibility to adapt their positioning to the nature of the threat, to the manpower available, and to the surrounding environment - while still respecting sound tactical principals.

Approach Contacts

When possible, select a location that does not create a traffic hazard (major intersections, curves, valleys, etc.) and offers tactical advantage. Before initiating the stop, notify the dispatcher of your intentions, vehicle license number or description, and probable stop location (subsequently notify the dispatcher of actual stop location, if different). Activate the squad's emergency lights to signal the vehicle driver to stop. Emergency lights should remain on continuously until the stop has been completed and the vehicle has returned safely to the flow of traffic. When possible, position your squad approximately 15-20 feet to the rear in either the offset, angle-left or in-line position. Vehicle occupants should generally be instructed to remain in their vehicle, unless special circumstances arise. If an officer is leery of an occupant who has exited the vehicle, the officer may back the squad to a safer distance and instruct the person to get back into their vehicle. When approaching the vehicle, be cognizant of passing traffic and the vehicle occupant's actions, if possible stay in the walking lane, and visually inspect the exterior and interior of the vehicle for suspicious circumstances. Stop and stand at a position of advantage in relation to the occupants of the vehicle. When returning to your squad, and while doing paperwork in the squad, make periodic visual checks on the vehicle occupants. When re-approaching the vehicle, follow the same procedure as in the initial approach. If at any point danger cues are observed, escalate to the high risk procedure.

An alternative is to approach on the passenger side of the stopped vehicle. This is especially useful if the stopped vehicle has not pulled to the right far enough out of the traffic lane, if traffic is especially heavy or the road conditions are hazardous.

Non-Approach Contacts

There are certain situations when an officer may choose to not approach the vehicle to make contact with the operator. In these situations the officer may choose to order the operator out of the vehicle back to the front bumper of the patrol vehicle, or in cases of large commercial vehicles the officers may choose to order the operator out towards the front of the operator's vehicle. When possible, the officer should position themselves in a position of advantage, noting that there is an increase in risk to officer safety when the occupant is standing within close proximity to the officer. If possible, the officer should notify dispatch that they are speaking with the vehicle occupant outside of the vehicle and request a back-up officer to the scene. Non-approach contacts are particularly useful in situations where the officer cannot see into the vehicle, such as large commercial vehicles and tall passenger trucks.

High Risk Stops

High risk procedures should be employed in those cases where there is a presumption of risk. Barring extraordinary circumstances, do not initiate the stop until back up is at hand. When the vehicle is stopped, the primary squad should be positioned, when possible, directly behind the suspect vehicle, 50 feet away. The backup squad should be positioned, when possible, along the left side of the primary squad angled slightly toward the suspect vehicle. If available, the third squad may take a crosswise position at a distance behind the primary and back up squad. The primary officer should give specific commands to specific occupants of the suspect vehicle. After the suspect vehicle's engine has been stopped and keys removed, the occupants should be ordered out of the vehicle one at a time, backed up to the back-up officer(s), and then cuffed,

searched, questioned regarding immediate safety concerns and secured. Consider that persons may be concealing themselves in the suspect vehicle. Officers should take into consideration the amount of traffic on the road they plan on conducting the high risk stop on and when possible an additional officer should be used to prevent any oncoming traffic from approaching the scene.

TRAFFIC DIRECTON AND CONTROL

General Purpose

Traffic direction and control is intended to assure the safe and efficient movement of vehicles and pedestrians through the use of trained personnel, equipment and procedures when normal traffic controls are insufficient or unavailable.

The Department will carry out these responsibilities in concert with other authorities, including the City's Community Services personnel, by providing and directing personnel and other resources to deal with expectations concerning the need for traffic direction and control.

Traffic Direction and Control Function

Traffic direction and control can be performed at planned events such as road races and parades as well as spontaneous incidents such as traffic accidents and fires. It is performed until such time as the traffic flow is restored to normal function.

Traffic direction and control in the City of Middleton is performed by sworn officers, the Community Service personnel, Fire Department personnel, adult school crossing guards and Volunteers in Police Service (VIPS) personnel to different extents.

Sworn officers and their squad cars are equipped with traffic vests, wands, cones, flares, signaling whistles and flashlights. Minor emergency incidents lasting less than one half hour can typically be handled with this available equipment and officers only.

The Community Service personnel are equipped with many traffic control devices including traffic cones, signs, wands, flares, Portable Changeable Message Signs (PCMS), and a vehicle equipped with warning lights and a vehicle mounted PCMS. The Community Service personnel can be used at planned and spontaneous events. They can be called to scenes needing traffic direction and control to assist officers or may be utilized solo. They are also subject to assistance calls from outside jurisdictions. Community Services should be considered for any planned events or intermediate emergency incident (expected to last one half to two hours) and especially any incidents occurring on the US 12 freeway from 6:00 AM to 9:00 AM and 3:00 PM to 6:00 PM.

Fire Department personnel are also equipped with traffic direction devices and may be used for traffic control at fire scenes, if not needed for fire suppression, and at accident scenes, if not needed for extrication or fire duties.

Adult school crossing guards are assigned to crossings near schools to facilitate the movement of children to and from school. They are to look for natural gaps in vehicular traffic, proceed into

the roadway with their stop sign raised and stop traffic so the children may cross safely. They are not authorized to direct traffic.

Volunteers in Police Service (VIPS) are trained citizen volunteers who assist with traffic control when authorized by the Department. This may be at planned events such as parades, road races and community events and may also be utilized during spontaneous events such as natural disasters and evacuations.

The Department of Public Works (DPW) and the Dane County Highway Department (for Federal, State and County highways) and their personnel can be requested to provide signs, barricades and barrels for planned events or major emergency incidents (expected to last two hours or longer). The Dane County Highway Department also has programmable message boards and vehicles equipped with safety barriers.

Manual Traffic Direction

The criteria for determining locations where traffic control and direction will be performed may include traffic volume and speed, number of pedestrians present, expected duration of the congestion and presence, and type of mechanical traffic control devices at the location.

It is imperative that the original and all succeeding Incident Commanders perform a scene size-up on arrival to determine how long an emergency incident will likely last. These size-ups determine how long an incident will likely last and that will dictate what traffic direction and control resources should be used. Similarly, throughout the incident as it evolves to resolution, there may be an opportunity and/or need to re-do the traffic direction and control in place.

Helpful guidance can be found in the Wisconsin Department of Transportation [Emergency Traffic Control and Scene Management Guidelines](#) and its subsequent revisions. The Manual of Uniform Traffic Control Devices (MUTCD), especially Chapter [6I](#) Emergency Requirements, should be followed when possible.

Manual direction of traffic should be handled in a manner that enables drivers and pedestrians to recognize and respond to verbal, whistled and gestured motions. These should be performed in the standard manner as prescribed by past training.

Personnel may use flashlights, personal protection beacons or road flares while directing traffic. These are especially useful during hours of darkness or inclement weather.

All personnel involved in traffic direction or at scenes of roadway accidents shall wear the high visibility vest provided, which is current with ANSI/ISEA standards.

Temporary traffic control devices include moveable barricades, drums, drum lights, traffic cones, portable signs, PCMS and other similar devices for limited use. Deployment of such devices will be to facilitate the safe and efficient movement of pedestrians and vehicular traffic.

Use of such devices should be with the approval of the OIC. Upon completion of the need, the OIC should see to the removal or deactivation of the temporary devices.

Traffic Control Signals

OIC's must approve any switching from automatic to manual operation of any traffic control signal. Adjustment of the signal to "Flash" mode may be made if this will not cause any undue problems to relieve traffic congestion.

Any traffic control signals found to be malfunctioning should be reported immediately to the Communications Center with the proper repair authority notified as soon as possible. Should the signal be without power, personnel should deploy the backup stop signs and notify the Communications Center of such action.

Special Events

Special events often are activities that involve large amounts of vehicular and/or pedestrian traffic. These may include parades, demonstrations, picketing, road races and road maintenance. Department Personnel, or designated volunteers, will assist in control of movement in the area to ensure no unusual problems occur.

The Department will coordinate the traffic direction and control for any scheduled special event. A supervisor will be assigned to participate in any event planning.

Fire Scenes

Firefighting efforts frequently result in partial or complete blockage of roadways by fire department equipment. Police personnel on the scene of fires will assess the traffic hazards present and take precautions to minimize further danger. This may include directing traffic and may include evacuation of the immediate area.

Personnel shall keep lanes open for responding fire equipment and restrict unauthorized vehicles and pedestrians from entering.

Personnel on scene will work with the Fire Department using the incident command system.

Adverse Weather and Hazardous Road Conditions

Road conditions that present danger can arise out of many situations, both natural and accidental. Downed power lines, large amounts of debris, fog, ice, snow and floodwaters are some examples. Such conditions could require additional traffic direction and control from normal status. Department personnel are expected to provide such direction, control and protection as is appropriate.

Adult School Crossing Guards

Adult school crossing guards are screened and selected by the Middleton-Cross Plains School District Personnel Department. The Police Department is responsible for background investigation and training adult school crossing guards.

Adult school crossing guards are responsible for the safe movement of children to and from school at identified crossings. They shall receive basic training in crossing guard functions prior to their assignment and will receive updates yearly prior to the school year beginning.

TOWING

There are two classes of towed vehicles, facilitated tows and police tows.

Facilitated Tows

Those cases where the police are facilitating the removal of a disabled or accident damaged vehicle substantially on behalf of the vehicle owner/driver are facilitated tows. If a vehicle is disabled or accident damaged, apparently cannot be driven away, and is in a hazardous or illegal position, it should be towed. The vehicle owner/driver should designate which towing service they wish to utilize and the destination. If the owner/driver is unavailable or cannot be promptly contacted, has no preference, or their preference is not sufficiently expeditious, the police contracted towing service should be utilized. The towing service may collect fees from the owner/driver for the removal and storage of the vehicle.

Police Tows

A vehicle has a police towed status if it was towed and/or impounded for evidence, being illegally and hazardously parked, or abandoned. Only the contracted police towing service will be utilized for police towing, a report must be completed, and the investigating employee should advise the dispatcher so that appropriate information is placed in the towed vehicle book in the Communications Center. (The towed vehicle book is a reference which quickly identifies past and present police towed vehicles, where they were towed from, current location, and status.) When a parking ticket is issued to a police towed vehicle, the case number should be entered on the ticket. If the ticketed vehicle is towed to a legal position, rather than to the towing service lot, the amount due listed on the ticket is the sum of the standard penalty plus the contracted tow charge.

Parking Enforcement Tows

It is the policy of this Department to immediately cause to be removed any illegally parked vehicle which:

1. Creates a clear and present threat to public safety, or the safe movement of traffic is substantially impeded;
2. If required for street maintenance or special events;
3. When access to private or public property ([346.55\(3\)](#)) is blocked or;
4. On private or public property for violations of posted restrictions ([346.55\(4\)](#)) where the illegally parked vehicle prevents or makes unreasonably difficult maintenance work or other essential functions or;
5. On private or public property (excluding multifamily dwellings), for violations of posted restrictions which include a forewarning that violators will be ticketed and towed, where the vehicle was cited at the same approximate location the previous calendar date and at least eight hours has passed since the original citation or ticket was issued.

6. Ordinance 15.04(6)(J) authorize the police to ticket and tow vehicles **Unregistered Motor Vehicles** parked on a public street that appear to have been unregistered for 30 days or more. Towing is not required, but is an option reserved for special circumstances.

In causing a vehicle to be removed, an officer shall first make reasonable effort to locate the owner/driver. If this effort fails, the vehicle shall be ticketed and towed to the contracted towing service lot, a legal position, or to the designated police vehicle storage area. The Department prefers to tow illegally hazardously parked vehicles to the contracted towing service lot. Vehicles should not be towed to a legal position if the vehicle is in a condition of disrepair. If the ticketed vehicle is towed to a legal position or police facility, rather than to the towing service lot, the amount due listed on the ticket is the sum of the standard penalty plus the contracted tow charge (or actual tow charge if special circumstances make it necessary to use a non-contracted towing service). Contracted towing services retaining possession of a vehicle are responsible for collecting their own tow fees from the vehicle owner.

Abandoned Vehicle Tows

The Middleton Police Department enforces prohibitions on and removes abandoned vehicles for the purpose of fairly rationing limited public space, facilitating snow and litter removal, and vindicating the right of owners of private property to exclusive control and use. Please see [6.2.14 Abandoned Vehicles](#) for procedures.

Enforcement Stop Tows

When the police stop a vehicle and make a custodial arrest of the operator; or stop a vehicle and the operator cannot legally drive (BAC level, suspended, revoked, expired or no issued license); and there is no person present that can legally remove the vehicle; the police should, with the consent of the vehicle operator, take reasonable steps to move the vehicle to a legal parking spot. If the operator fails to provide consent; if there are officer safety issues; if an officer is unable to operate the specific type of vehicle; if the vehicle is unsafe to operate due to mechanical or hygiene concerns; if there are no legal public parking spots within a reasonable distance or if the vehicle stop is on a controlled access roadway; the police should arrange for the contracted police towing service to tow the vehicle to their tow lot and collect any fees they deem reasonable from the owner; unless the vehicle was stopped in a legal parking spot. The location of a legally parked or towed vehicle should be documented in the police tow log book, incident call notes, or a police report to assist the vehicle owner in locating their vehicle.

Evidentiary Tows

A vehicle may have evidentiary value if it was the object of or involved in the commission of a crime or involved in serious or fatal crash. A vehicle may be towed and impounded for valid evidentiary and investigative purposes. The vehicle should be towed to a police or other appropriate facility, typically at the expense of the police department, although the cost of the tow may be passed on to an insurance company in some cases.

Administrative Inventory of Towed Vehicles

Community Caretaker

When in the course of an officer's duties, the officer observes an item of apparent value exposed to jeopardy and the owner, authorized operator, or someone on their behalf is not present at the

scene or capable of arranging safekeeping, the officer may take reasonable steps to diminish the risk. Possible actions include notifying a tow service driver before a vehicle is removed, locking a car's door, locking the item in the car glove box or trunk, or removing the item for storage in the property room under its own inventory number.

When Not to Inventory

1. Vehicles towed by and to a contracted towing service or other location that is not a police facility.
2. Tows where the vehicle is not removed at the direction of the police.
3. The owner, authorized operator, or someone on their behalf is present at the scene and capable to arrange for the safekeeping of personal property.
4. Whenever the purpose of the seizure is to search for evidence in the furtherance of an investigation. (Obtain a search warrant if an exception to the search warrant requirement is not present (see [1.7.03 Search and Seizure](#), Administrative Inventory, page 6).

When to Inventory

An Administrative Inventory of a vehicle should be done when a vehicle is brought on or into a law enforcement facility under the control or direction of the police, or assigned a PE inventory number, except when the purpose of the seizure is to search for evidence in the furtherance of an investigation. (See [1.7.03 Search and Seizure](#), Administrative Inventory, page 6.)

ASSISTANCE TO HIGHWAY USERS

1. Unattended Vehicle in Traffic

- a. Officers locating vehicles stopped or stalled in traffic that pose a hazard to themselves and/or other traffic, will protect the scene by utilizing their emergency lighting and position their vehicle at a position of high visibility while still keeping safety and scene security in mind.
- b. Officers will notify dispatch of the location the vehicle is stopped or stalled.
- c. Officers will notify dispatch that the vehicle is unattended, of the vehicle's license plate information and/or vehicle identification number (VIN) to check for owner information. A reasonable attempt will be made to contact the owner.
- d. If the vehicle is not moved within a reasonable amount of time, the officer will have the dispatch center contact the contracted tow company to remove the vehicle in accordance with the policy on towing.
- e. Officers may request additional resources to the scene if needed and will stand by until the vehicle is no longer poses a hazard to themselves and/or other traffic.

2. Attended Vehicle in Traffic

- a. Officers locating vehicles stopped or stalled in traffic that pose a hazard to themselves and/or other traffic, will protect the scene by utilizing their emergency lighting and position their vehicle at a position of high visibility while still keeping safety and scene security in mind.
- b. Officers will notify dispatch of the location the vehicle is stopped or stalled.
- c. Officers will notify dispatch of the vehicle's license plate information and/or vehicle identification number (VIN) and that the vehicle is occupied and/or attended.
- d. Officers will make contact with the occupants of the vehicle and attempt to determine a reason for the vehicle being stopped in traffic.

- e. The license plate and/or VIN will be checked for wanted status.
- f. Officers will attempt to come to a timely solution to the vehicle being stopped in traffic.
- g. If the vehicle is unable to be moved, the vehicle will be towed in accordance with the tow section of the policy.
- h. Officers may request additional resources to the scene if needed and will stand by until the vehicle is no longer a hazard to themselves and other traffic.

3. Restrictions

- a. Personnel are not allowed to jumpstart non-department vehicles using a department vehicle. If needed, department supplied jump-packs will be used instead of jumper cables.
- b. Personnel should not attempt to mechanically repair non-department vehicles.

4. Use of Lockout Tools

- a. Personnel should have the owner read and sign the Middleton PD Vehicle Entry Request and Waiver prior to using any lockout tools on a non-department vehicle.
- b. Personnel shall complete the remainder of the Vehicle Entry Request and Waiver form.

TRAFFIC SAFETY INITIATIVE

It is the policy of the Middleton Police Department to promote highway safety and voluntary compliance of traffic laws by working in union with Middleton Public Works Department, community members, Safe Community Coalition of Madison and Dane County and other area law enforcement agencies.

The three E's of traffic safety are Education, Engineering and Enforcement. The Middleton Police Department can directly handle enforcement and education and can contribute to the engineering function.

Traffic Education

Education is designed to provide important information to the driving public through the use of community resources in an effort to improve highway safety.

1. The Department will work with local media to advise of enforcement areas, including what the specific problem is and how it will be addressed.
2. The Police School Liaison Officer will work with the Middleton High School driver's education classes and any other forum that can be used to deliver the safety message. Information delivered can range from distracted drivers to drinking and driving.
3. Utilize neighborhood groups to participate in "Slow Down Campaign", "Stop on Red Campaign" and "Pedestrian Crossing Flag Program" that are sponsored by the Safe Community Coalition of Madison and Dane County. Encourage neighborhood newsletters to include traffic safety related articles.
4. Continue the Department's relationship with the Safety Coalition of Madison and Dane County in order to utilize their expertise, obtain training and to participate in their programs.
5. Work with local taverns to discourage intoxicated patrons from getting behind the wheel. Encourage regular bar checks.

6. Use the Middleton Police Department Web page for periodically updated educational articles.
7. Frequent placement of Speed Awareness Trailers at locations throughout the city. These units inform drivers of the street's speed limit and notify them of their own speed.

Traffic Engineering

1. Monitor traffic counts and speed data using Public Works Department's instruments. Use these survey results to analyze problem suggestions to Public Works of possible engineering solutions.
2. Research the possible placement of traffic calming designs and work with Public Works Department and citizenry to develop actual placements.
3. Report to the proper department any traffic safety problems such as vegetation blocking view of traffic signage, potholes, missing traffic signs, etc. to that corrective action may be taken.
4. Work with City Planning and Public Works Department on highway improvement through Federal and State grant funding.
5. Utilize Public Works Department crash data mapping study for possible traffic calming research. Officer will continue to complete the required map for targeted areas.
6. Include a Department representative in the planning stages of any new roadway development.

Traffic Enforcement

1. Utilize traffic survey and accident mapping data to pinpoint times and locations for directed traffic enforcement activities. This will result in a more efficient use of our limited resources. Post enforcement data can be used to support our efforts.
2. Place S.A.T. in speed problem areas to supplement officer enforcement presence.
3. Report monthly on directed patrol initiatives and enforcement figures.
4. When possible use multiple officer assignments at problem areas to provide an even more visible presence to the public.
5. Research grant opportunities to assist the Department financially to increase enforcement activities.
6. Work with the Dane County Sheriff's Office, Wisconsin State Patrol, and other local agencies to form enforcement partnerships to do group enforcement projects in mutual jurisdiction areas such as Hwy 12 and Hwys M and Q.
7. Participate in State and Federal sponsored traffic enforcement initiatives when they become available.
8. Identify traffic enforcement related training and send interested officers to the sessions. Utilize their expertise as needed.