

# BATON ROUGE POLICE DEPARTMENT

General Order  
No.226

Effective Date  
11-01-1994

Revised Date  
04-25-2019

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Subject: Traffic Citations and Arrests

Reviewed 4/25/19

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## POLICY

The purpose of this order is to provide officers with guidelines relative to issuing citations and making arrests based on traffic violations.

This order is limited in scope to these situations only, and should be viewed in conjunction with other orders defining Arrests, DWI **Arrests and Arrests without Warrants**.

Title 11, Section 302 of the Baton Rouge City Code states: *"Except when authorized or directed under state law to immediately take a person before a judge for the violation of any traffic laws, a police officer who halts a person for the purpose of giving him a warning or a warning notice and does not take the person into custody under arrest, shall take the name, address and operator's license number from the person, the registered number from the automobile involved and such other pertinent information that may be necessary and shall issue to him in writing on a form provided by the director of finance a traffic citation containing a notice to answer to the charge against him in the court at a time specified in the citation"*.

## PROCEDURES

### **I. Traffic Citations In Lieu Of Arrest**

- A. When an officer affects a traffic stop, he may issue a citation for all traffic offenses. In most cases, a violator will be allowed to sign the citation and continue on his way.
- B. An officer will prepare a "Uniform Traffic Citation" five-part form, completing it entirely and allowing the violator to sign it. This will be done in an expedient and courteous manner so as not to unduly delay the violator or jeopardize the officer's safety.
- C. The citation will be delivered to the officer's shift commander (or designated notary) for the purpose of having the citation notarized. Except for tickets issued by an automated ticket writer devices, tickets will be notarized electronically.
- D. The submitting officer will retain a copy for his records. All other copies will be delivered to Traffic Records Division.

### **Section II (Out of Parish Violators) removed as per Act 995/95 La. Legislature**

### **II. Out of State Violators**

- A. When an officer stops a violator who presents an operator's license issued by another state, he will first determine if that state is a member of the Non-resident Violators Compact. If so, the violator will be allowed to sign the citation and continue on his way. His license will not be seized.

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- B. If the violator's home state is not a member of the compact, he must post a bond or pay the fine immediately.
  - 1. The violator will be directed to follow the officer to City Court during normal working hours. After hours the violator must pay the fine or be booked at the parish jail.
  - 2. Officers are encouraged to use the utmost discretion when citing out of state non-compact violators who must be booked in jail for minor traffic offenses.
- C. If a violator presents an out of state license, but is a student of a Louisiana college or university or a member of the armed forces, he will be treated as a resident for the purposes of this order.
- D. NCIC checks will be made on all out of state violators.

### III. Traffic Arrest

- A. When an officer makes an arrest arising from a traffic violation, there are several additional steps that must be taken.
- B. All appropriate citations must be completed. In the space normally provided for the violator's signature, the arresting officer will print Booked in Jail.
- C. If all of the offenses will be tried in City Court, a court date EXACTLY 60 days from the date of arrest will be assigned to the citations as well as the Arrestee Information Form. The date will be computed using the day after the arrest as day one. (Count exactly 60 days, including weekends and holidays) If the date falls on a weekend or holiday, use the next legal date.
- D. If any of the offenses will be tried in District Court, indicate in the space provided for court date 19th J.D.C. -To Be Notified and Booked In Jail in the space provided for the signature.
- E. If there are only traffic charges arising from a violation stop, the arresting officer will advise Communications and request a file number for a traffic arrest.
- F. If the suspect has an outstanding criminal warrant for contempt of City Court, the officer will use that file number and will not obtain an additional one for the traffic arrest.
- G. If the suspect has an outstanding warrant from another jurisdiction, the officer must obtain a file number to book the suspect as a fugitive from the issuing jurisdiction, along with any charges (if applicable) from this Department.

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## IV. Dispositions of Vehicles

- A. When an officer makes an arrest arising from a traffic violation, the owner/operator of the vehicle may, under certain circumstances, select from one of the options listed below as to the disposition of his vehicle. These options are:
1. The vehicle may be released to a licensed, sober driver designated by the arrested person. The designated person must arrive in a timely manner, usually within thirty minutes. The owner/operator must sign authorizing this release on the Wrecker Authorization Form.
  2. The vehicle may be left parked in a safe, legal place or may be removed by a wrecker service of the arrestee's choice (specified). The owner/operator must sign a waiver to this effect (a part of the wrecker authorization form).
- B. If a situation exists such as described in Procedural Order 279: Section V relative to official storage or the totality of the circumstances surrounding the arrest indicate to a reasonable and prudent officer neither of the alternatives listed in section A (above) are viable, than the vehicle will be impounded.

## V. Disposition of Passengers

- A. Although it is not always the arresting officer's responsibility to make arrangements for passengers in the violator's vehicle, several factors must be taken into consideration relative to the disposition of passengers:
1. Age,
  2. Level of intoxication or impairment of the passenger,
  3. The location of the arrest.
- B. Adults who are not under the influence will be allowed to make their own arrangements. At the officer's discretion, they may be directed to a telephone or offered a ride. If they elect to remain in an unsafe area, the officer will advise them of this fact. They may also be allowed to take custody of the violator's vehicle if he consents, or ride with the wrecker driver, if applicable.
- C. Adults who are under the influence mandate a larger degree of responsibility. Under no circumstances will someone who is under the influence be allowed to take custody of the violator's vehicle. Officers will take all possible precautions to ensure the safety of these impaired passengers.
- D. Juvenile passengers will be released to a concerned adult, as is the procedure with other juveniles in need of care. When the arresting officer has exhausted all alternatives in placing the juvenile, he will notify the Juvenile Division or Criminal Division (after hours). The detective assigned will then make a placement, in line with established procedure.

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**VI. Disposition of Property**

- A. If a traffic arrest is made and there is an animal in the vehicle, the officer should make all reasonable efforts to turn the animal over to a relative or friend of the violator. If these efforts are unsuccessful, Animal Control will be summoned to the scene to take custody of the animal.
  
- B. If the owner/operator requests his vehicle be left at the scene, released to another or towed by request, all property within the vehicle will be the responsibility of the individual taking custody of it or the owner/operator if it is to be left at the scene.