

Germantown Police Department

Policies and Procedures

Number: 8-1
Effective Date: April 13, 2007
Subject: Traffic Law Enforcement
Previous Revisions: January 1, 2003

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for the uniform enforcement of traffic laws.

II. POLICY

It is the policy of the Germantown Police Department to conduct traffic law enforcement in an equal and impartial manner. Department members will use preventive patrol and proactive enforcement, while minimizing conflict and promoting professional relationships with motorists, pedestrians and the court system. The department supports a specialized Traffic Squad for concentrated traffic enforcement activity, but all officers share the responsibility for enforcement of traffic laws.

III. DISCUSSION

The traffic enforcement objectives of the Germantown Police Department are to reduce traffic crashes and to aid in the safe and expeditious flow of vehicular and pedestrian traffic. The department seeks to achieve these objectives through a combination of effective enforcement, public education and cooperation with the City Traffic Engineer.

IV. GENERAL GUIDELINES

A. Enforcement Actions

1. The two primary objectives of a traffic stop are:
 - a. execution of traffic enforcement actions; and
 - b. promotion of voluntary compliance with traffic laws in the future.
2. Enforcement actions will be conducted firmly, fairly, impartially and courteously using the most appropriate of the following methods:

- a. Warnings: A warning may be issued to a violator when there is a minor traffic infraction, equipment violation, or when the act may be unique or one of which the driver may not be aware. Deliberate violations of the traffic laws do not deserve leniency.
- b. Citations: A citation will be issued to a violator who jeopardizes the safe and efficient flow of traffic, including hazardous moving violations and equipment violations. The goal is to impact the driver in such a manner that the violation will not occur again, thereby making the roadways safer and reducing traffic crashes. Members will pay particular attention to those violations known to contribute to traffic crashes.
- c. Custodial Arrests: Violators may be physically arrested for:
 - (1) Traffic law violations involving operation of a motor vehicle under the influence of alcohol or drugs;
 - (2) Felonies and misdemeanors that involve the operation of a motor vehicle;
 - (3) Attempts by drivers to avoid apprehension by a law enforcement officer;
 - (4) Inability of a motorist charged with a violation to produce sufficient proof of his/her identity;
 - (5) When the officer has an articulable reason to believe that the operator will fail to appear to answer a citation or summons.

B. Other Considerations

1. Juveniles: If the traffic infraction is a City ordinance or minor state statute violation, juveniles will be issued a regular traffic citation and summoned to Municipal Court. If the juvenile is younger than age 16, they will be issued a juvenile traffic citation and summoned to Juvenile Court. If the violation involves the operation of a motor vehicle while under the influence of alcohol or drugs, reckless driving or other aggravated circumstance, the officer will make a physical arrest and issue a juvenile traffic summons.
2. Legislators: Legislators are not immune from arrest or citation. They may be issued citations, if warranted, while en route to legislative sessions, but will not be arrested unless their condition would further endanger the public (DUI). A supervisor will assist when arrest is necessary.
3. Members of the Military: Persons en route to military duty may be issued citations, if warranted, but will not be arrested unless their condition would further endanger the public.
4. Foreign Diplomats, Consular Officials and Their Families: These persons are immune from most criminal processes. Immunity is determined by treaty obligations of the United States. However, traffic citations may be issued to diplomatic officials and

families, regardless of their rank or status. A diplomat's vehicle may not be impounded or searched.

C. Uniform Enforcement Procedures

1. DUI/Impaired Drivers – Officers should be aware of the many possible influences on a violator's behavior, such as alcohol, drugs and emotional problems. With this in mind, the following should serve as a guide when contacting a traffic violator:

Any officer who contacts a driver suspected of driving under the influence of alcohol/drugs shall assess the driver's ability to operate the motor vehicle safely before the driver is released. The officer will utilize established Standard Field Sobriety Training (SFST) techniques during this evaluation. The assessment could include the Horizontal Gaze Nystagmus evaluation, other field sobriety tests recommended by the department, preliminary breath-testing, or any combination of these techniques. It is the officer's responsibility to maintain proficiency in administering these evaluations. If the officer, at the conclusion of this investigation, determines there is probable cause the driver is under the influence of alcohol and/or drugs, the officer should then contact a DUI technician. The arresting officer will request a breath test and/or a blood test and the DUI technician will determine the appropriate test. If it is decided a blood test is appropriate, the arresting officer will transport the suspect to the Regional Medical Center (MED), 877 Jefferson, Memphis, TN, to have a blood sample drawn according to Metro DUI protocol. If the suspect refuses a breath and/or blood test, they should be charged with Driving Under the Influence and Refusal to Submit. The officer should use courtesy, discretion and good judgment in dealing with intoxicated persons. If the driver is arrested for a driving offense related to alcohol or drugs, the officer will comply with department procedures in processing the driver for the offense.

If the officer is unable to determine whether the person is intoxicated, mentally distressed or fatigued, the officer should use discretion in making alternate arrangements for the person to prevent driving before recovery from the impairment.

The officer shall also make arrangements for proper disposition of any intoxicated passengers; e.g., taxi, calling a friend for a ride or arrest.

2. DWLS – When a driver's privilege to drive are confirmed to be suspended, cancelled or revoked, and there are no other charges requiring a custodial arrest, the officer may use a misdemeanor citation in lieu of custodial arrest. However, the driver may not be permitted to drive from the location of the traffic stop, and other arrangements may be made for the vehicle. If there is no clear confirmation of a suspension (state computer out of service) and verification cannot be accomplished in a short period of time, the officer will release the driver until clear confirmation can be obtained, at which time a warrant may be issued for the offense.

3. Speed Violations – Speed violations contribute to motor vehicle crashes, property damage and increase the risk of personal injury. Enforcement of speed violations is a high priority, particularly in areas which have been identified through crash analysis, as having high crash rates. Speed enforcement is also critical in school zones, near parks and playgrounds, in residential areas and where citizen complaints indicate that speeding violations are creating a hazard to public safety or impairing their quality of life. Consideration will be given to weather conditions, road construction activity and traffic volume.
4. Equipment Violations – The officer will consider the continued safe operation of the vehicle and its general condition, as well as the type of equipment defect. Most equipment violations can be resolved by issuing a warning.
5. Public Carrier/Commercial Vehicle – These violations will be handled in the same manner as private passenger vehicles, with the exception of enforcing laws, which apply only to these specialized vehicles.
6. Other Non-Hazardous Violations – Officers may issue warnings, unless violations are flagrant or repetitive.
7. Multiple Violations – The officer may cite all violations, but is permitted to cite the most serious violation and warn on the remainder. When violations are similar to the extent that elements of one violation are included in the other and they occurred simultaneously, only the most serious violation will be cited.
8. Other Violations Which Result in Collisions – If a violation results in personal injury or significant property damage, the violator will be cited for the offense.
9. Pedestrian and Bicycle Violations – The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion by officers. Officers will concentrate efforts where crashes have been frequent and severe. Officers may consider the age of the violator and the potential for physical danger to the violator due to the unsafe act. If the violator is a young child, it may be appropriate to take the child home and permit the parents to correct the problem. In most cases, a verbal warning is sufficient to correct the violator's behavior.

D. Parking Enforcement

Officers will enforce parking regulations under applicable laws. This includes parking that obstructs public roadways, violations of handicapped parking spaces, blocking fire lanes and other parking violations. Officers will cite these violations on the department "short ticket" and place it in a conspicuous location.

E. Hazardous Conditions Requiring Immediate Attention

Any officer learning of or observing any hazardous condition that requires immediate attention or repair shall notify Communications. Communications will ensure prompt notification of appropriate agencies (such as street/highway departments and/or public utilities) to effect emergency repairs or restore essential services and assist in removal of debris from the roadway.

F. Problem Conditions

A problem condition may exist that enforcement action cannot correct: for example, design, traffic education or engineering deficiencies. In such cases, officers should:

1. Recognize the problem;
2. Report minor maintenance problems, such as downed signs and inoperative lights, to Communications for notification of the proper department;
3. Document problems, other than minor maintenance, to formally establish the department's awareness of the problem;
4. Forward the documentation to the Shift Lieutenant who shall act as liaison with groups involved with traffic safety.

G. Traffic Stops

1. Complete rules of procedure for traffic stops are not possible, as situations vary widely. Some general guidelines, however, if combined with law enforcement experience and common sense, can reduce risks to officers and to violators.

Officers making traffic stops should attempt to direct the violator to a suitable stopping point. The following should be considered in making stops:

- a. Location: When choosing a location to stop the violator, keep in mind lighting conditions, visibility to other motorists, traffic flow and escape routes. If the violator does not stop in accordance with the directions, the violator can be asked to move the vehicle to a more appropriate location after the initial contact.

Do not block private driveways and accesses to businesses or residential areas by a traffic stop when you can avoid doing so. If this is not possible, make reasonable efforts to minimize the inconvenience.

If a traffic contact has to be made at a hazardous location, assist drivers to get safely back into the traffic flow.

- b. Positioning of Vehicles: Park behind and slightly to the left of the violator's vehicle when possible and practical, thereby providing yourself some cover in the event of a sudden confrontation. Additionally, this leaves you a space protected from other traffic when making contact with the violator.
- c. Use of Emergency Lights: In order to give as much warning as possible to other motorists, use your available emergency lighting. These lights are also extremely useful in marking your location if you should need assistance.

During hours of darkness, use your available lights (e.g., spot light, high beams and "take down" lights, if available) to illuminate the interior of the violator's vehicle as much as possible. Additionally, these lights can provide you a certain amount of concealment during your approach to the violator.

- d. Notification of Communication Center: Before leaving the police vehicle to contact a violator, inform Communications of the vehicle, license number and location of the traffic stop, and briefly state the reason for the stop. Occupant information should be provided if possible. Additionally, if possible, write the vehicle information down before contacting the violator, thereby providing some information if you should become incapacitated during the stop.
- e. Approaching the Violator: Use caution in approaching the violator's vehicle. Safety procedures include checking other traffic before exiting the police vehicle, watching the violator and passenger actions inside the vehicle, and proper positioning at the violator's vehicle while contacting the occupants.

You should usually make the contact on the driver's side of the vehicle, but some situations may call for contact to be made on the passenger side. If contacting on the driver's side, you should stand immediately behind the rear edge of the driver's door, or at least at a position slightly behind the driver. This requires the driver to turn off-balance to talk to you and, thus, gives you a physical advantage as well as a vantage point to observe activity in the rear seat. Additionally, standing outside the trajectory of the door will prevent injury in the event the violator opens the door abruptly.

While approaching the violator, special attention should be given to activity in and around the vehicle, such as driver and passenger movements. One helpful tactic is to check the trunk or side of the vehicle by touch. Often an officer can feel movement when movement cannot otherwise be detected. Also, by touching the vehicle, you leave an identifiable print on the vehicle.

While approaching the vehicle, you should try to keep your weapon hand free, and if carrying a flashlight, it should be held away from your body. Keeping the flashlight in this position can distract the violator from your actual location and position. After having determined that the stop is a "safe" traffic stop, you may elect to move

forward of the driver's window and complete the contact facing the driver. This also permits better visual contact with traffic in the adjacent lane.

- f. **Driver Contact:** Upon initial contact, the officer will tell the violator why he/she is being stopped, obtain driver's license, registration and insurance information, and explain what action you intend to take, i.e., citation, warning, etc. Do this courteously but briefly, and do not argue with the violator about guilt or innocence. You should complete the contact quickly without delaying the violator any longer than is necessary. Whenever appropriate, you should help the violator get back into traffic safely.

H. Professional Demeanor and Actions During Stop

Traffic violation enforcement is one of many routine police tasks. For violators, however, it frequently is an emotionally traumatic experience. In many cases, this is the only contact that a person has with this department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner. Racial/ethnic/gender status may form part of the basis for making a stop only if there is specific suspect descriptor information that justifies doing so.

The officer should respond calmly to confrontation. Professional law enforcement officers do not permit their own emotional responses to a violator to affect their judgment or actions, and penalties or bonding requirements shall neither be imposed nor withheld on such grounds.

I. Referral of Driver(s) for License Reexamination

In the course of an officer's related activities, he/she may identify certain individuals that have a physical, mental or other condition that prevents or limits that individual from exercising adequate care and/or operation of a motor vehicle. In cases where the officer feels it is necessary to request administrative action from the Department of Safety, the following procedure shall apply:

The officer will complete the Department of Safety form (found in squad room) recommending the individual to be reexamined to determine their fitness to safely operate a motor vehicle. The form will be forwarded to the officer's supervisor.

J. Reflective Traffic Vests

All department officers, when directing vehicular traffic, shall wear a reflective vest or other high visibility clothing to increase officer safety and recognition by drivers.

Exception: Exigent circumstances may cause a reflective vest or high visibility clothing to become a hindrance to law enforcement function. Department supervisors may grant

exceptions for special situations; for example, traffic control at a tactical call out, or other emergency calls for service.

V. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.