

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

General Order: 503	Rescinds: 07/01/13
Subject: V&T Enforcement, Issuing UTT's, and Maintaining Speed Measuring Devices	NYS Accreditation: 47.1, 47.2, 47.4
Effective Date: 05/22/2019 By Order Of: Stuart W. Peenstra, Chief Of Police	

I. PURPOSE

To establish procedures for traffic law enforcement practices, including the issuance of traffic summonses, and the maintenance of speed measuring devices.

II. DEFINITIONS of ENFORCEMENT TYPES

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
- B. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- C. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- D. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- E. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities that will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

III. POLICY

- A. Members shall conduct traffic enforcement practices with two major objectives in mind:
 - 1. To take proper and appropriate enforcement action.
 - 2. To favorably alter the violator's future driving behavior.
- B. Members will obtain these objectives by evaluating the violator's mental and physical condition, as well as the facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer.
- C. Members shall employ practices which minimize conflict between the officer and violator and assist in achieving the two major objectives.
- D. Members will fairly and impartially enforce the provisions of traffic laws to:
 - 1. Prevent and/or reduce the severity of motor vehicle accidents;
 - 2. Promote traffic safety;
 - 3. Encourage compliance with traffic laws;
 - 4. Relieve traffic congestion.
- E. Members conducting traffic stops will:
 - 1. Always be alert for the unexpected.

2. Be absolutely certain the observations of the traffic violation were accurate.
3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude.

IV. PROCEDURES FOR STOPPING, APPROACHING, and ADDRESSING TRAFFIC LAW VIOLATORS

A. Prior to stopping a traffic violator, members will:

1. Maintain a reasonable distance between the violator's vehicle and the police vehicle.
2. Determine a safe location to stop the vehicle.
3. Activate emergency and other equipment necessary to signal the violator to stop.
4. Advise the dispatcher of the stop by providing the location of the stop, license plate number, and any additional information deemed necessary.
5. The officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from on-coming traffic. This position provides maximum safety to the violator, the officer, and all other traffic.

B. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, the officer should:

1. Request a back-up unit and calculate the stop so that the back-up unit is in the immediate area before the actual stop unless there is a specific need to stop the vehicle sooner.
2. Train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable.
3. When necessary, use the unit's public address system to give the occupant(s) of the vehicle instructions.

C. Roadway traffic hazards

1. On multi-lane roadways, the officer should ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
2. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers can use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

D. Approaching the violator

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (sick/intoxicated driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, members shall follow these procedures, if possible.

1. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
2. The officer shall approach from the rear of the violator's car, looking into the rear seat, and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time, keep all occupants of the vehicle in view.
3. In cases where the violator's car has occupants in both the front and rear seats, the officer should approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
4. If a traffic stop is made by two (2) or more officers, one (1) officer shall make contact with the violator. The second officer will handle all radio communications. This back-up officer shall act as an observer and cover the contact officer.
5. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator, and positioning the police vehicle. After the stop, the headlights should be set on low beam (for the safety of on-coming traffic) unless extenuating circumstances exist. Necessary emergency equipment will be used (both day and night).

E. Addressing the Violator

In addressing the violator, the officer shall:

1. Greet the violator courteously with an appropriate title.
2. Ask for the violator's driver license, vehicle registration, insurance identification card, etc.
3. Inform the violator what traffic law was violated and the intended enforcement action. The violator should not be kept in suspense.
4. If the violator does not have a license, obtain another document of identification if available.
5. Allow the driver to discuss briefly the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
6. Complete the forms required for the enforcement action taken or issue a warning, if appropriate.
7. Explain to the violator exactly what is supposed to be done in response to the action taken.
8. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
9. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

F. Completing the stop

1. Return all the violator's documents.
2. Release the violator after issuing a warning or summons.

3. Assist the violator in safely re-entering the traffic flow when necessary.

V. PROCEDURES FOR STOPPING A KNOWN OR SUSPECTED FELON

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located, members shall:

- A.** Notify the dispatcher immediately of the location and give a thorough description of the vehicle and its occupants.
- B.** Keep the suspect vehicle in view and request assistance when making the stop.
- C.** Keep assisting units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. Unless absolutely necessary, the stop will not take place until adequate support is available and in position. Circumstances may dictate a one-officer felony vehicle stop.
- D.** Members shall utilize the following procedures when affecting a felony stop:
 1. Plan to stop the vehicle in a location that presents minimal danger to other citizens.
 2. When conditions are appropriate and assisting units are available, the officer will move into position to the rear of the suspect vehicle and prepare to make the stop.
 3. The officer will signal the violator to stop using all necessary emergency equipment.
 4. The violator will be stopped on the extreme right side of the road.
 5. If the violator is known to be armed and dangerous, the officer will have his/her weapon easily accessible and ready for immediate use.
 6. When the suspect vehicle begins to stop, the officer will turn on the public address system.
 7. The officer will position the police vehicle so that it provides maximum protection and cover.
 8. At night, the officer shall focus all lights on the interior of the suspect vehicle.
 9. The officer will leave the police vehicle quickly but remain behind the door and accessible to the public address system microphone.
 10. The officer making the stop is in command and will direct each occupant, using the public address system if necessary. First, once stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside the door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. The officers shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to walk backwards to an area near the police vehicle. They may be told to lie face down on the ground.
 11. If a public address system is not available, the officer will give voice commands. If this fails, the officer will cautiously approach the vehicle, keeping all occupants in view, to a point where he/she can be heard.
 12. To reduce confusion, the officer will instruct assisting officers, as appropriate, and will be the only officer to initially direct the suspects.
 13. The support officers will cover the arresting officer and remain in a position of advantage until all occupants are in the search position.
 14. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
 15. Officers will exercise extreme caution not to get within each other's line of fire.

16. Those arrested will be searched and handcuffed before transportation.

VI. JUVENILES (47.1.B)

Officers have available several alternatives to effectively deal with juveniles who are stopped while operating a motor vehicle. Officers should bear in mind the age of the juvenile and the seriousness of the offense in determining the appropriate response:

- A.** Members may use the following as a guide when confronted with juveniles and traffic offenses:
 - 1. Parental notification and release to a parent at the scene.
 - 2. Return to the parent's residence with notification.
 - 3. Referral to a youth counseling service.
 - 4. Custody.
- B.** Family Court will adjudicate traffic matters when:
 - 1. The offender is under 16 years of age; and
 - 2. The charge is a misdemeanor or felony; and
 - 3. The matter is one that would not be appropriate to handle through diversion.

VII. FOREIGN DIPLOMATS/CONSULAR OFFICIALS

Members that stop a foreign diplomat or consular official shall consult with G.O. 519 for direction. **(47.1.A)**

VIII. RESIDENT AND NON-STATE RESIDENT OPERATORS (47.1.A)

Procedurally, resident and non-state resident traffic violators will be handled in a similar manner as dictated by this directive. Certain exceptions for non-state residents may apply as outlined below.

- A.** When officers encounter a non-state resident who has committed a violation that would not be a violation in his/her state, the officer may then decide to issue a warning rather than a citation.
- B.** Officers stopping a non-state resident and issuing a citation will contact their supervisor to determine whether a person will be required to be arraigned or post pre-arraignment bail.
- C.** The supervisor making the decision will consider the following factors and any others that may be required:
 - 1. Ties to the community.
 - 2. Past contacts (failure to answer summons).
 - 3. Whether the violator's state of residence has a reciprocal agreement with New York State.
 - 4. Seriousness of the offense.

IX. PARKING ENFORCEMENT

- 1. Parking enforcement is the primary responsibility of the Road Patrol Division. Parking regulations shall be enforced with reasonableness and impartiality. Officers shall:
 - a. Enforce parking regulations pursuant to state laws, local laws, and local ordinances.
 - b. Direct citizens who request an exception to a parking law or ordinance to the Shift Supervisor.

- c. Report parking problem areas to the Lieutenant for assessment and action, if necessary.
2. Officers shall cite parking violators using the department's Parking Violation Ticket. Unlawfully parked vehicles may be towed when they present a hazard or obstruction to traffic.

X. UNIFORMED TRAFFIC TICKET (UTT) PROCESSING

A. UNIFORM TRAFFIC TICKET PROCESSING (47.1.C)

3. Officers may obtain traffic ticket and parking ticket forms from the SFPD ROOM 112 Supply/File. All tickets are sequentially numbered. Officers obtaining traffic tickets must complete the receipt form on the ticket booklet and forward it to the Records Section.
4. Officers shall complete traffic tickets in accordance with the provisions of the New York State Department of Motor Vehicles.
5. Officers shall submit all completed parking tickets and traffic tickets to the Records Section for processing. The Records Section shall:
 - a. Log the ticket in the appropriate ledger.
 - b. Forward court copies to the appropriate court.
 - c. Forward DMV copies to the New York State Department of Motor Vehicles.
 - d. File the agency and officer copies of the tickets.
6. Whenever it is necessary for officers to void a ticket, the officer shall:
 - a. Write the word "void" across the ticket in large letters.
 - b. Submit the voided ticket and a memo explaining the reason for voiding the ticket to the Shift Supervisor. The Shift Supervisor shall review the reason for the void and forward the memo and the ticket to the Records Section.

B. TRACS CITATION PROCESSING (47.1.C)

1. The officer will log onto the TRACS program utilizing their individual logon identity and password.
2. The officer will complete the TRACS citation form by either scanning or typing in the necessary information.
3. The officer will validate the TRACS citation and print out the offender copy to include the supporting deposition if required.
4. The officer will download the TRACS citation(s) at the end of their shift through the wireless network.
5. The officer does not need to print out a hard copy of the officer's notes unless the citation is associated with an arrest (i.e. AUO or DWI), which would then be forwarded through their assigned watch supervisor.

6. If a TRACS citation needs to be voided, the officer shall submit the voided motorist copy of the citation and a memo explaining the reason for voiding the citation to the Shift Supervisor within 3 calendar days of the issuance of the TRACS citation. The Shift Supervisor shall review the reason for the voided citation and ensure that the citation is removed from the TRACS database. The Shift Supervisor will then forward the memo and the motorist copy of the citation to the Records Section.

C. DRIVER IMPROVEMENT REQUESTS

1. Officers may request that the Department of Motor Vehicles review a drivers' safety record or conduct a hearing or a re-examination of a driver whenever he reasonably believes such person is:
 - a. Not competent to operate a motor vehicle.
 - b. Suffers a physical or mental disability which renders him unable to operate a motor vehicle safely.
 - c. Not exercising due care in the operation of a motor vehicle.
2. Requests for reviews, hearings or re-examinations should be in letterform on departmental stationary or submit a New York State Department of Motor Vehicles "POLICE AGENCY REQUEST FOR DRIVER REVIEW" form. The letter should include the reason for the request and details supporting the request. Copies of supporting documentation (e.g. tickets, accident reports) should be included. Officers shall then submit the letter to the Shift Supervisor for approval and action.
3. The Shift Supervisor shall forward approved requests to the Records Division who will mail to the Principal Motor Vehicle Licensing Inspector, New York State Department of Motor Vehicles, 620 Erie Boulevard West, Syracuse, New York 13204.

XI. RECORDS SECTION (47.1.C)

- A. Make appropriate entries in Spillman on UTT's per current directives.
- B. Although TraCS automatically forwards copies of UTT's to Court, DMV etc. the records section will forward copies to appropriate agencies if the automatic transmission fails upon notice.
- C. Maintain and retain logs.
- D. Maintain an adequate supply of Thermal Paper for UTT's for issuance.

XIII. MAINTENANCE OF SPEED MEASURING DEVICES

Members may use speed measuring devices to assist with traffic enforcement efforts. The following guidelines shall govern the operation and maintenance of these devices.

- A.** All members using speed measuring devices must be properly trained to use such instruments.
- B.** Officers will calibrate and utilize speed measuring devices as trained.
- C.** Speed measuring devices, when not installed in a patrol vehicle should be stored in their protective case.
- D.** Care should be used to avoid exposure to extreme heat when units are not in use (i.e. in window mount on sunny, hot summer day).
- E.** Radar units should not have the gun oscillator on when the antenna is close to a large solid object (i.e. parked facing a building).
- F.** Tuning forks should be kept in their protective sheaths when not in use.
- G.** The designated officer in charge of speed measuring devices will ensure that such units and tuning forks are sent out for calibration twice annually.
- H.** If during a tour of duty a speed measuring devices is found to be malfunctioning or does not calibrate, use should be discontinued and such condition reported to a supervisor.