

PINEVILLE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 12 TRAFFIC ENFORCEMENT

SUBJECT: 1200 ENFORCEMENT

EFFECTIVE: 01/01/2015

1. **PURPOSE.** Enforcement of traffic laws and ordinances is a basic responsibility of the Department. The primary objective is to achieve voluntary compliance by all motorists and pedestrians, and to reduce traffic collisions. The role of police is to detect and prevent violations of the traffic laws and to take appropriate action when violations are observed. This is done through a combination of education and enforcement.

2. **GENERAL STRATEGY OF TRAFFIC ENFORCEMENT.** This Department's policy is to educate the public regarding traffic regulations through programs aimed at identifying specific problems; compiling and making public, traffic collision and injury statistics; and, giving notices and warnings of changes in traffic regulations prior to taking enforcement action.

Officers are expected to take enforcement action upon the detection of an illegal and/or potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, issuance of a Uniform Traffic Citation, or arrest.

3. SPECIFIC TRAFFIC ENFORCEMENT METHODS.

A. Members of the Department shall take appropriate enforcement action for observed violations.

B. Enforcement actions shall be accomplished in a professional, firm, fair, impartial, and courteous manner using one of the following methods:

1) Verbal Warning. A verbal warning may be appropriate when the violator commits an act due to ignorance of a unique local ordinance, or a violation of which the driver may not be aware. A warning may be issued when, under the totality of the circumstances, the officer believes that a warning will achieve the purpose of traffic enforcement. Issuance of a verbal warning is always at the discretion of the officer.

2) Citation. Citations may be issued to violators who jeopardize the safe and efficient flow of vehicular traffic including moving violations, parking violations, operating unsafe and/or improperly equipped vehicles, and such violations classified as "non-moving" violations as may be appropriate. Issued citations are to be turned into the Records Division prior to the end of the issuing officer's shift.

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While this section outlines the broad latitude that Department personnel are given, certain behaviors, by public policy must also be given consideration.

- a. Offenses such as Driving Under the Influence of Alcohol and Drugs, Reckless Driving, felony Hit and Run, Careless Driving and Eluding, must receive the most serious enforcement allowed by law.
 - b. Speed Violations. Generally, an enforcement action occurs when the driver of the vehicle exceeds a set speed limit or is in violation of the basic rule, including speed that is more than 10 MPH over the statutory speed limit. Lesser speed, or speeds at or below the designated speed, coupled with a hazardous condition may also warrant enforcement action.
 - c. Other Hazardous Violations. Department personnel should take enforcement action on violations that cause traffic collisions. These are generally: failing to signal, improper lane changes, following too closely, improper turns and speeding, and failure to obey traffic device (i.e., red lights).
 - d. Other non-hazardous violations such as equipment, licensing, parking and handicapped zone violations may be handled with officer discretion after evaluating the circumstances then existing. The state and county conduct truck inspection and weight enforcement.
 - e. The enforcement of the Motor Vehicle Code on underage drivers adds special procedures. Refer to Traffic Violations of Juvenile Offenders.
- 3) Physical Arrest. Officers may arrest, without a warrant, any person who the officer has probable cause to believe has committed a traffic crime per Louisiana Revised Statutes.
- C. Enforcement action does not provide the officer a privilege to scold, belittle, berate, or otherwise verbally reprimand a traffic violator. The officer's action should demonstrate a professional attitude and serve to improve the relationship between the motoring public and law enforcement officers. The goal of the officer's enforcement action is to educate the violator in an effort to gain voluntary compliance with the traffic laws and ordinances.

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4. CONTACT WITH TRAFFIC VIOLATORS. When stopping traffic violators, officers shall attempt to adhere to the following procedures:

- A. Attempt to select a safe area for the stop, taking into consideration the safety of the officer, violator, passing pedestrians and vehicle, and the unrestricted flow of traffic.
- B. Attempt to complete all pertinent communications prior to the stop. Location and the violator vehicle license number should be transmitted. If there is no license plate on the vehicle, the vehicle description should be transmitted.
- C. Use emergency lights (and siren, if necessary) for signaling the violator to stop, keeping in mind the violation, time of day, and surrounding area. Spotlights may be used to attract attention or to illuminate vehicle occupants at night.
- D. Position the patrol vehicle to protect the officer, the violator, and violator's vehicle from passing traffic. Position headlights, spotlights, or other illuminations so as not to interfere with the vision of approaching vehicles.
- E. Use appropriate emergency equipment to adequately alert other drivers, including use of overhead lights, four way flashers, and/or headlights.
- F. Approach the violator vehicle utilizing accepted officer safety techniques, paying particular attention to traffic flow, violator vehicle interior, and violator actions.
- G. Attempt to assume a position in as tactically sound a location as circumstances permit.
- H. Use appropriate interview techniques when contacting violators, keeping in mind that the goal of violator contact is to change driving behavior.
- I. Video recording traffic stops will be preformed a outlined in Section 16 Sub Section 1602 Mobile video recording equipment use.

5. SPECIAL TRAFFIC ENFORCEMENT PROCEDURES.

- A. Nonresidents. Violations committed by nonresidents will be handled in the same manner as residents.
- B. Juveniles. Violations committed by juveniles will be handled in the same manner as adults. If a citation is issued to a juvenile for a traffic violation, the citation court date will be marked "On Notice".
- C. Legislators. Legislative immunity is governed by the Louisiana State Constitution. A member of the legislature shall be privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member shall be questioned elsewhere for any speech in either house

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- D. Foreign Diplomats and Consulate Officers. Foreign diplomats and consulate officers are immune from traffic violations except DUII and Reckless Driving. When an officer contacts a foreign diplomat involved in a traffic offense, the officer shall verify the diplomatic status and take no further action. The officer shall notify his/her supervisor and document his/her actions. Consuls are not diplomats.
- E. Military Personnel. Military personnel will be handled in the same manner as residents.
- F. Issuance of Citation. When a violator is issued a citation, the violator will be informed of the specific charge, court date, whether or not court appearance is mandatory, and the location of the court. The officer will advise the violator that options for responding to the violation are imprinted on the citation.

6. PHYSICIANS AND OTHER CIVILIANS EN ROUTE TO AN EMERGENCY. In the event an officer observes a traffic infraction committed by a physician or other civilian en route to an emergency, or in any way becomes aware of a person responding to an emergency, the following procedures shall be taken:

- A. Upon determining that the violator is en route to an alleged emergency, the officer will obtain the identity and intended destination of the violator.
- B. If the emergency is extreme, the violator will secure his or her vehicle and be provided transportation by the officer. In no case will the officer "escort" another vehicle by preceding that vehicle with emergency equipment activated.
- C. In the event the emergency is not extreme but is urgent, the violator will not be detained but shall be advised to proceed in a safe and prudent manner.

7. ENFORCEMENT ACTION IN OTHER JURISDICTIONS. All sworn officers may enforce the traffic or criminal laws of this state within the jurisdiction of the City of Pineville. All officers exercising authority outside the city limits are subject to supervisory control and limitations of this Department. By agreement with another agency, supervision may be temporarily delegated to another agency with responsibility for a task force, for example.

Any liability that arises out of exercise of police authority in another jurisdiction is the responsibility of the police Department employing the involved officer, unless the officer is acting under the direction and supervision of another agency.

All of the privileges and immunities from liability, exemption from laws, ordinances, and rules, all pension, relief, disability, workers' compensation insurance, and other benefits which apply to the activity of officers inside the Department's jurisdiction also apply when performing police duties elsewhere.

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8. SPEED MEASURING DEVICES. Members of this Department may use speed-measuring devices, referred to as radar and/or lasers, when in compliance with this policy.

- A. Radar and laser devices will be used in accordance with the manufacturer's recommendations and instruction by state and/or certified manufacturer's instructors.
- B. Officers shall operate speed-measuring devices only after receiving the appropriate DPSST approved laser/radar training or the manufacturer's approved laser/radar training.
- C. Factory technicians will perform certified calibration at the time of repair or maintenance. The operating officer will perform field calibration, consistent with operating manual instructions, at the beginning and end of each shift the unit is used.
- D. All manufacturer's or repair technicians certification of repair and calibration will be maintained by the Logistics Chief.

By order of

Darrell Basco
Chief of Police