

## Traffic

### 408.1 VERSION

Review Date	Effective Date	Approving Authority
07/17/2023	07/09/18	Kelley Warner, Chief of Police

### 408.2 POLICY AND PURPOSE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws. The ultimate goal of traffic law enforcement and education is to increase public safety. Handling of other traffic-related activities to include traffic control, vehicle escorts, responding to disabled vehicles are also addressed in this policy.

### 408.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 408.4 TRAFFIC STOPS

Officers should perform traffic stops only when there is an articulable reason to do so. The safety of the officer, the driver of the vehicle and the public shall be considered prior to conducting a traffic stop.

Traffic stops should be performed by a uniformed on-duty officer.

When conducting traffic stops, officers shall, during their initial contact or at the earliest practical time, advise the operator why they have been stopped.

Officers initiating a traffic stop shall follow department-approved safety procedures including, but not limited to:

- (a) Contacting Emergency Communications Center regarding the location, vehicle description and registration, and occupants prior to making the stop.
- (b) Activating the emergency lights and siren.
- (c) Escorting the vehicle to a tactically safe location to conduct the stop.
- (d) Positioning the department vehicle to maximize officer safety.
- (e) Approaching the vehicle and interacting with the occupants in accordance with department-approved procedures.
- (f) Calling for backup when warranted.

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- (g) If so equipped, activating the Mobile Audio Video System and Body Worn Camera.

### **408.5 TRAFFIC ENFORCEMENT**

There are two objectives which the officer seeks to achieve when conducting traffic enforcement. The first is to safely take appropriate enforcement action and the second is to favorably alter the violator's behavior. Officers should try to make each contact educational, and should leave the violator with the impression that the officer has performed a necessary task in a professional and courteous manner. Officers should:

- (a) Be alert at all times for the unexpected.
- (b) Be certain that the observations of the violations were accurate.
- (c) Present a professional image in dress, grooming, language, bearing and emotional stability.
- (d) Have the necessary forms available.
- (e) Decide on the appropriate enforcement action based upon the violation, not solely the violator's attitude.
- (f) Greet the violator in a courteous manner.
- (g) Inform the violator of the traffic law that has been violated and the intended enforcement action.
- (h) Obtain the violator's driver's license and vehicle registration
- (i) Obtain other identification if the driver has no driver's license.
- (j) Allow the driver to reasonably discuss the violation.
- (k) Complete the required forms if issuing a citation or give a warning.

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating their overall performance. (Va. Code § 2.2-5516; Va. Code § 15.2-1609.11; Va. Code § 15.2-1710.1)

#### **408.5.1 DEPLOYMENT**

Traffic enforcement efforts should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, proceeded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department resources. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to:

- Location
- Time
- Day

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- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events
- DMV grant projects

Department officers assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Officers shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

#### 408.5.2 SPEED VIOLATIONS

It will be the policy of the Harrisonburg Police Department to reduce speed violations through enforcement action and speed detection equipment.

- (a) Speeding violations range from minor infraction of the posted speed limit to violations where the speed is dangerous to the motoring public who are safely utilizing the roadways of the community.
- (b) Officers should consider the following when taking enforcement action:
  1. Posted speed limit
  2. Traffic condition and weather
  3. Speed related accidents in the area
  4. Frequency of speed related neighborhood complaints
  5. Utilizing departmental statistical data that may provide times and peak hours of violations
- (c) Speed enforcement  
It is the policy of the Harrisonburg Police Department to utilize speed detection equipment to:
  1. Reduce motor vehicle crashes on roadways at specific locations where the cause of crashes is attributed to excessive speed.
  2. Reduce speeding on roadways identified by citizen complaints.
  3. Reduce speeding on roadways identified through common knowledge, if violations present a hazard.
  4. To conduct evaluations at locations where the posted speed limit may be inappropriate.
- (d) Because conditions vary with each roadway, the following guidelines should be used to decide tolerances in speed enforcement.
  1. Is the area residential, industrial, business, school zone

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2. Traffic congestion
  3. Construction of the roadway and sight distances
  4. Complaints
  5. Number of traffic crashes
  6. Data obtained by the use of speed trailers and stealth stats
- (e) The following is an example of an appropriate guide for enforcing speed limits:
1. Exceeding the speed limit by 5 to 9 MPH over the speed limit may be cited or given a written warning.
  2. Exceeding the speed limit by 10 MPH or more over speed limit should be given a summons.
  3. Exceeding speed limit by 15 MPH or over are flagrant violators, a summons is the appropriate action.
- (f) School Zone (and Work Zone) speeding violations should be stringently enforced since such violations constitute a general disregard for the safety of students and school crossing guard.

#### 408.5.3 USE OF SPEED MEASUREMENT DEVICE

The Harrisonburg Police Department utilize speed measurement equipment to:

- (a) Reduce motor vehicle crashes on roadways at specific locations where the cause of crashes is attributed to excessive speed.
- (b) Reduce speeding on roadways identified by citizen complaints.
- (c) Reduce speeding on roadways identified through common knowledge, if violations present a hazard.
- (d) To conduct evaluations at locations where the posted speed limit may be inappropriate.

Because conditions vary with each roadway and the major purpose of speed measurement is to cite the more flagrant violator and reduce crashes, no motorist shall be cited for violations under 5 MPH beyond the posted speed limit. Tolerance levels over and under the minimum may only be set by the Chief of Police or designee, based upon the circumstances of specific locations. The speed measurement trailer may be utilized as a deterrent to speeding in areas where violations are frequent or fall below the tolerance level.

Traffic radar units/speed measuring devices shall only be operated by those officers who have successfully completed the approved DCJS Operators Course or equivalent course by another agency as determined by the training academy. Officers who have not completed an approved course may make radar arrests under the direction of a certified operator.

Officers must be in uniform to make an arrest based on a speed measurement reading.

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All Lidar units are to be checked via the certified course behind the Harrisonburg Police Department.

The recalibration and maintenance of all radar/speed detection equipment shall be through the responsibility of the Traffic Unit.

#### 408.5.4 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate (Va. Code § 46.2-301).

#### 408.5.5 HAZARDOUS VIOLATIONS

Hazardous violations are defined as those violations that pose a direct hazard to the safe and efficient flow of traffic. In addition, these violations contribute substantially to crashes. For the purpose of this procedure, hazardous violations fall into the following categories:

- (a) Unsafe Behavior- driver actions is direct violation of statutes or ordinances related to moving violations i.e., violating traffic control devices, signs and other crash related violations.
- (b) Unsafe Conditions-vehicles that are improperly equipped, i.e.:
  - 1. No headlights
  - 2. Worn tires
  - 3. Overweight trucks
  - 4. Other violations that renders a vehicle unsafe

Officers are to take immediate enforcement action based on sound judgment upon viewing or detecting hazardous violations.

#### 408.5.6 PEDESTRIAN/BICYCLE VIOLATIONS (OTHER TRANSPORTATION DEVICES)

When applicable, laws governing pedestrians, bicycles and/or other modes of transportation shall be enforced when such action will tend to prevent accidents (foot scooters, powered skateboards, etc.). Officers should refer to the Va. Code §46.2-100 to review the different definitions of transportation devices.

#### 408.5.7 OFF-ROAD VEHICLES

- (a) Recreational vehicles that are described as All-Terrain Vehicles (ATVs) and go-carts are not eligible for licensing in the Commonwealth and shall not be operated on public streets or highways. The operation of these vehicles violates the licensing, inspection, insurance, and safety equipment statutes. Driving helmets are required for the operation of off-road vehicles, with exceptions as noted in Virginia Code Section 46.2-915.1

#### 408.5.8 FARM VEHICLES

Farm equipment, construction and other similar type vehicles, which are not subject to the state inspection and licensing laws, must be operated on the highways in a safe manner. These types

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of vehicles are required to be marked with a slow emblem marker (triangle) that is attached to the rear.

### 408.5.9 PARKING ENFORCEMENT

Police officers will be aware of the various types of parking violations covered by City of Harrisonburg Ordinances relating to parking enforcement and be prepared to take appropriate action when such violations are reported or detected. Police officers should recognize the need to enforce such laws with particular focus on those violations which may impede the flow of traffic where the safety of persons or property may be compromised, or when illegally parked vehicles negatively affect quality of life to residents, for example:

- (a) Obstruction of sidewalks and driveway entrances
- (b) School crossings
- (c) Handicapped parking violations
- (d) Fire lanes
- (e) Safety zones
- (f) Blocking fire hydrants
- (g) Violating permit parking zones (green, brown, red, etc.)
- (h) Parked too close to corner or stop sign

Officers are afforded a great deal of discretion in issuing citations to illegally parked violators and the focus of the enforcement action should be voluntarily compliance by the violator.

### 408.5.10 SUMMONS

A summons should be issued when an officer believes it is appropriate. When issuing a summons for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (Va. Code § 46.2-388):

- (a) An explanation of the violation or charge.
- (b) The court appearance date and procedure, including the optional or mandatory appearance by the motorist.
- (c) Whether the motorist can pre-pay the fine or pay at court.

When a summons is issued, the officer shall not, under any circumstances, tell the defendant that they do not need to come to court.

### 408.5.11 WARNINGS

Warnings are an option that may be considered by the officer when circumstances warrant, such as when a minor violation was inadvertent. When a warning is appropriate, a written or verbal warning may be given.

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#### 408.5.12 WRITTEN WARNINGS

The written warning will generally be used for traffic violations which are primarily non-hazardous in nature.

Non-hazardous violations are defined as violations of any law, ordinance, or regulation affecting the use or protection of streets or highways, but not enacted primarily to regular safe movement of vehicles or pedestrians. Examples of violations which a written warning could probably be issued are:

- (a) No operator's license in possession, although is valid
- (b) No registration in vehicle
- (c) Tail light or stop light out
- (d) Obscured license plate
- (e) Turning into one-way street the wrong way (no traffic present)
- (f) Non-hazardous bicycle ordinances
- (g) Cracked windshield
- (h) Headlight out

Judgment of discretion must be used by officers when determining what type of citation to use. The Written Warning is not a substitute for the Uniform Traffic Summons.

Written Warnings will not be issued for speeding violations which are in excess of 10 MPH above the posted speed limit.

The Written Warning ticket should be created using the Brazos enforcement module within Tyler Mobile program. Using the enforcement module will satisfy the stop contact data collection requirements as well as record the warning and to whom it was issued to.

Officers will provide all Written Warning Tickets to their supervisors at their end of tour to be reviewed by the supervisor.

#### 408.5.13 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with, but are not limited to:

- (a) Involuntary manslaughter (Va. Code § 18.2-36.1).
- (b) Felony and misdemeanor driving under the influence (DUI) of alcohol or drugs (Va. Code § 18.2-270).
- (c) Felony or misdemeanor hit-and-run (Va. Code § 46.2-894).
- (d) DUI with accident (Va. Code § 19.2-81).
- (e) Reckless driving that results in the death of another while driving with a suspended driver's license (Va. Code § 46.2-868).

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- (f) Racing a vehicle in violation of Va. Code § 46.2-865 that results in serious bodily injury or death to another person (Va. Code § 46.2-865.1).

#### 408.5.14 NON-RESIDENTS

When a non-resident of the state commits a traffic violation and is going to be cited for it, the following shall apply:

- (a) A resident of a reciprocal or non-reciprocal state shall be issued a summons in the same manner as residents of the Commonwealth of Virginia. (§ 46.2-936)

#### 408.5.15 JUVENILES

At least ten days will be allowed between the date of arrest and the trial date.

#### 408.5.16 CONGRESSIONAL IMMUNITY

Members of Congress may not be detained for the issuance of a citation while they are in transit to or from the Congress of the United States. If a member is stopped for a traffic violation, they should be identified and immediately released. The officer may then obtain a summons for the member of Congress for the violation and make arrangements to serve the summons at a time when the member of Congress is not transit to or from Congress, or on official business. Officers should however, exercise discretion in such cases.

#### 408.5.17 DIPLOMATIC IMMUNITY

Diplomatic immunity is granted by the United States government under the provisions of the Vienna Convention on diplomatic relations. Generally, these provisions apply to two (2) clauses of immunity.

Persons with diplomatic immunity are protected by unlimited immunity from arrest, detention, and prosecution for any civil or criminal offense under current federal law (i.e.: 22USC252). As such, diplomatic personnel should be treated with respect and courtesy befitting their distinguished positions. At the same time, it is the duty of all persons enjoying such privileges and immunities to respect local law and regulations.

#### 408.5.18 AMBASSADORS AND MINISTERS

Ambassadors and Ministers are the highest ranking diplomatic representatives of foreign governments. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and attaché. Diplomatic officers, their families, official staff, and servants are protected by unlimited immunity from arrest, detention, and prosecution with respect to any criminal or civil offense. However, such immunity does not preclude these individuals from being cited for traffic violations. Nonetheless, officers should exercise discretion in issuing diplomatic personnel Uniform Traffic Summons.

Diplomatic personnel are not required to have a U.S. or international driver's license.



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#### 408.5.19 MILITARY PERSONNEL

Military personnel include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and Reserve Components serving an active duty. These individuals are required to have a valid license from their state of residence and are subject to physical arrest and issuance of Uniform Traffic Tickets under the same guidelines as any other citizen with the exception of when "WAR" has been declared or immediate military action against a foreign, hostile government has taken place. In such cases, no physical arrest, except in cases of treason or felonies, will be made on any military personnel going to, remaining at or in the process of reporting to a duty station.

#### 408.5.20 OTHER INDIVIDUALS AND PUBLIC OFFICIALS MAY BE PRIVILEGED FROM ARREST

- (a) Senators and Representatives of the Virginia General Assembly, when going to and returning from the same (except for felony or breach of the peace arrests)
- (b) Electors shall be privileged from arrest going to and returning from an election except for felony or breach of peace arrests.
- (c) Militia shall be privileged from arrest going to and returning from attendance at musters and elections except for a felony or breach of peace arrests.
- (d) Judges, attorneys, clerks, sheriffs and other court officers shall be privileged from arrest while attending court and while going to and returning from court.

#### 408.5.21 EQUIPMENT VIOLATIONS

The officer should consider issuance of a summons for any essential equipment defects.

#### 408.5.22 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

The officer should consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited.

#### 408.5.23 REQUEST FOR RE-EXAMINATION OF DRIVER

Routine enforcement, accident reporting and investigation activities frequently lead to the discovery of drivers who are suspected of incompetency through physical or mental disabilities, disease or other conditions which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Police officers detecting such a person will complete the appropriate form to request re-examination of the driver by the Virginia Department of Motor Vehicles.

#### 408.5.24 TRAFFIC ENFORCEMENT DATA

- (a) Traffic Enforcement Activity Reports
  - 1. Traffic enforcement activity reports are published monthly for the previous month. Each police supervisor receives a copy of this report
- (b) Traffic records from the City's Traffic and Transportation Division contain information and are readily available to the department on the following:

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1. Traffic Volume Data
2. Traffic Volume and Distribution Reports

#### **408.6 HAZARDOUS ROAD CONDITIONS**

Officers encountering hazardous road conditions should assess the severity of the hazard and take appropriate action including, but not limited to:

- (a) Notifying the City department responsible for maintaining that section of the road.
- (b) Removing the hazard from the roadway if it is reasonably safe to do so.
- (c) Placing a warning device around the hazard to warn oncoming traffic.
- (d) When practicable and safe to do so, positioning a patrol car in front of the hazard to warn oncoming traffic and direct the traffic around the hazard.

#### **408.7 DISABLED VEHICLES**

The Harrisonburg Police Department assists motorists with disabled vehicles until those vehicles are safely removed from the roadway. Officers should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department officers will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist. Department officers shall not make mechanical repairs to a disabled vehicle.

The relocation of disabled vehicles by officers of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle. Police push bumpers may be used to relocate disabled vehicles. See supplemental Push Bumpers.

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department officer may stay with the disabled motorist or transport him/her to a safe area to await pickup.

Should the disabled motorist be in jeopardy of injury or any other emergency condition is evident, the assistance response should be elevated to correspond to the circumstance.

#### **408.8 TRAFFIC CONTROL**

Members of the Harrisonburg Police Department may control traffic using both department-approved temporary traffic control devices and also uniform hand signals and gestures for manual traffic direction:

- (a) At public events.
- (b) At the scene of a traffic collision.
- (c) At the scene of a fire or other emergency.

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- (d) During periods of adverse road and/or weather conditions.
- (e) When circumstances warrant the manual operation of traffic control devices.
- (f) As required by other road or traffic conditions.

#### 408.8.1 TRAFFIC CONTROL EQUIPMENT

The necessity for traffic control requires consideration to the safety of responders and to the mobility of the traveling public using city roadways. Proper traffic control strategy, to include use of traffic control equipment (flares, cones, barricades, signs, etc.) and procedures (hand and whistle signals), ensures the restoral of traffic capacity as safely and quickly as possible.

The following temporary traffic control equipment shall be used as described:

- (a) Flares – flares should be used during the hours of darkness and during inclement weather when visibility is poor. Flares may be used during daylight hours; however, they may be less visible than traffic cones in bright sunlight. Flares shall not be used at any incident where flammable or explosive liquids or vapors may be leaking, nor shall they be placed near any combustible or explosive material. Electronic flares may be used in lieu of combustible flares when available.
- (b) Traffic Cones – traffic cones may be used during daylight hours and whenever there is a fire or explosion hazard. When there is adequate lighting, cones should be used instead of flares to reduce unnecessary expenditures.
- (c) Water Barricades (Yodocks) or other physical barriers- water barricades or other physical barriers will be used for a long-term road closure for a special event.
- (d) The Public Works Department has temporary barricades, cones, lighted and non-lighted signs, directional signs and variable message signs that can be used to control and divert traffic. Assistance should be requested when traffic control will extend over long periods of time or involve multiple locations, such as special events, adverse weather conditions, disasters, or major accidents on primary roads.

The following personal equipment shall be used when directing traffic unless an emergency precludes their use:

- (a) Uniform
  1. All sworn personnel shall be in their uniform of the day when directing traffic; the issued hats/caps can be worn at the officer's discretion.
- (b) Reflective Traffic Vest
  1. All personnel shall wear a high visibility reflective traffic vest while performing manual traffic direction and control. The reflective raincoat or jacket may be substituted for the vest.
  2. The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests and/or jackets to increase the visibility of department members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment.

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3. High-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.
  4. Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.
  5. When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.
  6. Use of the vests shall also be mandatory when directed by a supervisor.
- (c) Hand Signals
1. Pursuant to Section 46.2-1309 of the Code of Virginia
- (d) Whistle
1. The whistle will be carried and used if an auditory signal is effective under existing conditions. See Virginia Code Section §46.2-1309
- (e) Flashlight
1. When used for traffic direction and control, the illumination cone shall be placed on the issued flashlight. The flashlight and cone shall be used during the hours of darkness and during inclement weather when visibility is limited. The flashlight with cone serves to illuminate the officer and makes the officers hand directional signals more visible to motorists.

#### **408.9 VEHICLE ESCORT SERVICES**

Vehicle escort services are generally not performed. All requests for escort services should be approved by the Traffic Supervisor.

If a request is granted, the Traffic Supervisor should:

- (a) Identify the required department resources.
- (b) Coordinate with outside agencies.
- (c) Identify safety and security risks.
- (d) Take reasonable precautions to ensure public safety.

Only vehicles equipped with emergency lights and sirens should be used to provide escort services.

#### **408.10 TRAINING**

All personnel assigned to work any traffic control assignment must be trained in accordance with DCJS standards.

Documentation of training shall be placed in the training file of the employee.