

UPPER MERION TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

No: 200

Supersedes: 286-62.1.1.3

Effective: September 8, 2017

Page: ALL Section: ALL

Page: 1 OF 9

Dated: November 11, 1987

TRAFFIC ENFORCEMENT

- I. **PURPOSE:** To establish general guidelines for the Department's traffic law enforcement program.
- II. **OBJECTIVES:**
 - A. To ensure a high degree of highway safety and convenience for the traveling public.
 - B. To document all vehicle stops and pedestrian contacts.
 - C. To record operator and vehicular information.
 - D. To record the reason for the vehicle/pedestrian stop.
 - E. To substantiate the number of warnings, verbal or written, an individual operator may be receiving from various officers.
- III. **POLICY:** Upper Merion Township police officers will take appropriate enforcement action when Vehicle Code or Ordinance violations are observed or uncovered through investigation. Enforcement action will be documented on traffic citations, written warning forms (TS433A), parking tickets, or in the case of arrests, verbal warnings or pedestrian contacts on the proper Upper Merion Township Police Department report.
- IV. **RESPONSIBILITIES:**
 - A. All members of the Department have the responsibility to provide for a fair and impartial approach to traffic law enforcement.
 - B. Any violation of the Pennsylvania Motor Vehicle Code or local ordinance warrants either an arrest, traffic citation, written warning, verbal warning or a parking ticket. Each officer must decide individually what enforcement action is appropriate based on training, experience, and common sense. One perspective is to consider any violation committed in a blatant, reckless or intentional manner as deserving of a citation.

C. OFFICER RESPONSIBILITIES:

1. Notify the Communications Center when a vehicle or pedestrian stop is initiated. The location, reason for the stop, vehicle registration and description, operator or pedestrian information, and any other pertinent information should be provided.
2. Properly complete either a citation, a written warning form or a parking ticket and submit it to the shift supervisor.
3. If a verbal warning is issued, notify the Communications Center to include on the CAD Event the vehicle registration, operator number, operator's race and gender, and the reason for the warning. No other report need be submitted.

D. TELECOMMUNICATION OFFICER RESPONSIBILITIES:

1. Initiate a CAD Event when notified that a vehicle or pedestrian stop has occurred.
2. Record all operator information including the race and gender, the registration information, and the reason for the stop.

E. SHIFT SUPERVISOR RESPONSIBILITIES:

1. Review the citations, written warning forms, parking tickets and CAD Event's for verbal warnings. Ensure that the forms are properly completed and contain an incident number. Submit the forms to the Records Division.

F. RECORDS DIVISION RESPONSIBILITIES:

1. Receive, enter and file the forms that are submitted by the officers.

V. GUIDELINES FOR ROUTINE TRAFFIC ENFORCEMENT

- A. **EXCEEDING POSTED SPEED LIMITS:** Legally there is no defense for exceeding the posted speed limit or for driving faster than conditions safely permit. However, drivers stopped for speed violations may indicate certain factors unknown to the officer before the stop that may have contributed to the violation.

Officers should exercise discretion when deciding if a verbal warning, written warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic and location, while always being mindful that excessive speed correlates directly with high accident rates.

1. Speed measuring devices approved by the Department and PennDOT will be used in the enforcement of speeding laws. All officers utilizing these devices will receive training in the operation of the equipment.

2. The repair and calibration of speed measuring devices shall be the responsibility of the Traffic Safety Unit. Officers will document any malfunctions or damage to the device on their daily report and notify the TSU Sergeant. The Traffic Safety Unit will be responsible for maintaining certification and calibration records.

B. **HAZARDOUS VIOLATIONS:** Hazardous violations are defined as those violations that pose a direct hazard to the safe and efficient flow of traffic. These violations contribute substantially to accidents. Officers are to take immediate enforcement action based on sound judgement on viewing or detecting hazardous violations. For the purpose of this policy, hazardous violations fall into the following categories:

1. **Unsafe Behavior:** Driver actions that are in direct violation of laws related to moving violations, for example: violating traffic control devices and other accident related violations.
2. **Unsafe Condition:** Vehicles that are improperly equipped, for example: no headlights, worn tires, overweight vehicles, and any other violation that renders a vehicle unsafe.

C. **OPERATOR TESTING:**

1. **Field Sobriety Tests:** When an officer stops a driver who is suspected of driving while under the influence, the officer should request the operator of that vehicle to submit to field sobriety tests. The operator of the vehicle has the right to refuse these tests. Refusal to take a field sobriety test will in no way initiate the implied consent statute (Vehicle Code, Section 1547). In the event that the operator submits to a field sobriety test and such indicates a "Pass" condition, the officer may make a determination as to enforcement of the Driving Under the Influence statute with its application to drug involvement rather than alcohol.
2. **Refusal to Test:** The Pennsylvania Implied Consent Law, and all appropriate warnings, will be read to all defendants prior to obtaining a breath or blood sample for the purpose of drug and alcohol testing. It will be the arresting officer's responsibility to process the refusal form.
3. **Blood Samples:**
 - a) **DUI - Conscious/Un-Injured:**
The operator will be transported to an approved hospital for a submission of a blood sample for drug and alcohol testing. Samples will then be entered into evidence, refrigerated, and without unnecessary delay delivered to the designated laboratory for testing.
 - b) **DUI - Conscious/Injured:**
The operator will be transported by ambulance to a hospital for treatment of injuries sustained in a crash and in effect for a submission of a blood sample for drug and alcohol testing. An officer will respond to the hospital and, if the operator is conscious, request that medical personnel draw a blood sample. Samples will then be entered into evidence, refrigerated,

and without unnecessary delay delivered to the designated laboratory for testing.

c) DUI - Unconscious/Injured:

The operator will be transported by ambulance to a hospital for both treatment of injuries sustained in a crash and in effect for a submission of a blood sample for drug and alcohol testing. An officer will respond to the hospital and, if the operator is unconscious, and if possible, confirm that medical personnel have drawn a timely blood sample. The decision as to when the blood sample is taken is completely up to medical personnel. Blood samples in this case will then be held by the hospital until a warrant is obtained. A warrant must be obtained prior to requesting either medical records or blood sample(s) from the hospital. Any blood samples removed from the hospital following the issuance of the warrant will then be entered into evidence, refrigerated, and without unnecessary delay delivered to the designated laboratory for testing.

d) Voluntary Blood Request for Fatal/Serious Injury Vehicle Crashes:

If a police officer observes no sign of impairment on the part of the operator but due to the nature of the incident (fatal or serious crash) deems it appropriate to request a voluntary blood sample, he/she should NOT read the PA Implied Consent Law to the operator. With a voluntary blood request, the operator is not under arrest. They should not be told in any manner that they are under arrest. Voluntary testing means that they are volunteering to provide the police with a blood sample. The police officer must inform the operator of the following:

- 1) Officer's name, rank and department;
- 2) That the operator is not under arrest and that the officer is requesting that he/she voluntarily provides a sample for the purpose of chemical testing;
- 3) That the sample provided will be tested for alcohol and any/all controlled substances;
- 4) That any alcohol and/or controlled substances found in his/her system and in violation of the law could result in criminal charges being filed against him/her;

It will be the officer's responsibility to complete the departmental voluntary blood testing form.

If a police officer has probable cause to obtain blood from the operator of a vehicle, then a voluntary blood request should NOT be considered.

4. Breath Samples: Officers will have the option of transporting a person arrested for DUI to an approved breath testing facility when available in lieu of obtaining a blood sample.

5. Arrest for DUI without a Warrant: In addition to any other powers of arrest, a police officer is authorized to arrest without a warrant any person whom the officer has probable cause to believe has violated the provisions of the DUI statute, regardless of whether the alleged violation was committed in the presence of the officer. The authority to arrest extends to any hospital or other medical treatment facility located beyond the officer's jurisdiction at which the person to be arrested was found, or was taken or removed to for the purposes of emergency treatment, examination or evaluation provided there is probable cause to believe that the defendant has violated the DUI statute.

D. SELECTIVE ENFORCEMENT: The purpose of the Department's Selective Enforcement Program is to direct traffic enforcement activity to pre-selected times, locations and specific types of traffic violations with the ultimate goal of reducing accidents and promoting voluntary compliance with traffic laws.

1. ADMINISTRATIVE RESPONSIBILITIES: The TSU Sergeant is responsible for the Department's Selective Enforcement Program. This shall include overall responsibility for analysis of traffic accidents and traffic enforcement activities. Selective enforcement action will be undertaken, at the direction of the TSU Sergeant, in those areas where analysis of traffic accidents and violations indicates a need for enforcement, or upon complaints or requests from citizens.

The TSU Sergeant will maintain records on selective enforcement activities. The Patrol Commander and TSU Sergeant will periodically evaluate the program.

E. REPORTING INCOMPETENT DRIVERS: Routine enforcement and accident investigations frequently lead to the discovery of drivers who have a physical or mental condition which might prevent the person from operating a motor vehicle in a safe and reasonable manner.

1. Officers detecting a person who appears to be incapable of safe driving due to a physical or mental condition will request a reexamination of that person by PennDOT using the appropriate PennDOT form. When requesting such a reexamination the officer must be specific and relate the circumstances that provide the basis for the request on the form.

F. PEDESTRIAN AND BICYCLE ENFORCEMENT: Officers will take appropriate enforcement action when and where pedestrian and bicycle violations are observed. The enforcement of traffic laws pertaining to pedestrians and bicyclists requires broad discretion from individual officers. To provide guidance to officers in using their discretion the following procedures are established:

1. Before any substantial increase in the enforcement of pedestrian or bicycle traffic laws, sufficient publicity and community awareness programs will be implemented.
2. Officers shall concentrate their efforts on pedestrian and bicycle violations in those areas where accidents have been frequent and severe.
3. The Community Relations Department shall be responsible for the implementation of bicycle and pedestrian safety programs. These programs should be directed

toward those age groups with the highest percentage of involvement with bicycle or pedestrian accidents.

- G. **SUSPENDED/REVOKED DRIVER'S LICENSE:** If the officer has received notification that the driver's license has been suspended or revoked, the officer should issue any appropriate citations. The driver's vehicle may be parked safely at the scene or towed with the owner's approval. If the officer is unable to determine the status of the driver's license, the officer should issue any appropriate citations for other violations. If it is later determined that the driver's license is suspended or revoked, the officer should file the additional charges with the District Court.
- H. **OFF-ROAD VEHICLE ENFORCEMENT:** Officers shall be alert to off-road vehicles which are being used in the Township illegally, especially when their use results in complaints of excessive noise, trespassing, and property damage. Officers shall take appropriate enforcement action for violations committed by off-road vehicle operators.
- I. **PARKING VIOLATIONS:** All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the Township. Officers shall enforce parking violations with discretion, taking into account the seriousness of the violation.
- J. **TRAFFIC COMPLAINTS:** The Traffic Complaint System is designed to effectively and efficiently address traffic complaints with the goal of addressing traffic problems based on the level of danger posed to motorists and pedestrians (See attachment A).

VI. **TYPES OF ENFORCEMENT ACTION:** Officer discretion is important to an effective traffic law enforcement program. All officers shall carry out enforcement action in a fair, impartial, professional and courteous manner. Officers shall take the appropriate enforcement action for each violation of the law reported or observed. Enforcement will be accomplished using one of the following methods:

- A. **VERBAL WARNING:** A verbal warning is appropriate when the violator commits an act that may be due to ignorance of a local ordinance, the Vehicle Code, or in the case of a condition of which the driver may not be aware.
- B. **WRITTEN WARNING:** A written warning may be appropriate for a minor infraction where follow-up investigation is necessary to ensure compliance with the law. Examples include, but are not limited to, inspection, registration and minor equipment violations.
- C. **CITATIONS:** The citation should be issued to violators who jeopardize the safe movement of vehicular or pedestrian traffic. This includes operating unsafe vehicles and serious driver license, registration and insurance violations.
- D. **CUSTODIAL ARRESTS:** Officers will affect the arrest of any person in violation of traffic laws of a serious nature. In addition, any officer in uniform may arrest without a warrant any nonresident of the Commonwealth of Pennsylvania who violates any of the provisions of the Vehicle Code in the presence of the officer making the arrest. (Authority- Title 75, Section 6304). Officers shall use sound legal principles and judgement, and comply with the provisions established by State statute.

VII. **PROCEDURES:**

- A. **VEHICLE STOPS:** Vehicle or pedestrian stops must be reported to the Communications Center prior to contact with the driver or pedestrian. An incident report will be initiated as a CAD Event.
- B. **TRAFFIC CITATIONS:** Include all information. Print clearly and use sufficient pressure to ensure all copies are legible. Incident numbers are to be included on the citations. Record the race and gender of the operator and the reason for the stop in the Remarks section.
- C. **WRITTEN WARNING FORMS:** Use form #TS433A. The incident number should be recorded in the upper left corner. The officer shall retain the top copy and issue the bottom copy to the operator. Record the race and gender of the operator and the reason for the stop. Submit the top copy to the shift supervisor.
- D. **VERBAL WARNING:** Give the race and gender of the operator, the vehicle registration, operator's number and reason for the stop to the Communications Center. The Telecommunications Officer will list this information in the CAD Event.
- E. **PEDESTRIAN STOPS:** Contact the Communications Center with information concerning the nature of the stop. Record all pertinent information including race, gender and reason for the stop on Call for Service Report at a minimum.
- F. **PARKING TICKETS:** Complete all spaces and be specific on the location. Leave the bottom hard-copy attached to the violator's vehicle and give the top copy to the shift supervisor.

APPROVED: Chief Thomas Nolan

DATE: 08/21/2017

APPROVED: Captain Christopher Bird

DATE: 08/21/2017

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All Police Personnel
All Police Dispatchers
All Civilian Employees
Township Manager
File

Policy# 200 – Traffic Enforcement
Attachment A
Traffic Complaint Priority System

The following system is designed to effectively and efficiently address traffic complaints with the goal of addressing traffic problems based on the level of danger posed to motorists and pedestrians.

Receipt of the Traffic Complaint

Traffic complaints and parking complaints received by phone through the communications center, which are in-progress, should be dispatched as per current policy. Traffic complaints where the caller has some identifying characteristics on the suspect or suspect vehicle should also be dispatched. Generally an in-progress condition should result in a patrol officer being dispatched.

If the call has been determined to be a follow-up to a previously reported complaint then current procedures to contact the assigned officer should be followed.

All traffic and parking complaints that are determined to be a new complaint, which do not rise to the level of immediate dispatch, should be documented in Cody using the incident type of "Traffic Complaint." When in doubt, the telecommunicator should confer with the shift supervisor.

Walk in Traffic complaints should be handled as outlined above but with the additional option of using the TRAFFIC COMPLAINT FORM. If the citizen chooses this option and upon receipt of the completed form, dispatch will assign an incident number to the form and forward it through inter-office mail to the Traffic Safety Unit. The Cody entry should be for incident type "Traffic Complaint" and the notes should indicate the use of the TRAFFIC COMPLAINT FORM.

Follow Up Procedures

The Traffic Safety Sergeant will review the traffic complaints using a Cody statement search on a daily/weekly basis. The Traffic Safety Sergeant will review the calls forwarded and assign follow up according to the priority system outlined below. The priority level will be determined by the level of danger posed to other motorists, pedestrians and children or persons with disabilities in the area of the incident.

Priority 1

Requires immediate attention; Traffic safety compliance measures such as Directed Patrols, Selective Enforcement details, the use of classifiers, ghost cars, speed boards etc. will be conducted as soon as possible. This includes assigning an officer to make multiple checks of parking complaints during a shift over multiple days.

Priority 2

These incidents will be followed up by a TSU or Patrol Officer to either obtain more information from the complainant or to evaluate the situation further with an on-site visit. The assigned Officer has one week to complete or update the matter. The Officer can recommend further attention by TSU which will change the complaint to Priority 3 status.

Priority 3

Prior evaluation has determined that the condition can be corrected by Traffic Signal Service or other traffic safety compliance measures the TSU Sergeant will coordinate the response with the Patrol Sergeants to be completed within two weeks.

Priority 4

Prior evaluation has determined that the condition needs referral to the Upper Merion Traffic Safety Committee, the Township Traffic Engineer or PennDOT. The condition will be monitored by TSU and could include the previously listed traffic safety compliance measures while the condition is resolved.

Priority 5

A rare occurrence or incident that reveals no pattern or presents no safety issue. This case will be filed for future reference, but no follow up will occur. This priority level will include complaints of a nuisance level which may be referred to the Community Relations Officer for further attention.