

**SAN MARCOS POLICE DEPARTMENT
POLICIES AND PROCEDURES MANUAL**

Section Title: Traffic Enforcement and Control

General Order: 209

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Issuing Authority: *Howard E. Williams*
Howard E. Williams, Chief of Police

I. POLICY

Traffic law enforcement involves all activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians that help prevent them from committing minor violations. Traffic enforcement may be a reaction to observed violations, investigation at collisions, or in response to community concerns, or it may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community.

It is the policy of the San Marcos Police Department that officers who are off duty or out of uniform will not enforce minor traffic violations and will not attempt to stop violators for minor traffic violations. Furthermore, officers are prohibited from using a non-city vehicle for enforcement of minor traffic violations.

II. PURPOSE

The purpose of General Order 209 is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

III. DEFINITIONS

- A. Accident Investigator – An employee who has successfully completed an Accident Reconstruction Course.
- B. B.A.C. – Blood alcohol content.
- C. D.R.E. – A State of Texas certified drug recognition expert.
- D. Drugs – Any substances that when ingested into the human body impairs a person's ability to operate a motor vehicle safely.
- E. Fatality Collision – A motor vehicle collision when an individual has been killed.
- F. Major Collision – A motor vehicle collision that involves injury to any person.
- G. Minor Collision – A collision that does not involve injuries or fatalities.

IV. UNIFORM TRAFFIC LAW ENFORCEMENT

- A. To establish uniform traffic law enforcement within the discretion vested in each officer, the following guidelines are provided
- B. Traffic and equipment violations may be enforced by written citation, written warning, or verbal warnings.
- C. The Texas Department of Public Safety normally handles commercial vehicles and public carrier violations such as weight restrictions, transport documentation, licensing, and placards. If an officer observes a violation with this type of vehicle, he may stop it and request DPS for assistance.
- D. Newly Enacted Laws and/or Regulations – A reasonable period should be allowed for the general public to become acquainted with new traffic laws or changes to existing laws, i.e., speed limit changes, new turn lanes, etc. Officers are encouraged to issue written or verbal warnings, but may write a citation if the traffic violation is hazardous.
- E. DWLS – Officers who learn that an operator’s driving privilege is either suspended or revoked may arrest the operator for DWLS. Circumstances may not allow the officer immediately to arrest the violator. In those instances, the officer may obtain a warrant for the offender later.
- F. Pedestrian and Bicycle Violations – Officers may contact pedestrians and bicyclists who they observe are in violation of state statutes or city ordinances and issue the appropriate citations or give written or verbal warnings.
- G. Directed Traffic – Officers may be assigned a directed patrol area at any time a supervisor believes a special area needs a greater concentration of traffic enforcement.

V. SPECIAL TRAFFIC VIOLATORS

- A. Nonresident Violators – Out of jurisdiction violators are to be treated the same as residents in traffic enforcement matters.
- B. Juvenile Violators – Although a juvenile is defined as anyone under the age of 17 years some variance of action is required based on specific age categories.
 - 1. Less than 10 years of age – Upon contacting a juvenile under the age of 10 for a motor vehicle or pedestrian violation the officer will attempt to contact a parent or guardian to respond to the location where the officer has the juvenile detained. If a parent cannot be located, refer to department Policy and Procedure Manual for further direction.
 - 2. 10 to 16 years of age – Upon contact, the juvenile may be issued a traffic citation and otherwise be treated the same as an adult. If the juvenile is DUI and the parent or guardian cannot be located, Hays County Juvenile Probation will be contacted and the juvenile is to be placed into the Hays County Juvenile Detention Center.
 - 3. Juveniles with active arrest warrants will be placed into the Hays County Juvenile Detention Center.
- C. Legislators – As a rule, legislators should not be arrested when Congress or the Texas Legislature is in session, but they may be cited.

- D. Diplomats and Consular Officials – Diplomats and consular officials are considered guests of the government and, as such, are afforded immunity from prosecution under the general provisions of federal law 22 USC § 254D.
1. Moving violations – The officer can determine if the person is a consular official upon the presentation of proper credentials. The officer will exercise discretion based on the nature of the violation, and may issue a citation or written or verbal warning. Mere issuance of a traffic citation does not constitute arrest or detention.
 2. DUI/DWI – Officers stopping a diplomatic/consular official for possible DUI/DWI must take into consideration, as in any other DUI/DWI, whether the official is a danger to himself or the public.
 3. Diplomatic/consular officials will not be handcuffed, subjected to any sobriety test, or physically handled in any fashion under normal circumstances.
 - a. In the event a diplomatic/consular official becomes combative with officers, or otherwise exhibits an obvious need for an officer to restrain the official, officers are permitted to use handcuffs or flex cuffs to control the official.
 - b. If physical force was necessary, the officer will brief the on-duty supervisor and the supervisor will immediately contact the Chief of Police.
- E. Military Personnel – Generally, active duty military personnel driving clearly marked military vehicles are exempt from traffic law enforcement, except that military vehicles must yield to emergency vehicles. If an officer undertakes enforcement action against a member of the military that results in an arrest being made, the officer will notify a supervisor, who will notify the liaison officer of the nearest armed forces investigative headquarters division.

VI. DUI/DWI

- A. If a driver is stopped and probable cause is established to believe that the driver is driving under the influence of drugs or alcohol, the driver may be arrested and processed for DUI/DWI.
- B. To reduce alcohol and drug related traffic offenses, officers will strictly enforce applicable traffic laws prohibiting motor vehicle operation by drivers under the influence of alcohol and/or drugs. The Department uses various combinations of countermeasures in alcohol enforcement.
- C. Officers will receive training in the detection and apprehension of suspected impaired drivers, including observation techniques to enhance detection and observation of general physical characteristics exhibited by persons who are impaired by drugs and/or alcohol.
- D. Upon establishing probable cause, officers observing any impaired driving violation will take enforcement action unless they are engaged in an activity that takes priority.
- E. Based on organization needs and community desires, Officers may be specifically assigned to detect and apprehend impaired drivers based on analyses of collisions and enforcement data with respect to impaired drivers.

VII. CHEMICAL TESTING

- A. Officers will perform standardized field sobriety tests that conform to National Highway Transportation Safety Administration standards. If probable cause exists that the subject has been driving under the influence of alcohol and/or drugs, (s) he may be placed under arrest and transported to a site appropriate for chemical testing.
1. A subject may be given a blood or breath test and will be advised of his/her rights relative to the Texas Implied Consent Law.
 2. If a subject submits to a chemical test, it must be administered by a qualified person.
 3. If the subject refuses to submit to a chemical test after a valid request, or exhibits a BAC of .08 or greater, a "Notice of Suspension" form will be completed by the arresting officer.
- B. *Breath Tests:* Breath tests should be completed as soon as reasonable after initial contact with the subject. If the subject requests a breath test and the officer believes the subject is impaired by alcoholic beverages (not drugs), the subject will be transported a site appropriate for alcohol testing.
1. The breath test will be conducted by a certified intoxilyzer operator in compliance with Texas Department of Public Safety standards.
 2. If the results of the test are .08 or higher and there is sufficient probable cause, the subject may be charged with DWI. If the officer feels the subject is under the influence of a substance other than alcohol, the officer may still charge the person with DWI.
 3. A "Notice of Suspension" form will be completed on all DWI and DWI refusals to submit to chemical testing.
- C. *Blood Tests:* If possible, blood tests should be administered within two hours of the initial contact time with the subject.
1. Hospital personnel will request the subject to sign the required "Permission to Draw Blood" form. Should the subject refuse to sign the form, his action constitutes a refusal under the Expressed Consent Law and a "Notice of Suspension" form will be completed.
 2. After the blood test results have been obtained from the testing laboratory, and the results indicate a blood/alcohol level above .08 grams of alcohol per 100 milliliters of blood, a "Notice of Suspension" will be completed by the arresting officer. This form will be added to the original report and forwarded to the Texas Department of Public Safety.
- D. If an officer has probable cause to believe that a subject is impaired by a drug, combination of drugs, or a combination of drugs and alcohol, based on evidence observed and obtained at the time of contact and through the subsequent investigation, the officer may, with 2 hours of initial contact, offer the subject a blood test for purposes of determining a lack of excessive alcohol and the presence of suspected drugs.

VIII. TRAFFIC ANALYSIS

- A. The Patrol Division enforces traffic regulations to promote the safe flow of vehicular and pedestrian traffic.
- B. Selective enforcement may be used to reduce traffic collisions and improve driving behavior. Enforcement may be based on the analysis of traffic collisions and traffic enforcement activities.
- C. Inquiries, complaints and suggestions relative to traffic flow on the state roads and federal highways will be referred to the Texas Department of Transportation.
- D. An annual evaluation of directed traffic will be completed by the Assistant Chief of Operations to ascertain the efficiency and effectiveness of the directed traffic enforcement. The evaluation will include:
 - 1. An assessment of activities and accomplishments with respect to selective enforcement goals and objectives.
 - 1. Statistical data concerning citations and related arrests.
 - 3. Recommendations for improvement.

IX. SPEED MEASURING DEVICES

- A. The Department will provide speed-measuring equipment.
 - 1. All department speed measuring equipment will meet or exceed the performance specifications established by the International Association of Chiefs of Police.
 - 2. Officers using speed measuring equipment must be certified before using speed measuring equipment, should be recertified every three years by a qualified instructor, and operate all equipment in accordance with their training and the manufacturer's instructions.
- B. All required tests will be performed prior to and after using the unit and in accordance with department training. If any test fails, the unit will not be used. The unit problem will be noted and left with the Day Shift Commander who will arrange for the repair of the equipment.
- C. Tuning forks and speed-measuring devices have a certification frequency of 36 months or sooner if recommended by the manufacturer of the tuning fork.
 - 1. Officers are not to use any tuning fork or speed measuring device that is past certification or which has visible defects.
 - 2. The Day Shift Commander is responsible to arrange the certification of the tuning forks and speed measuring devices.
 - a. Tuning forks and speed measuring devices are certified by the manufacturer or a licensed technician to perform such certification, in accordance with the National Institute of Standards and Technology.
 - b. All maintenance and records on speed-measuring equipment will be maintained by Patrol Administration.

X. SMART (SPEED MEASUREMENT AND RADAR TRAILER)

- A. The operations and maintenance of the SMART are assigned to employees of the Administration Division or other specifically trained personnel.
- B. SMART is used for educating the motoring public by displaying their speed in relation to the posted speed limit.
 - 1. Data obtained from the SMART computer are utilized to identify areas where officers need to focus for speed enforcement.
 - 2. Information derived from the SMART can be made public to interested groups, on a need to know basis when such knowledge benefits driver education and safety.
- C. Certain employees of the Department, as determined by the Administration Commander, will receive training on the use of the SMART.
- D. The Administration Commander will determine the set up sites for SMART.
- E. Priority will be given to locations determined to be unsafe for the motoring public due to excess collisions.
- F. SMART is not to be set up in high wind, rain, or severe weather.
- G. Data analysis of information obtained from SMART may be forwarded to the City's Engineering Department when it is determined that the problem may be resolved by engineering changes.

XI. TRAFFIC COLLISION INVESTIGATION

- A. On fatality and serious injury collisions, the Collision Investigation Team (CIT) conducts the follow up investigation, collects off-scene data, obtains/records formal statements from witnesses, reconstructs collisions, uses expert and technical assistance, and prepares formal reports to support criminal charges.
- B. Collision reports will be filed on the State of Texas DPS Traffic Accident Report Form, and must be received by the Texas DPS Records Section within ten days.
 - 1. If the investigating officer is unable to complete the report, he will mark it "Incomplete" and forward the report to the State. The officer will complete a supplementary report as soon as possible. Department report forms may be used to supplement information contained in the collision reports.
 - 2. Minor collision reports will be forwarded per procedure of the Patrol Operations Manual.
- C. To provide enhanced service to motorists, officers may investigate minor vehicle collisions but may, at their discretion and in compliance with DPS standards, issue a CRB-3C (blue form) in lieu of filing a collision report.
- D. The CRB-3 may be used on any state highway, residential street, and for those occurring on city or private property.
- E. Officers should issue appropriate citations when a violation is obvious or one of the drivers admits to a violation.
- F. Communications will notify the CIT any time there is a fatality, or possible fatality, collision.

- G. CIT is responsible for notifying the Justice of the Peace and any other notifications regarding fatal collisions.

XII. TRAFFIC DIRECTION AND CONTROL

- A. Officers performing traffic control will ensure that they are visible by using vehicle auxiliary lighting, flashlights, flares and cones. This is especially important during adverse weather or lighting conditions.
- B. A reflective vest will be worn when the officer is on a roadway controlling or directing traffic.
- C. Officers assisting at fire or rescue scenes will ensure that civilian traffic does not interfere with the respective operation. In no case will vehicles be allowed to drive over fire hoses or couplings unless directed by the Fire and Rescue personnel on scene.
- D. Traffic signal lights or any light used to illuminate the roadway that are malfunctioning should be reported immediately. This would include traffic control signs that are down or missing. An officer in uniform or in plain clothes but wearing a safety vest may direct traffic, when necessary.
- E. Officers may use roadblocks to divert traffic around traffic collisions, hazardous road conditions due to weather or erosion, or for previously authorized special events.
- F. A supervisor will be notified as to the location and reason(s) for a roadblock.
- G. Signs, barricades, traffic cones and or flares may be used to close a roadway, reduce the number of traffic lanes or otherwise divert traffic flow, creating a detour.
- G. Should an officer discover a road hazard, or be dispatched to investigate one, the officer will remain on scene until the problem has been alleviated or until he or she is relieved. If a hazard is caused by debris in the roadway, the officer will move the debris or arrange through Communications for the appropriate agency to have it removed.
- H. Pot holes in the roadway that interfere with the traffic flow or are large enough to damage a vehicle will be reported immediately and surrounded by cones. Icy spots in the roadway will be reported immediately so that sand trucks can be dispatched to prevent any further hazard.

XIII. STRANDED MOTORISTS

- A. Officers will stop whenever possible to render aid to motorists who are stranded or otherwise in need of assistance.
- B. Officers may assist with minor repairs, such as tire changing or obtaining fuel, but should not get involved to the point that would prevent them from responding to an emergency call.
- C. Officers providing transportation to stranded motorists, taking them home, to service stations, or to a telephone, will advise Communications of their destination. Phone calls may be made through Communications.
- D. If the disabled vehicle is creating a traffic hazard, the officer will stop and provide traffic control until the hazard is alleviated or until the officer is relieved.

- E. Officers will request a tow truck for a stranded motorist upon request of the motorist.
 - 1. If the motorist prefers a local tow company, Communications will call the preferred company.
 - 2. If there is no tow company preference, Communications will contact a rotation tow company.