



WRITTEN DIRECTIVE	No. FO15-0803	Page: 1 of 8
Subject: TRAFFIC ENFORCEMENT	Effective	10-12-15
	Date:	
	Supersedes/ Amends:	FO11-0803
	Reference:	



I. Purpose

The purpose of this directive is to establish guidelines for the traffic enforcement function of the Field Operations Bureau of the Lynchburg Police Department.

II. Policy

It shall be the policy of the Field Operations Bureau that all officers uniformly enforce traffic laws and regulations.

III. Procedure

A. RESPONSIBILITIES

1. As the uniformed component of the Lynchburg Police Department, officers of the Field Operations Bureau have primary responsibility for enforcing traffic laws and regulations.
2. This traffic enforcement responsibility is carried out primarily through the following patrol-related functions:
 - a. motor vehicle accident investigation,
 - b. apprehension of violators observed during patrol,
 - c. traffic control as required under certain emergency conditions,
 - d. enforcement actions tailored to high accident or high incident locations,
 - e. radar operation, during both directed and non-directed patrol, and
 - f. other related functions as required or assigned.

B. FUNCTION

1. The immediate aim of traffic related operations will be the enforcement of applicable regulations. Officers should be mindful that the ultimate goal of enforcement will be the achievement of voluntary compliance.

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2. It will be at the officer's discretion as to the proper enforcement option (warning, traffic summons, parking ticket, or physical arrest) to apply to each situation observed or investigated. If considering physical arrest, the officer is to abide by the requirements set forth in 19.2-74 of the Code of Virginia.
3. Prior to charging a violator with any offense, the officer must have firmly established probable cause for the violation through personal observation or investigation.
4. Officers will target as the highest enforcement priority those violations which:
 - a. involve reckless disregard of traffic regulations, and thereby
 - b. actively endanger life and property.
5. Enforcement of safety belt, child restraint, and driving under the influence laws will be a priority.
6. Violations which the officer deems less flagrant and less likely to endanger the public may be accorded a proportionately lower enforcement priority.
7. Nonhazardous violations may be accorded the lowest enforcement priority.

61.1.5**C. ENFORCEMENT GUIDELINES**

1. Exceeding the posted speed limit:
 - a. In deciding on appropriate enforcement action officers should:
 - 1) consider possible contributing factors, to include:
 - a) weather conditions,
 - b) vehicle and pedestrian volume, and
 - c) information gathered from statements of the vehicle operator,
 - 2) determine whether all required elements of the violation are clearly established, and
 - 3) remain mindful that excessive speed correlates directly with frequency of vehicle crashes.

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2. Hazardous violations:
 - a. Hazardous violations will, for the purposes of this directive, be defined as:
 - 1) moving violations likely to cause or contribute to vehicle crashes, and

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- 2) equipment violations likely to cause or contribute to vehicle crashes.
 - b. Hazardous violations will include, but not be limited to: reckless driving, speeding, fail to obey traffic signals and defective equipment.
3. Non-hazardous violations:
 - a. Non-hazardous violations will, for the purposes of this directive, be defined as violations that do not actively contribute to vehicle crash frequency.
 - b. Nonhazardous violations will include, but not be limited to: registration violations and inspection violations.

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4. Revised and newly enacted regulations:
 - a. The Deputy Chief of the Field Operations Bureau will coordinate the preparation of roll call training materials and programs to instruct Field Operations Bureau officers regarding revised and newly enacted regulations.
 - b. The Personnel and Training Unit Lieutenant may be requested to assist in the compilation of roll call training materials and programs.
 - c. Officers should use appropriate discretion in their enforcement of revised or newly enacted regulations, with emphasis on ensuring that motorists understand the regulation after their contact with officers.
 - d. Notification of any mandatory "grace period", during which enforcement of a revised or newly enacted regulation will be limited to warnings, will be distributed in memorandum format by the Deputy Chief of the Field Operations Bureau.
5. Charges of driving under the influence of intoxicants or drugs will be made according to guidelines set forth in FO-0815: *DUI Countermeasures*.

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6. Multiple violations:
 - a. Where multiple traffic violations occur, officers will issue a separate summons for each violation charged.
 - b. In all multiple violations cases, officers will ensure that the enforcement action taken is sufficient to support the comprehensive and complete prosecution of any charges made.

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7. Officers will handle violations committed by operators of commercial or public vehicles in the same manner as violations committed by any other motorists.

8. Nothing in this directive is intended to imply quantitative enforcement goals such as “ticket quotas”.

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D. MEDICAL REVIEW REQUESTS

1. An officer may submit a *Department of Motor Vehicles Medical Review Request* regarding any driver licensed in the Commonwealth of Virginia whom the officer has reason to believe may be physically or mentally incapable of operating a motor vehicle.
2. The officer should confer with his immediate supervisor if in doubt as to whether or not to request driver medical review.
3. *The Medical Review Request* will include:
 - a. driver information, and
 - b. detailed accounting of:
 - 1) circumstances that led to the request,
 - 2) the officer’s observations and related conclusions regarding any specific driver disability or incompetence, and
 - 3) identification, signature, and contact information of the submitting officer.
4. The officer will retain a copy of the submitted Medical Review Request form.
5. The request form will be mailed to the address indicated on the form.

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E. PARKING ENFORCEMENT

1. Patrol Officers will be responsible for parking enforcement within their assigned service areas as a routine part of their daily activities.
2. Downtown parking enforcement will be the primary responsibility of the Downtown Parking Authority.
3. Parking enforcement, including towing of vehicles (*in accordance with PD-0801*) if deemed necessary, will be initiated:
 - a. only by sworn law enforcement officers
 - b. at the discretion of the officer observing the violation
 - c. based upon parking regulations set forth in Chapter 25 of the City Code of Lynchburg.

4. Areas with high parking violation frequency may be targeted for directed patrol, at an officer's or supervisor's discretion, based upon:
 - a. officer or supervisor observation,
 - b. complaints received,
 - c. special events or functions requiring parking control.
5. Officers will emphasize enforcement action, including towing of vehicles as necessary, regarding parked vehicles which are:
 - a. impeding the flow of traffic or otherwise creating a hazardous situation,
 - b. blocking fire lanes or fire hydrants, or
 - c. illegally utilizing parking spaces clearly marked for use by handicapped persons.

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F. ENFORCEMENT OPTIONS

1. Traffic enforcement will be accomplished in a firm, impartial and courteous manner using one of the following courses of action:
 - a. verbal warning, or
 - b. traffic summons (VA Uniform Summons), or
 - c. physical arrest.
2. A verbal warning may be appropriate when the violator:
 - a. has committed a violation due to unawareness of a local ordinance, or
 - b. has unknowingly or unintentionally committed a violation (e.g. vehicle equipment failure of which the driver was unaware).
3. Upon determining that a verbal warning is not sufficient, the officer will issue a traffic summons whenever law permits, to those violators who the officer believes will honor the promise to appear in court.
4. Officers will physically arrest any person who:
 - a. is found to be in violation of traffic laws pertaining to:
 - 1) driving while intoxicated
 - 2) any felony offense under the provisions of the Code of Virginia, Title 46.2 or Title 18.2

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- b. fails to give written promise to appear in court by signing the traffic summons
- c. fails to reasonably establish identity and address
- d. refuses to discontinue the unlawful act.

G. SPECIAL CIRCUMSTANCES

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1. Juveniles:

- a. In those cases where a juvenile commits a violation that is releasable on a summons, the officer is to advise the juvenile that:
 - 1) if the juvenile must appear in court, a parent or legal guardian is to attend with them, or
 - 2) if a court appearance is not required and payment of a fine is desired, a parent or legal guardian is to co-sign the summons in the waiver of trial section.

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2. Nonresidents:

- a. Nonresidents shall be handled the same as Virginia residents except:
 - 1) an offense for which the issuance of a summons in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this Commonwealth, or
 - 2) an offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist's license.
- b. The motorist shall have the right upon his request to post collateral or bond in a manner provided by law.

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3. Foreign Diplomats/Consular Officials:

- a. Legal guidelines concerning the immunity of foreign diplomats are outlined in PD Directive PD-0504: *Immunity from Arrest*.
- b. Officers coming in contact with persons claiming some form of immunity or privilege will immediately contact a supervisor, who shall respond to the scene.
- c. In all cases in which immunity is claimed, officers have the right to detain the person long enough to verify the level of immunity claimed. This can be done through:
 - a) examination of official identification cards, or

- b) contacting the U.S. State Department or the U.S. Mission if dealing with a member of the United Nations community.
- d. The officer contacting the person claiming immunity or privilege will complete an IBR documenting the incident, including the reason for the stop, the person's specific claim of immunity or privilege, what, if any, immunity was verified, and actions of the officer (i.e. release of the driver due to a verified immunity or making an arrest or issuing a summons due to a lower or lack of immunity).
- e. The supervisor will complete a supplemental report documenting the persons notified, times of notification, and any other pertinent information.

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H. OFFICER/VIOLATOR RELATIONS

1. When coming into contact with a violator, the officer's actions should minimize conflict and facilitate a professional process.
2. Traffic stops will be based on reasonable articulable suspicion or probable cause, depending on the circumstances surrounding the incident.
3. Traffic stops, enforcement actions, and vehicles searches will be made in such a manner so as to comply with the procedures outlined in PD Directive PD-0402, *Bias Free Policing*.
4. During the approach to the violator the officer will:
 - a. present a professional image in dress, demeanor, grooming, bearing and emotional stability
 - b. be alert at all times for the unexpected, but not obviously apprehensive.
5. When making contact with the violator, the officer will adhere to the following procedure:
 - a. identify himself/herself by name and as a Lynchburg Police Officer
 - b. explain to the operator why the vehicle was stopped
 - c. request the driver's license and/or other necessary paperwork.
4. These procedures will:
 - a. be followed on every traffic stop unless exigent circumstances dictate otherwise
 - b. ensure that all motorists are fairly treated

- c. not be used in high risk traffic stops or in situations where officers need to take alternate action for the safety of themselves or others.
5. The officer will allow the violator to discuss the violation, but will not argue with, belittle, or otherwise verbally abuse the violator.
6. Officers will explain the rights and requirements imposed on motorists upon arrest or issuance of a summons to include:
 - a. the court date
 - b. the optional or mandatory appearance of the violator in court
 - c. the procedure for pre-paying a fine if they choose that option (a Virginia Prepayable Offense Information Sheet is to be given to the motorist)
 - d. the reason for an advisement date, if applicable
 - e. any other information that may aid the violator.
7. Once the motorist is released, the officer should assist the violator in re-entering the flow of traffic.
8. When practical, officers should refrain from following the violator after the traffic stop.

Original Signed

Major K.T. Swisher, Deputy Chief
Field Operations Bureau

October 12, 2015

Date