Speed Awareness

Directives Manual

National Law Enforcement Challenge

2015 Arlington County Police Department

75 Years of Excellence

517.02 Police Vehicle Operation

A. **General Operating Procedures**

1. When operating a Department vehicle, officers will carry their badge, department identification and shall be armed. Civilian staff operating a Department vehicle will carry their Department identification.

2. While operating a Department vehicle, the police radio will be turned on and employees are expected to remain alert to all radio transmissions. Officers shall use their badge number as a unit designation when making off-duty radio transmissions.

3. Occupants of Department vehicles shall wear seatbelts, unless impractical.

4. Department vehicles shall be secured at all times when not in use.

5. Department vehicles, except special use vehicles as defined in Manual Directive 517.04 *Specialty Vehicles*, shall be equipped with flares.

6. Officers on routine patrol, or otherwise operating in a non-emergency or off-duty status, will obey all applicable traffic laws. All officers are responsible for operating vehicles in a safe manner.

7. Department vehicles shall be operated with due regard for community safety, in a manner prescribed by VA Code Section §46.2-920.

8. A Department vehicle shall not be driven at a speed that would constitute reckless disregard for the safety of persons or property.

Officers responding to an emergency shall be particularly cautious when proceeding against a red light or stop sign.

9. An officer shall not push a disabled vehicle from the roadway with a department vehicle.

10. Employees shall make every effort to park their Department vehicle legally. This may not be possible when responding to a call for service. A Department vehicle parked so as to interfere with passing traffic should have the emergency lights activated.

11. Except in an emergency, a Department vehicle will not be operated over terrain which may be expected to damage the vehicle.

541.02 Speed Enforcement

I. **Policy** - Speed enforcement is an integral component of the Department's traffic safety program. The operation, testing, reporting and storage of speed measuring devices by employees of this department shall be in accordance with established guidelines.

II. **Procedure**

A. **Equipment** - Unless assigned to an officer, all speed measuring equipment is for daily use only. Officers must return the equipment to its assigned locker via the KeyWatcher System, at the end of their tour of duty. All RADAR/LASER units shall be tested for accuracy prior to, and at the completion of, the officer's tour of duty.

B. **Operation** - Prior to operating any RADAR/LASER equipment, employees must successfully complete the Department's mandated course on the

use of RADAR/LASER. Additionally, officers shall complete recertification every three years. All RADAR/LASER equipment shall be operated in accordance with the manufacturer's operation manual and training provided by the Department. Copies of the manufacturer's RADAR/LASER operation manuals are available in the Special Operations Section and in the Training and Career Development Unit.

C. **Enforcement** - Citizen requests for speed enforcement shall be forwarded to the Special Operations Section (SOS) for action. A SOS supervisor will review the request and will take into consideration such factors as previous traffic classification studies of the location and previous or current enforcement at the location. If the supervisor determines enforcement action is warranted, employees will be assigned to the location. The SOS will maintain all records of complaints received and action taken.

The following are priority assignments when working speed enforcement:

- Areas where high accident rates are identified
- School zones during appropriate times
- Areas where complaints are received
- Areas identified by County Transportation staff

A tolerance of ten miles per hour is not inconsistent with the Department's speed enforcement efforts.

D. **Restrictions** - Officers are not permitted to utilize Visible Stationary Traffic Observation or Concealed Stationary Traffic Observation on highways with a speed limit greater than 35 mph in Arlington County, except in the following instances:

- Officers are permitted to use RADAR/LASER on highways with a speed limit greater than 35 mph as long as they utilize a police vehicle to stop the violator. Once a violator passes by an officer using RADAR/LASER, the officer will use their discretion to determine if it is safe to pull on to the highway in order to conduct a traffic stop.

- Officers are permitted to utilize Visible Stationary Traffic Observation and Concealed Stationary Traffic Observation on highways that have a speed limit of 35 mph or lower. Officers will not be permitted to step out into traffic to stop a violator in a speed zone that is higher than 35 mph.

Officers shall wear a Department issued traffic vest or approved reflective jacket whenever they work a traffic detail using Visible Stationary Traffic Observation or Concealed Stationary Traffic Observation.

The Operations Division Commanders have the discretion to approve the use of Visible Stationary Traffic Observation or Concealed Stationary Traffic

Observation on a highway on a case-by-case basis.

E. **Repairs and Calibration** - The Special Operations Section Commander's Office is responsible for coordinating all repairs to the RADAR/LASER equipment. Officers shall take all reasonable steps to protect RADAR/LASER equipment, including protection from inclement weather. Any malfunction or damage noticed by the officer shall be immediately reported to their supervisor followed by a memorandum to the SOS Commander, via the chain of command. The damaged unit shall be given to the SOS MPO, along with the corresponding key from the KeyWatcher System. Under no circumstances shall any employee attempt to make any mechanical adjustment to the equipment.

Tuning forks and LASER units shall be calibrated every six months. At the appropriate time, SOS personnel shall deliver the equipment to a qualified laboratory that has been approved for such work by the Commonwealth of Virginia. Following calibration, the resulting documentation shall be stored in the SOS office. Original calibration certificates are stored in the Operations Roll Call room, General District courtroom and Courtroom 3C.

541.04 Traffic Enforcement

I. **Policy** – It is the policy and intended purpose of the Department to reduce the frequency and severity of traffic accidents, and to promote a safe, efficient movement of vehicular and pedestrian traffic.

In these regards, the Department shall not render enforcement decisions or engineering recommendations based upon revenue generation or the pursuit of artificial statistical goals and quotas. The Department places a priority on the enforcement of speeding, occupancy protection and the detection of impaired

drivers, thus every uniformed officer of the Department shall be expected to participate in traffic enforcement activities, when appropriate, and do so without compensation or reward for the number or types of citations issued.

II. Definitions

A. **Traffic Enforcement** – enforcement of traffic laws to reduce traffic collisions, their resulting injuries, and to promote the safe flow of vehicular and pedestrian traffic.

B. **Speeding** - driving at an excessive or illegal rate. As utilized in this directive, speeding problems are further characterized as either "moderate" or "excessive."

A moderate speeding problem is one in which more than fifteen percent of the vehicles on a street are exceeding the speed limit by 5 or more miles per hour. An excessive speeding problem is one in which more than fifteen percent of the vehicles on a street are exceeding the speed limit by more than 10 miles per hour.

III. Procedures

A. **Radar/Laser Enforcement** – Enforcement will be conducted in accordance with Manual Directive 541.02 *Speed Enforcement.*

B. **Guidelines For Traffic Stops** -

1. **Positioning the Vehicle** - After a violator has been identified, the officer will inform the dispatcher of the location of the stop and the suspect/vehicle information. The actual stop should be made in a location that will afford the officer the greatest safety available. If the violator has stopped in an unsafe position, the officer should use the public address system to notify the driver to move to a safer location.

2. **Approaching the Violator's Vehicle** - The officer should approach the violator's vehicle with caution, watching for suspicious or sudden movement.

   If the officer initiates a high risk traffic stop, the officer will inform the dispatcher via radio of the location of the stop, vehicle/suspect information, and request additional back-up units. Officers shall then coordinate their efforts to remove the occupants of the vehicle in a safe manner. Once completed, they should approach the vehicle to ensure all occupants have been removed and any other threats have been rendered safe.

3. **Contact with Traffic Violators** - The officer should greet the violator in a courteous manner, identify themself, explain the reason for the stop and request the driver's license and vehicle registration. The officer shall then complete the appropriate paperwork.

   When the officer returns to the violator, the violation should be explained in detail, including any court appearance or prepayment options. The officer will explain to the violator that signing the Virginia Uniform Summons is not an admission of guilt but merely a promise to comply with the summons and either appear in court or prepay the summons. The officer shall make every reasonable effort to advise the violator that a refusal will result in additional action.

   If the violator refuses to sign the summons and they are not covered under a specified immunity clause (see section III.E.), the officer shall promptly take the violator before a magistrate to determine whether probable cause exists that the violator is likely to disregard the summons (Section 46.2-940 of the Code of Virginia).

   Upon completion of the traffic stop, the officer should assist the violator in safely reentering the flow of traffic.

4. **Officer Discretion** - The exercise of discretion should be based upon the seriousness of the violation and the action that is most likely to encourage future compliance with the law. When a traffic violation is observed, it is the officer's decision whether to issue a traffic summons, a written warning, or a verbal warning. If multiple violations have been observed, the officer may elect to utilize any, or a combination, of the above actions.

   Officers are encouraged to use a higher degree of discretion when issuing citations during the first five (5) days of the month for expired tags, county decals, and/or state safety inspections (if these items expired in the previous month).

C. **Special Enforcement Issues**

1. **Nonresidents** - Sections 46.2-483 through 46.2-506 of the Code of Virginia describes the reciprocal provisions applicable to residents of states that are members of the "Nonresident Violator Compact."

   Residents of non-compact states should be brought before a magistrate. This is normally a non-custodial arrest and violators should be instructed to follow the officer to the Magistrate's Office.

2. **Juveniles** - Juvenile traffic offenders are prosecuted in Juvenile and

Domestic Relations District Court and should be noted on the summons.

Officers issuing a traffic summons to a juvenile offender should advise them of their options regarding prepayment or court appearance and that the juvenile must be accompanied by a parent or guardian in court.

3. **Congressional Immunity** - Members of Congress may not be detained for the issuance of a summons while they are in transit to, or from, the Congress of the United States.

   If a member of Congress is stopped for a traffic infraction, they should be identified and immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to, or from Congress, or on official business.

4. **Diplomatic Immunity** - See Manual Directive 536.10 *Diplomatic and Consular Immunity*.

5. **Military Personnel** - Military personnel assigned to local military installations should be treated as residents. Military personnel not assigned to local installations should be treated as nonresidents in accordance with the provisions of this directive. Officers are reminded that the home state operator's license of military personnel does not expire until 90 days after separation from active duty.

D. **Referral For Reexamination** - Officers who encounter drivers suspected of incompetency, mental or physical disability, disease, or other conditions which would prevent that person from exercising reasonable care over a motor vehicle, may utilize the Driver Deficiency Report form issued by the Department of Motor Vehicles, to request reexamination of that driver.

E. **School Bus Violations** - When violations of passing stopped school buses are reported by school bus driver or citizens, a passing stopped school bus report will be completed by the complainant which includes a detailed description of the offending vehicle and operator.

   The completed report will then be forwarded to SOS personnel for investigation. Upon completion of the investigation, the complainant will appear before the magistrate to obtain a summons. The summons will be served by SOS personnel in accordance with current department procedures. This procedure is not used when an officer observes a vehicle passing a stopped school bus. (See 46.2-859).