Herndon Police Department
Local Issue - Policy

HERNDON POLICE DEPARTMENT GENERAL ORDER §61.1.1 MANDATES OUR CRASH ANALYSIS AND SELECTIVE ENFORCEMENT CRITERIA. HERNDON POLICE DEPARTMENT GENERAL ORDER §61.1.5 REQUIRES ALL DEPARTMENTAL PERSONNEL WITH PATROL RESPONSIBILITIES TO ACTIVELY ENFORCE HAZARDOUS TRAFFIC VIOLATIONS.

§61.1.1 Selective Traffic Enforcement.

Selective traffic enforcement is an activity of the Field Operations Division. Selective traffic enforcement functions include the following:

A. An annual analysis by the Traffic Section supervisor of traffic collisions. Analysis of traffic collisions will include at a minimum the following factors:
   1. Month, day and hour;
   2. Location, weather and road conditions;
   3. Driver action, to include violations;
   4. Types of vehicles involved.

   This information will be gathered from collision investigation reports submitted to the Records Section. The crime analyst will compile the data for the analysis and provide it to the Traffic Section supervisor for analysis on a monthly basis;

B. An annual analysis by the Traffic Section supervisor of traffic enforcement activities. The traffic complaints received during each month will be reviewed along with the summonses issued to determine if adequate enforcement is being applied to the identified high violation rate locations. The crime analyst shall assist by providing the necessary data for the analysis;

C. The scheduling of selective enforcement in areas where analysis of traffic collisions and violations indicates that special attention is needed. The Traffic Section supervisor shall issue a monthly schedule of selective enforcement locations based on the preceding analysis. The schedule shall be approved by the Field Operations Division commander prior to implementation. Patterns of similar causes or sudden increases in the severity or number of collisions or violations at a specific location are valid criteria for extra enforcement.

D. Selective Enforcement Assignments.
   1. The Traffic Section supervisor shall provide a monthly selective enforcement activities schedule. Selective enforcement sites shall be worked by a traffic enforcement unit when available. If a traffic enforcement unit is not able to monitor a selective enforcement site, squad supervisors shall assign a patrol officer to the assignment.
   2. Selective enforcement activities will be based on an analysis of traffic collision data, citizen complaints and officer knowledge. Enforcement efforts shall be directed toward driving behavior that contributes to collisions. These selective enforcement sites shall not be limited to the enforcement of speeding violations. These sites will be utilized for the enforcement of violations in proportion to the frequency with which they occur in collisions and for responding to traffic-related needs identified in the community.

E. On an annual basis, the Traffic Section supervisor will evaluate the selective enforcement program. This review shall be included in the annual analysis of traffic collisions and of traffic enforcement activities and should ascertain whether the enforcement efforts have met their objectives. A comparison of current accomplishments to past accomplishments shall be included. Upon completion, the report shall be submitted to the Chief of Police through the chain of command.

F. Traffic Enforcement Unit.
All uniformed patrol officers are responsible for the safe flow of traffic throughout the Town; however, officers of the Traffic Enforcement Unit are tasked with this responsibility as their primary objective.

Officers of the Traffic Enforcement Unit are supervised by the Traffic Section supervisor. Specific duties of the Traffic Enforcement Unit will include but are not limited to:

1. Operations of speed measuring devices;
2. Parking control and enforcement;
3. Traffic law enforcement (to include truck safety and weight enforcement);
4. Traffic and speed studies and analysis;
5. Analysis of collision reports and records.

§61.1.5 Enforcement Policy.

A. The Herndon Police Department will strive to provide uniform enforcement action for traffic violations throughout the Town. Sound judgment by all officers in considering the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

B. The ultimate goal of traffic law enforcement is to achieve voluntary compliance with all traffic laws. To achieve this, the Herndon Police Department will:

1. Actively enforce the law as it pertains to driving while intoxicated. Officers will normally arrest any driver found to be in violation of this law. Arrests will be based on an individual's driving behavior, results of field sobriety tests, and results of blood alcohol tests;
2. Actively enforce the law as it pertains to speeding violations with discretion utilizing warnings and issuing summonses. Generally officers should issue a summons for violations of 10 mph or more over the posted speed limit. Lesser infractions should be issued a warning. Consideration should be given to the weather conditions, traffic volume, pedestrian traffic, and location in conjunction with the correlation of speeding and traffic collisions;
3. Actively enforce the law as it pertains to hazardous traffic violations, including seat belt violations and child restraint violations;
4. Actively enforce the law as it pertains to equipment violations. These shall be enforced when a vehicle is found to be in violation of several equipment requirements, a summons should usually be issued for the most serious violation. This action should be taken even when each violation independently is worthy of only a warning. Single equipment violations shall be enforced based on the seriousness of the offense and officer discretion;
5. Enforce violations by public/commercial carriers. All enforcement policies and procedures in this section are applicable to the public/commercial carrier;
6. Enforce non-hazardous violations in some cases by issuing a warning. Enforce flagrant or subsequent violations by issuing a summons;
7. Enforce multiple violations in one of the following applicable manners:

a. When an officer is confronted with an individual that has committed two or more separate serious violations, the officer would issue a summons for each offense. The exceptions to this would be when the two violations are similar to the extent that one law exists for the purpose of compliance with the other law or is a lesser-included offense of the other law.
b. Normally, one summons will be issued in the case of related, multiple, non-hazardous violations stemming from the same incident.
c. When multiple violations are observed and they can be classified separately as hazardous or non-hazardous, they should be dealt with independently. For example, a driver stopped for speeding and found to be driving without a license shall be issued separate summonses.

8. The Chief of Police shall set grace periods where warnings will be issued in lieu of a summons when a new traffic law becomes effective. After the initial grace period, enforcement will be carried out in the preceding uniform manner.

C. This enforcement policy does not supersede sound officer judgment. It is impossible to predict every conceivable situation involving traffic offenses. In unusual circumstances, officers must decide the proper enforcement action based on a combination of training, experience and common sense.

D. Violators without Driving Privileges.

1. No person without a valid operator's license, except those exempted in the Code of Virginia, §46.2-303 through §46.2-308, is allowed by law to drive a motor vehicle on any highway. Officers sometimes may stop violators that are not able to produce a valid driver's license. When this occurs officers shall transmit the violator's name, date of birth and social security number to the Communications Section to check the status of the violator's driving privileges. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact.
2. If the violator does not have a driver's license through DMV, the officer should determine if the violator has been issued a license through another state. If it can be determined that no license has been issued, the officer should cite for "No Operator's License", unless circumstances warrant a physical arrest in accordance with General Orders §1.2.4, and §74.3.1, and the Code of Virginia, §19.2-74.
3. If the violator is driving while on a suspended or revoked license in Virginia, the officer should cite for "Driving while Suspended or Revoked". If the violator is driving while suspended or revoked in another state and has no status in Virginia, the officer should cite for "No Operator's License". If circumstances warrant, a physical arrest may be executed for either of the preceding incidents, in accordance with General Orders §1.2.5, and §74.3.1, and the Code of Virginia, §19.2.74.
4. If it is determined that the violator is suspended, revoked, or has no operator's license they shall not be allowed to drive from the location of the stop, and other arrangements should be made. Unless the driver is incarcerated, the violator's vehicle need not be towed if it is legally parked or on private property.
5. If there is doubt about the correct status of a license, a suspension or a revocation, and verification cannot be gained within a short period of time, officers should release the violator. A summons from a magistrate may be obtained when confirmation is received at a later time.

E. Pedestrian and Bicycle Traffic Enforcement.
Officers will take appropriate enforcement action when and where pedestrian and bicycle traffic law violations are observed. Enforcement actions should be commensurate with pedestrian and bicycle collision occurrences as determined through analysis of collision reports.

1. Pedestrian Enforcement.
Enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from officers. To provide guidance in this discretion the following procedures are established:
    a. Prior to any increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the Traffic Section supervisor;
    b. Officers will concentrate their efforts on pedestrian violations in those areas where collisions involving pedestrians have been frequent or severe;
    c. In the enforcement of pedestrian traffic laws, the spirit of the law shall supersede the letter of the law and application should be made accordingly.
2. Bicycle Enforcement.
Enforcement of traffic laws pertaining to bicyclists has become increasingly more important due to the use of the bicycle as a major means of transportation and exercise. Officers must enforce these laws to ensure the safe operation of bicycles. To provide guidance in the enforcement of these laws the following procedures are established:
    a. In areas where traffic congestion and the frequency of traffic collisions involving bicycles is predominant, laws pertaining to the proper operation of bicycles will be strictly enforced;
    b. On roads with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving bicycles, the applicable laws should be enforced;
    c. In areas where traffic flow is minimal, visibility is unobstructed, and traffic collisions are few, officers should exercise discretion when enforcing laws pertaining to bicycle operation;
    d. Officers should be less tolerant with adult offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive with youthful offenders, who may not be fully aware of the consequences associated with the unsafe operation of bicycles;
    e. A member of the community resource team will be responsible for conducting bicycle safety and pedestrian safety courses throughout the community.