Purpose

To establish guidelines for the traffic enforcement function of the Virginia Beach Police Department.

Policy

The enforcement of traffic laws as established by the Code of Virginia and the Municipal Code of the City of Virginia Beach is the responsibility of all Virginia Beach Police Officers. Officers are vested with the enforcement of traffic codes for the purpose of gaining voluntary compliance in furtherance of enhancing traffic safety in the City of Virginia Beach.

Enforcement Actions (CALEA 61.1.2 C, 61.1.4, 61.1.6 A, B, C)

Officers will take enforcement action upon the detection of an illegal or potentially hazardous act by persons operating vehicles, bicycles or other conveyances, or pedestrians. Enforcement action may consist of a warning, the issuance of a Virginia Uniform Summons, or in certain circumstances, a physical arrest.

Uniformed officers assigned to the operations division are assigned geographic areas in which they are responsible for providing police services to include the enforcement of traffic laws. Uniformed officers assigned to Special Operations are assigned based on both geographic areas and specialized function. Uniformed officers utilize a variety of strategies to promote traffic safety through traffic law enforcement to include overt proactive visible patrols in marked police vehicles and covert methods via the use of stationary concealed positions and unmarked police vehicles.

Warnings

Officers have the discretion to issue a warning when the officer believes that a warning will achieve the objective of voluntary compliance with the law. The Virginia Beach Police Department does not have a written means for issuing or tracking warnings for traffic violations. Officers are encouraged to note that a warning was issued in the comment section of the case assigned to the traffic stop by the Computer Aided Dispatch System (CADS).

Virginia Uniform Summons

At the discretion of the officer who observes the violation, a Virginia Uniform Summons may be issued to a motorist or a pedestrian for a violation of the traffic code when the officer believes that the issuance will achieve the objective of voluntary compliance with the law. Officers who wish to charge a motorist or a pedestrian shall take the name and address of such person as well as the license number of his motor vehicle and issue a Virginia Uniform Summons for the violation. The issuance of the Virginia Uniform Summons will provide information relating to the charge, the scheduled court date, and instructions for appearing in court or prepayment of fines if applicable. The court date for any issued Virginia Uniform

Parking Enforcement (CALEA 61.1.13)

Parking regulations have been established to ensure the safe and efficient movement of vehicular and pedestrian traffic. All sworn officers, and designated ancillary personnel authorized by the Chief of Police, are responsible for the enforcement of these laws in a reasonable and equitable manner.

Should officers or designated ancillary personnel determine that current parking regulations need to be revised; this should be documented on a memorandum and forwarded to the command representative to the Traffic Safety Committee coordinated by Public Works/Traffic Engineering. If the suggest change involves a code change, the memorandum should be forwarded to the City Attorney's office via Chain of Command. This memorandum should describe the problem in detail and any suggested course(s) of action.

General Enforcement Practices (CALEA 61.1.5)

Uniform enforcement activities support the goal of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations.

This policy is not intended to supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer must decide what enforcement action is proper based upon a combination of training, experience and the needs of the community. Judgment and considerations of circumstances regarding violations shall be thoroughly reviewed by the officer prior to taking any law enforcement action. Traffic laws shall be enforced without regard to race, sex, national origin, type of vehicle, location or state of residence of operator, or purpose of the vehicle (whether public, commercial, or privately owned and operated).

Under normal circumstances the following general types of violations should result in proper enforcement action when violations are observed or established.

Driving Under the Influence of Alcohol/Drugs (CALEA 61.1.5 A)

Officers are expected to apprehend, and arrest intoxicated or impaired drivers who come to their attention. (See General Order 12.04, Alcohol Enforcement Countermeasures).

Suspended or Revoked Licenses (CALEA 61.1.5 B)

A person detained for driving on a revoked or suspended license, may be released on a Virginia Uniform Summons or arrested and taken before a magistrate, depending on the attendant circumstances. Officers will normally arrest an individual reasonably believed to be driving in knowing violation of an order of revocation or suspension, such as when the driver acknowledges that his license was suspended, or when the officer has personal knowledge that the suspension was imposed in court. In other cases, the individual may be arrested or released after the issuance of a Virginia Uniform Summons, and completion of a Department of Motor Vehicles Suspension/ Revocation/ Disqualification Notice [DSA-10]. (The Virginia Beach Police Department is in compliance with 46.2-936 in that "prior general approval has been granted by the general district court" and an officer may make an arrest.)

	Operational General Order	12.04 Alcohol Enforcement Countermeasures	PAGE 1 OF 2
	SUBJECT **Virginia Beach Police Department General Order** Chapter 12 - Traffic Operations		EFFECTIVE DATE **07/17/2006** ORIGINATOR/REVIEW Special Operations
	DISTRIBUTION ALL	**CALEA: 61.1.10**	
BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose

To establish guidelines for the Departments Driving Under the Influence (DUI) countermeasure program to reduce alcohol related crashes.

Policy

In the interest of traffic safety for the residents and visitors to the City of Virginia Beach, the Virginia Beach Police Department is aggressive in its enforcement of the laws relating to operating a motor vehicle while under the influence of alcohol and/or drugs. Coordinated by the Virginia Beach Police Department Special Operations Bureau, with the support of all uniformed Operations Division personnel the Virginia Beach Police Department works aggressively to reduce the incidence of highway deaths, injuries, property damage crashes and alcohol/drug related traffic offenses.

Selective Alcohol Enforcement (CALEA 61.1.10)

DUI countermeasures shall also be included in the Selective Enforcement / Traffic Enforcement priority Plan described in General Order 12.06 (Selective Enforcement) and promulgated by the Deputy Chief – Operations. Additionally, the Virginia Beach Police Department Office of Planning and Analysis will provide a quarterly statistical summary to the Commanding Officer of Special Operations for presentation to the various organizational component commanding officers at the monthly COMPSTAT meeting. The summary will contain information regarding the location and numbers of alcohol related crashes and DUI arrests within the City of Virginia Beach, depicted by precinct geographical boundaries. From the information presented, Operations Division commanding officers will direct the efforts of uniformed personnel toward addressing identified areas of need through directed patrols and when appropriate, traffic safety checkpoints.

Role of the Officer

To help officers in the prosecution of the DUI case, the Special Operations Bureau has developed the DUI Procedure Field Guide. The DUI Procedure Field Guide is provided to all sworn officers and provides the members of the Department with guidance on the proper procedures and elements required for the identification and prosecution of a person suspected of DUI, and also guidance on the most current laws that apply to the DUI case. The commanding officer of the Special Operations Bureau will ensure that the DUI Procedure Field Guide will be updated each year prior to the July 1st implementation of the new laws for the Commonwealth of Virginia. The updated guide will be distributed to each member of the Department.

Effective DUI countermeasure programs begin with the patrol officer. Officers receive police academy and subsequent in-service and specialized training to ensure they are knowledgeable on the techniques, procedures, and legislation, which enables them to effectively detect and arrest intoxicated drivers.

Procedures for DUI investigations are delineated in the DUI Procedural Field Guide. Officers should be aware of persons with possible medical conditions. These individuals should be examined by a qualified medical person for this evaluation.

Fatal Crash Team and Traffic Safety Unit

The Special Operations Bureau's Fatal Crash Team and Traffic Safety Unit are dedicated to aggressively enforcing the Driving Under the Influence laws. This includes patrolling in marked and unmarked vehicles in high crash areas and by conducting traffic safety checkpoints. They are also committed to the education of the public through lectures given to community and military groups. Through targeted enforcement actions, increased public awareness of traffic related laws and community intervention, members seek to reduce the number of alcohol related crashes and fatalities. In addition, community involvement is solicited in this effort through the RAID program (Report All Intoxicated Drivers). Citizens are encouraged to report suspected drunk drivers by notifying the E911 Emergency Communications Division.

Purpose

To establish selective traffic enforcement policies and practices for the Virginia Beach Police Department.

Policy

The Virginia Beach Police Department is committed to promoting traffic safety to the residents of and visitors to the City of Virginia Beach. This commitment requires the department to work cooperatively with other city, state and federal agencies in promoting traffic safety, and addressing traffic law enforcement needs. In furtherance of this commitment, the Deputy Chief - Operations or his/her designee will formulate and maintain a selective enforcement plan, which will summarize the traffic enforcement priorities of the Virginia Beach Police Department. At a minimum, the Traffic Enforcement Priority Plan will consider or be based on:

- A compilation and review of traffic collisions
- A compilation and review of enforcement activities
- A comparison of collision data and enforcement activities
- Traffic volume and conditions

The plan will be disseminated to the various components of the operations division for action. Such actions should include:

- The implementation of selective enforcement techniques such as:
  - Planned patrols
  - Geographic/temporal assignment of personnel
  - Directed Traffic Patrols both overt and covert
  - Stationary Observation
  - Traffic Safety Checkpoints
- Placement of new or temporary signage
- Use of roadside Dynamic Message Boards

Annually, the Deputy Chief – Operations or his/her designee will evaluate the effectiveness of actions taken in response to the plan. Based on the review of actions, and an annual review of the minimum factors mentioned above, the plan shall be revised and updated annually.

In addition to the Traffic Priority Plan, the Virginia Beach Police Department Office of Planning and Analysis will provide a quarterly statistical summary to the Commanding Officer of Special Operations for presentation to the various organizational components commanding officers at the monthly COMPSTAT meeting. The summary will contain information regarding the location and numbers of crashes, alcohol related crashes, and DUI arrests within the City of Virginia Beach, depicted or controlled by precinct geographical boundaries. From the information presented, Operation Division commanding officers will

direct the efforts of uniformed personnel toward addressing identified areas of need in support of the Traffic Enforcement Priority Plan as depicted above.

The Police Department's Office of Planning and Analysis shall be responsible for compiling an annual report for the Traffic Engineering Division that includes the location of all fatal motor vehicle crashes, and the high incident locations for injury crashes, non-injury crashes, DUI arrests, and traffic summonses. The Traffic Engineering Division will receive a copy of all traffic crash reports on a regular basis from the Records Section of the Services Unit.

There are several committees within the City of Virginia Beach and regionally that involve traffic safety that members of the Department participate in. These include, but are not limited to, the following:

- A member from each precinct, Special Operations, and the Office of Planning and Analysis shall attend periodic meetings with the Traffic Engineering Division to discuss traffic related matters. The purpose of members attending these meetings will be to relate complaints from the community regarding traffic engineering deficiencies, make recommendations for traffic engineering studies, and to share information regarding collision and enforcement data.

	Operational General Order	12.07 Traffic Safety Checkpoints	PAGE 1 OF 2
	SUBJECT **Virginia Beach Police Department General Order** Chapter 12 – Traffic Operations		EFFECTIVE DATE **04/25/2008** ORIGINATOR/REVIEW Special Operations
	DISTRIBUTION ALL	**CALEA: 61.1.6 D**	
BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose

To establish the procedures and guidelines for the implementation of traffic safety checkpoints.

Policy (CALEA 61.1.6.D)

The Virginia Beach Police Department supports the proactive enforcement of traffic laws. Traffic Safety Checkpoints provide a means for targeting traffic code violations and traffic safety concerns at times and locations that have been identified as problematic or unsafe for the community. The use of Traffic Safety Checkpoints is primarily intended to accomplish the enforcement of traffic code violations in response to the needs of the community, and/or the inspection of vehicles to ensure safe operation.

Procedures

All checkpoints shall be conducted in accordance with the Code of Virginia and the Virginia Beach City Code. To implement a Traffic Safety Checkpoint the following steps must be adhered to:

1. All checkpoints must be pre-planned and controlled by a supervisor. Prior to implementation, the plan must be documented on a PD-247. The plan shall be approved by a supervisor assigned to the respective precinct or bureau ranked Lieutenant or higher. Each plan must specify the sequence or interval in which vehicles will be stopped for inspection. It is preferred that the plan specifies that every vehicle will be checked.

2. Prior to its implementation, all officers assigned to conduct the checkpoint will be briefed on the purpose and their respective responsibilities during the operation. All officers shall wear a reflective traffic vest while conducting the checkpoint.

3. The supervisor in charge of the traffic safety checkpoint must be present at all times. A record of the location, date, times, number of vehicles checked, and total number of violations will be kept. This shall be documented on the PD-247 and retained at the precinct or bureau that conducts the checkpoint.

4. Physical checkpoint factors that must be considered include the following:

    a. The location must not be so heavily traveled that it severely impedes traffic or presents a danger in a high-speed zone.

    b. Cones, flares, and barricades must be set up prior to the stopping point in order to ensure that vehicles may reduce their speed and stop safely. These temporary devices shall not be utilized unless an officer is present to manually direct traffic.

c. There must be a minimum of one officers present in order to manually direct traffic for the entire duration of the checkpoint.

d. A safety zone must be established for the detained vehicles and implemented in a manner that traffic flow will not be inhibited. This is usually accomplished by directing all through traffic into a specific lane (if possible) and providing a safe shoulder or right lane for the detaining of the vehicles during the interview and inspection process.

e. A safe ingress/egress route must be provided for vehicles entering and leaving the detaining area such that the normal traffic pattern is not significantly disrupted.

f. There must be an emergency route readily available through or around the traffic checkpoint area so as to allow for the passage of emergency vehicles.

5. When checking vehicles, remember that NO VEHICLE MAY BE STOPPED AND DETAINED AT RANDOM. Ideally, every vehicle should be stopped and checked. However, a systematic approach may be utilized in stopping vehicles. If the plan calls for every third vehicle to be stopped and checked, then the plan must be strictly adhered to by pulling every third and only third vehicles, unless an obvious violation/defect is noted on a vehicle, which is not scheduled to be stopped for inspection (as delineated in the plan).

6. All traffic checks shall be performed as quickly and as safely as possible. Do not detain vehicles any longer than is absolutely necessary.

Standard DUI Process

PRE-ARREST

1. Initiate video at first suspicious event
    a. Narrate only fact not opinion
    b. Allow ample space between vehicle when stopping

2. Start DUI process if warranted (follow checklist)
    a. Turn off forward flashing emergency lights (for HGN test)
    b. SFST's – follow prescribed training
    c. PBT (request PBT and/or assist officer)
    d. Arrest or release

POST-ARREST

1. Place suspect in cruiser (leave camera and microphone on)

2. Obtain written witness statement(s) and information, if applicable

3. **Vehicle tow**
    1. Complete vehicle inventory, pursuant to policy
    2. Place additional evidence from vehicle in view of camera & describe for camera
    3. Designate assist officer to tow vehicle

4. **Prepare for transport**
    1. Turn camera to internal mode. (Consider need to turn off officers remote microphone)
    2. Read Miranda from pre-printed card & Implied Consent from the DUI check sheet
    3. If Refusal – Read Acknowledgement/Declaration of Refusal Form (DC233)
    4. Re-class case over MDT & obtain IBR#
    5. Contact NCIC for DMV abstract and CCH if applicable
    6. Arrange breath tech
    7. Complete DUI check sheet up to current time
    8. Complete summons for all traffic charges

5. **Transport**
    1. Pick up DMV abstract and CCH and check for previous convictions

6. **At jail**
    1. Turn off camera system and your portable radio
    2. Begin observation period with breath tech, unless Refusal
    3. Complete required paperwork (see chart on page 4 or 5)
    4. Obtain breath test results and give suspect their copy
    5. Give defendant copy of PD-6-3 and file PD-6-3 with Magistrate.

7. **Magistrate**
    1. Submit forms
        1. Adult Arrest/Juvenile Detention Worksheet (PD180)
        2. Sworn Report insert (if applies)
        3. Envelope with breath test results (if applies)
        4. Criminal Complaint form (if applies)
        5. Driver abstract
        6. Acknowledgement/Declaration of Refusal Form (DC-233) in cases of Refusal
        7. Summons
    2. Testify to probable cause (2nd, 3rd, etc.) from check sheet
    3. Submit subpoena for witnesses
    4. Once the warrant is issued, submit a copy of the ALS and the person's license to the magistrate (if applies)

Prosecution of DUI Cases

Guide to Prosecution of Driving While Intoxicated Charges by the Office of the Commonwealth Attorney

Effective Monday, June 30, 2014, the Office of the Commonwealth Attorney (OCA) began prosecuting **all adult defendants arrested in the City of Virginia Beach as a result of driving while intoxicated related charges** [e.g. § 18.2-266 (Driving motor vehicle, engine, etc., while intoxicated), § 29.1-738 (boating while intoxicated), § 46.2-341.24 (driving a commercial vehicle while intoxicated), § 18.2-266.1 (Persons under age 21 driving after illegally consuming alcohol), etc.] and any associated companion charges. This new process affects **all DUI cases with an arrest date after June 1, 2014**, meaning that all DUI arrests occurring after this date will be set to the officer's next DUI designated court date that falls after June 30, 2014.

To accomplish this transition, effective June 1, 2014, the secondary traffic court date assigned to each officer will be their designated DUI court date. All DUI charges will be prosecuted in a Traffic Court designated by the Commonwealth's Attorney, so every officer's assigned court for their secondary traffic court date will become that designated courtroom. Officers will be advised, via e-mail and or other electronic means as to which courtroom will be identified for this purpose. The officer's primary traffic court date will remain unchanged and will be used for all non-DUI related traffic charges brought by the officer. If the officer routinely has a heavy regular traffic docket, upon request a third Traffic Court date can be assigned to them or they can use their current emergency date.

The following procedures will be followed by officers when making a DUI arrest:

A. Upon making an arrest for a DUI related charge, the magistrate will set the Determination of Counsel (DC) hearing 7-10 days from the date of arrest at the time and in courtroom designated by the OCA. If there are any companion charges to the DUI the officer shall obtain a magistrate summonses, they will be set for the same date and time. This first court date is a Determination of Counsel (DC) hearing and **the officer does not need to appear**. The assigned prosecuting attorney will represent the Commonwealth at this hearing.