



## 2017 VIRGINIA LAW ENFORCEMENT CHALLENGE APPLICATION

Applications are due to [VLEC@vachiefs.org](mailto:VLEC@vachiefs.org) by **Friday, May 5, 2017, by 11:59 PM**

**Click here for a copy of the LEC How-To Guide: <http://bit.ly/22aMcCW>**

Agency (as it would appear on an award): Albemarle County Police Department  
 Agency Category: Local Municipal Police Department  
 Total Number of Sworn Personnel: 140 Total Number of Uniformed Officers on the Street: 93  
 Submitter(s) (main point of contact for application): Officer J. T. DeLange  
 Department: Albemarle County Police Department  
 Address: 1600 5<sup>th</sup> St. Suite D City: Charlottesville State: VA Zip: 22902  
 Submitter Phone: 4342965807 Submitter Email: delangej@albemarle.org  
 Department Head: Chief Ron Lantz Email: lantzr@albemarle.org

### APPLICATION ATTACHMENTS PACKET

#### CHECKLIST

*Each attachment should be no longer or larger than 10 pages and 10 MB.*

NLEC Application (required)	<u>X</u>
Speed Awareness Narrative (required)	<u>X</u>
Speed Awareness Policies (required)	<u>X</u>
Impaired Driving Narrative (required)	<u>X</u>
Impaired Driving Policies (required)	<u>X</u>
Occupant Protection Narrative (required)	<u>X</u>
Occupant Protection Policies (required)	<u>X</u>
State/Local Issue Narrative (required)	<u>X</u>
State Local Issue Policies (required)	<u>X</u>
Special Award Application(s) (1 attachment including narratives and policies for <u>each</u> award) (optional)	<u>          </u>

### SPECIAL AWARD CONSIDERATIONS

Impaired Driving*	<u>X</u>
Occupant Protection*	<u>X</u>
Speed Awareness*	<u>X</u>
Bike/Pedestrian Safety	<u>          </u>
Commercial Motor Vehicle Safety	<u>          </u>
Distracted Driving	<u>          </u>
Motorcycle Safety	<u>          </u>
Technology	<u>          </u>
Traffic Incident Management	<u>          </u>
<b>State/Local Issue is Special Award Consideration**</b> <b>yes</b> <b>no</b>	<u>          </u>
<i>If yes, which one?</i>	<u>          </u>

*\*Your agency is automatically considered for this Special Award upon submission of NLEC application*  
*\*\*Cannot be Speed Awareness, Impaired Driving, or Occupant Protection; must be chosen from other Special Awards*

## SUBMISSION DISCLOSURE QUESTIONS

Please answer the following questions to the best of your ability.

1. Total roadway crashes in 2014: 2033
2. Total roadway crashes in 2015: 1996
3. Total roadway crashes in 2016: 2128
4. Total fatal crashes in 2014: 16
5. Total fatal crashes in 2015: 14
6. Total fatal crashes in 2016: 09
7. Total injury crashes in 2014: 491
8. Total injury crashes in 2015: 535
9. Total injury crashes in 2016: 591

### IMPAIRED DRIVING

For guidance on completing your Impaired Driving attachments, please refer to page 5 of the How-To Guide:

<http://bit.ly/22aMcCW>

1. This agency has a written policy making impaired driving enforcement a priority: **yes** no
2. Number of officers who received training in 2016 in impaired driving: 12
3. This agency participates in officer recognition programs for impaired driving detection and apprehension:  
**yes** no
4. Number of Impaired Driving Arrests in 2014: 209
5. Number of Impaired Driving Arrests in 2015: 216
6. Number of Impaired Driving Arrests in 2016: 177
7. Total number of fatal and injury crashes related to Impaired Driving in 2016: 45
8. Percentage of fatal and injury crashes related to Impaired Driving in 2016: 7.5%
9. This agency is allowed to conduct Impaired Driving Checkpoints: **yes** no
10. Number of Special Enforcement Efforts in 2016 for Impaired Driving (saturation patrols, checkpoints, etc.): 53
11. Output Statistics: How many DUI citations were issued in target areas?: 6
12. Output Statistics: How many DUI citations were issued during the target times?: 6
13. Output Statistics: How many contacts were made? (total): 854
14. Output Statistics: How many contacts in target areas?: 854

## OCCUPANT PROTECTION

For guidance on completing your Occupant Protection attachments, please refer to page 6 of the How-To Guide:

<http://bit.ly/22aMcCW>

1. This agency has a written policy making safety belt and child passenger safety enforcement a priority: **yes** no
2. This agency has a written policy requiring officer safety belt use: **yes** no
3. Does your state have a Primary Seat Belt Enforcement Law?: yes **no**
4. Your state's average safety belt use percentage rate in 2016: 79%
5. Your jurisdiction's safety belt use percentage rate at the beginning of 2016: 82%
6. Your jurisdiction's safety belt use percentage rate at the end of 2016: 97%
7. Number of officers who received training in 2016 in occupant protection: 12
8. This agency participates in Saved by the Belt/Air Bag (officer and/or citizen) awards programs: **yes** no
9. Number of Seat Belt Citations in 2014: 531
10. Number of Seat Belt Citations in 2015: 255
11. Number of Seat Belt Citations in 2016: 107
12. Number of Child Seat Citations in 2014: 65
13. Number of Child Seat Citations in 2015: 38
14. Number of Child Seat Citations in 2016: 17
15. Number of Special Enforcement Efforts in 2016 for Occupant Protection: 17
16. Output Statistics: How many citations were issued in target areas?: 93
17. Output Statistics: How many citations were issued during the target times?: 93
18. Output Statistics: How many contacts were made? (total): 109
19. Output Statistics: How many contacts were made in target areas?: 109

## SPEED AWARENESS

For guidance on completing your Speed Awareness Submission attachments, please refer to page 8 of the How-To

Guide: <http://bit.ly/22aMcCW>

1. This agency has a written policy making speed enforcement a priority: **yes** no
2. Number of officers who received speed-related training in 2016: 38
3. This agency participates in officer recognition programs for speed detection and apprehension: **yes** no
4. Number of Speeding Citations in 2014: 3661
5. Number of Speeding Citations in 2015: 2868
6. Number of Speeding Citations in 2016: 2042
7. Total number of 2016 fatal and injury crashes related to speed: 105
8. Percentage of 2016 fatal and injury crashes related to speed: 17.5%
9. Number of Special Enforcement Efforts in 2016 for Speed: 64
10. Output Statistics: How many citations were issued in target areas?: 264
11. Output Statistics: How many citations were issued during the target times?: 264
12. Output Statistics: How many contacts were made? (total): 371
13. Output Statistics: How many contacts were made in target areas?: 371

## STATE/LOCAL ISSUE

Your State/Local Issue cannot be Impaired Driving, Occupant Protection, or Speed Awareness. For guidance on completing your State/Local Issue attachments, please refer to page 9 of the How-To Guide: <http://bit.ly/22aMcCW>

1. This agency has a written policy making this issue a priority: **yes** no
2. Number of officers who received training related to this issue in 2016: 12
3. This agency participates in officer recognition programs for this issue: yes **no**
4. Number of citations issued involving this issue in 2014: 366
5. Number of citations issued involving this issue in 2015: 457
6. Number of citations issued involving this issue in 2016: 434
7. Total number of 2016 fatal and injury crashes related to this issue: 1
8. Percentage of 2016 fatal and injury crashes related to this issue: 0.2%
9. Number of Special Enforcement Efforts in 2016 for this issue: UNK
10. Output Statistics: How many citations were issued in the target areas?: 434
11. Output Statistics: How many citations were issued during the target times?: 434
12. Output Statistics: How many contacts were made? (total): 388
13. Output Statistics: How many contacts were made in target areas?: 388
14. How many special team enforcement details were directed at the State/Local Issue (not routine patrol)?:  
UNK



# IMPAIRED DRIVING

## PROBLEM IDENTIFICATION

Driving while impaired can refer to operating a motor vehicle while under the influence of alcohol, drugs, or both. Impaired driving is one of America’s most often committed and deadliest crimes. Each year, more people are killed in completely preventable alcohol-impaired traffic crashes. Two individuals lost their lives on Albemarle County roads in 2016 that were victims of a motor vehicle crash where alcohol was a factor. This number is down from five in 2015. In 2016, Albemarle County police officers worked 591 injury crashes. **According to TREDIS (Traffic Records Electronic Data System), of those 591 injury crashes only 45 were related to alcohol, this was only 7.5% of all injury crashes worked in Albemarle County.**

Fortunately, there are effective methods of combating impaired driving, including enforcement of strong laws and – increasingly – the use of technology such as ignition interlocks mandated for convicted drunk drivers.

The Albemarle County Police Department recognizes and believes that the key to effective deterrence is the public's perception of the likelihood of being caught. Officers of this department work hard year-round to identify impaired drivers and get them off our roads. At specific times throughout the year, these efforts are stepped up as part of a national drunk driving crackdown: **“Drive Sober or Get Pulled Over”** and **“Click it or Ticket”**.

These mobilizations combine high visibility law enforcement and public awareness to deter or detect impaired drivers and occupant safety. The Albemarle County Police believes the most effective way to reduce impaired driving is to increase the perceived risk of being stopped and arrested by law enforcement if driving while impaired. One of the most successful strategies for doing this is the coupling of intense and highly visible enforcement with publicity about the enforcement campaigns and increase the public’s perception of being caught, arrested, and prosecuted for impaired driving. Albemarle County has a serious problem with alcohol and drug-impaired driving.

We currently use crash data to assess the severity of the problem and temporal factors. We have consulted our Crime Analyst to generate statistics to assist with DUI checkpoints. There are currently several locations that have been approved for DUI enforcement in Albemarle County. We examine the data to determine near which site the highest number of DUI crashes and citations have occurred in an effort to target enforcement. We also release our DUI/DUID data to the public in an effort to educate the population on the dangers of drug and alcohol-impaired driving.

The image shows a news release from the Albemarle County Police Department dated December 7, 2016, titled "DUI/Sober's Checkpoint". The release states that a checkpoint was conducted on Route 288 at Area Street between the hours of 11 pm and 12 am. It reports that 202 vehicles passed through the checkpoint, with 101 vehicles being stopped for various reasons, including impaired driving. The release also mentions that the checkpoint was part of a national "Drive Sober or Get Pulled Over" campaign. To the right of the news release is a social media post from the Albemarle County Police Department, dated March 17, 2016, which includes a photo of a police officer standing next to a "D.W.I. CHECKPOINT AHEAD" sign and a car. The post text reads: "We can neither confirm nor deny the presence of multiple DWI checkpoints in Albemarle County tonight, so PLEASE celebrate responsibly and make sure you and those you are out with get home safely this St. Patrick's Day. (Absolutely NO imbibing was involved during the capturing of these pictures.) #DriveSoberOrGetPulledOver".



# IMPAIRED DRIVING

## POLICY

The Albemarle County Police Department has detailed written guidelines and policies for impaired driving enforcement and the procedures for processing offenders arrested for impaired driving. Below are a few examples and excerpts of the General Orders and guidelines as they relate to impaired driving enforcement. They are also attached in their entirety as allowed at the end of this section.

### General Order 4-27 DUI Enforcement: Policy

Alcohol and drug related crashes are a reckless abuse of the driving privileges granted by the Commonwealth. Driving under the influence of alcohol or other drugs is irresponsible. It poses a grave threat to the driver and to other people and property. **Sworn members of this department shall seek to increase public safety through reducing such irresponsible behavior by enforcing the related laws to the best of their ability.**

	ALBEMARLE COUNTY POLICE DEPARTMENT GENERAL ORDER	NO. 4-27	DATE OF ISSUE: July 1, 1997
SUBJECT: D.U.I. ENFORCEMENT		REVISED/RESCINDS: Revised: 03/04, 03/06	
VLEPSC STANDARDS: ADM 25.01, ADM 25.07, OPR.07.01, OPR.07.03, OPR.07.04, OPR.07.05, OPR.07.07, OPR.07.08, OPR.07.09		APPROVED:  Signature on File Chief of Police	

LIST OF CONTENTS:

- I. POLICY
- II. PURPOSE
- III. PROCEDURE
  - A. GENERAL CONSIDERATION
  - B. LAWS
  - C. LOCATING AND STOPPING
  - D. OFFICER/DRIVER CONTACT
  - E. DEALING WITH THE ARRESTED SUSPECT'S VEHICLE
  - F. BREATHALYZER TESTING
  - G. AT THE MAGISTRATE'S OFFICE
  - H. BLOOD TESTING
  - I. HANDLING BLOOD TEST VIALS
  - J. HANDLING HOSPITALIZED D.U.I. SUSPECTS
  - K. RECORD KEEPING AND DOCUMENTATION
  - L. ADMINISTRATIVE VEHICLE IMPOUNDMENT

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I. POLICY  
Alcohol and drug related crashes are a reckless abuse of the driving privileges granted by the Commonwealth. Driving under the influence of alcohol or other drugs is irresponsible. It poses a grave threat to the driver and to other people and property. **Sworn members of this department shall seek to increase public safety through reducing such irresponsible behavior by enforcing the related laws to the best of their ability.**

II. PURPOSE  
This general order gives guidelines for handling DUI enforcement. It is important to public safety that we take firm and effective action against DUI. This general order is one of several that deal with traffic safety issues.

III. PROCEDURES  
A. GENERAL CONSIDERATION  
1. Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs.  
2. In the extreme, it implies that the operator of a motor vehicle is in a state of alcoholic or drug-induced stupor or is entirely incapable of exercising physical control of his vehicle.

4-27 D.U.I. ENFORCEMENT Page 1 of 7

### General Order 4-06 DUI Checkpoints:

#### I. POLICY

The use of traffic/sobriety checkpoints is a valid enforcement and educational tool for law enforcement. Such activities increase the public awareness and provide an invaluable deterrent to violations. The Department will stage and run traffic/sobriety checkpoints in a safe and effective manner.

#### PURPOSE

To provide a structure for the use of traffic checkpoints in order to:

- A. Promote public safety by reducing accidents and increase public perception that drivers who endanger the public by operating a vehicle without valid licenses, decals, inspection stickers, while intoxicated, or in an otherwise impaired condition, will be caught.
- B. Educate the public and serve as a deterrent to the potential violator.
- C. Operate the checkpoints in a safe and efficient manner.

	ALBEMARLE COUNTY POLICE DEPARTMENT GENERAL ORDER	NO. 4-06	DATE OF ISSUE: September 28, 2001
SUBJECT: TRAFFIC SAFETY/SOBRIETY CHECKPOINTS		REVISED/REVIEWED/RESCINDS: Revised: 03/04, 08/06, 11/08, 10/09, 05/10, 02/15 Reviewed: 04/05	
VLEPSC STANDARDS: OPR.07.10		APPROVED:  Signature on File Chief of Police	

LIST OF CONTENTS:

- I. POLICY
- II. PURPOSE
- III. PROCEDURES
  - A. CONDUCTING CHECKPOINTS
  - B. CRITERIA FOR CHECKPOINT SITE SELECTION
  - C. CHECKPOINT PREPARATIONS
  - D. CHECKPOINT SITE SETUP
  - E. THE CHECKPOINT OPERATION
  - F. BRINGING TRAFFIC TO A SAFE STOP
  - G. INTERVIEWING MOTORISTS
  - H. ENFORCEMENT ACTION
  - I. DUI EVALUATION
  - J. CLOSING THE CHECKPOINT SITE
  - K. RECORD KEEPING OF TRAFFIC CHECKPOINT ACTIVITIES
- IV. APPENDIX

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I. POLICY  
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II. PURPOSE  
To provide a structure for the use of traffic checkpoints in order to:  
A. Promote public safety by reducing accidents and increase public perception that drivers who endanger the public by operating a vehicle without valid licenses, decals, inspection stickers, while intoxicated, or in an otherwise impaired condition, will be caught.  
B. Educate the public and serve as a deterrent to the potential violator.  
C. Operate the checkpoints in a safe and efficient manner.

III. PROCEDURES  
A. CONDUCTING CHECKPOINTS  
1. Scheduling Checkpoints  
a. For Sobriety Checkpoint operations, the Operations Bureau Major or a designee, neither of whom shall participate on site at the checkpoint, shall designate in writing the specific date, time, duration and site from the Approved List of Sites. The designee, if used, shall have the rank of Sergeant or above. Under no circumstances, shall the designee serve as a Checkpoint Supervisor or otherwise participate on site in the checkpoints.  
b. A Division Commander, District Commander or designee may approve, in writing, the operation of a Traffic Safety Checkpoint at an approved site from the Approved List of Sites for a specific time and duration when sufficient manpower is available. The

4-06 TRAFFIC SAFETY/SOBRIETY CHECKPOINTS Page 1 of 12 Revised 2/24/2015



# IMPAIRED DRIVING

## POLICY (cont.)

The Albemarle County Police Department has detailed written guidelines that detail the proper procedures in dealing with arrested individuals for impaired driving. These guidelines are located in Albemarle County Police policy manual **General Order 4-27 DUI Enforcement**, section F (Breathalyzer Testing Procedures), section G (Obtaining Warrants Magistrate's Office), section H (Blood Testing).

This General Order will be attached separately in its entirety at the end of this section as allowed.

The Albemarle County Police Department (ACPD) makes a concerted effort to prioritize enforcement of alcohol-related violations other than DUI at specific events. Albemarle County has an annual steeplechase event that is attended by students at the local university, as well as numerous universities both in and out of state. In an effort to curb underage alcohol consumption, ACPD partners with the local university, event planners, and Fire/EMS workers to send packets to student groups attending the event explaining the laws regarding alcohol consumption. We also send officers to present information to the students about the dangers of over-consumption of alcohol and the consequences of driving while intoxicated. On the day of the event, we conduct enforcement and support. Through these efforts, we have seen a consistent drop in arrests for alcohol and drug related

offenses from 33 in 2013 to 20 in 2016.

## PLANNING

For any DUI checkpoint, we are required to develop an operational plan to support our choice of area. We also create informal plans during our strategic planning meetings annually. Specific target areas are identified and documented based on proactive data searches and citizen requests. Time and day are specified in our operations plans. After action reports are generated to inform command staff of citizen contacts, sobriety tests given, and arrests made. Typically, the traffic sergeant either works the enforcement operations himself or works closely with the person tasked with implementing the operation plan.

## TRAINING

In 2016, twelve Albemarle County Police Officers received training in the area of impaired driving. Every police officer that works the street for Albemarle County Police Department has received training in SFST's. In 2016, twelve new police officers completed their basic training, graduating from the Central Shenandoah Criminal Justice Academy. There they received specialized training in the area of impaired driving.



# IMPAIRED DRIVING

## PUBLIC INFORMATION AND EDUCATION

Throughout 2016, the Albemarle County Police Department’s Public Information Officer posted multiple PSA type posts through Facebook and Twitter related to impaired driving.



Additionally, the Albemarle County Police Department’s Traffic Unit collaborated with a local high school Advanced Film Making class to create two commercials to air through local television stations and posted on social media in reference to impaired driving. The students wrote the scripts and directed the filming of the projects. These commercials aired for 6 weeks during primetime of multiple local television stations in the immediate area, funded by the Albemarle County Police Department.



Also, the Albemarle County Police Department’s traffic unit members attended various driver’s education classes to speak about the dangers of driving impaired including the potential ramifications of being caught driving under the influence.

## ENFORCEMENT

The Albemarle County Police Department recognizes that impaired driving continues to be an on-going issue locally and nationally. The men and women of the Albemarle County Police Department aggressively enforces the state's 0.08 percent blood alcohol concentration (BAC) law and the 0.02 percent BAC limit for drivers under 21 years of age ('zero-tolerance').

One of the strategies of the police department is to conduct DUI Checkpoint Operations. These checkpoints were developed by targeting areas where there is a high frequency of impaired driving. Sobriety checkpoint operations increase the public's awareness of the hazards of drinking and driving and, in many cases,



## IMPAIRED DRIVING

serve as a deterrent to those drivers who may otherwise drive impaired. In 2016, the Albemarle County Police Department **conducted four checkpoints** (6/17/16, 9/10/16, 11/17/16 and 12/2/16) and numerous saturation patrols.

Another strategy used by the police department is DUI Proactive Overtime Enforcement patrol. The use of grant-funded overtime programs enables the police department to significantly increase the number of officers on patrol county wide and to deploy them at times and locations in which a high incidents of DUI-related traffic accidents have occurred. The additional resources have enabled the Albemarle County Police Department to significantly reduce the number of DUI-related arrests in the targeted areas. In 2016, 50 officers signed up for grant funded DUI saturation patrols that were distributed in 5-hour increments. The saturation patrols were targeted at identified problem areas during the hours of 9:00 P.M. and 3:00 A.M. **Out of the 177 DUI arrests made in 2016, 6 were during grant funded DUI saturation patrols and checkpoints.**

In an effort to deter intoxicated driving, the Albemarle County Police Department established a DUI/Sobriety Checkpoint in the 2700 Block of Proffitt Road at the intersection with the entrance to Baker Butler Elementary School. This location had already been established as a traffic safety checkpoint and used in the past. The addition of the DUI/Sobriety checkpoint at this location is consistent with the police department's goals of reducing alcohol

related crashes in the rural areas of Albemarle County. Proffitt Road is a semi-rural to rural roadway that travels between Stony Point Road and Seminole Trail (Rt.29). Proffitt Road is also on the outer edges of police sector 3 and sector 4 and therefore does not receive a consistent police presence. Proffitt Road is also believed to be a rural crossover route for DUI drivers between the Pantops Mountain area and the northern area of Albemarle County. Both areas contain establishments known to police with problems of over serving alcohol to its customers.

 **Albemarle County Police Department** added 6 new photos.  
June 18, 2016 · 🌐

**PRESS RELEASE: Ten Violations Found During Proffitt Road DUI Checkpoint**

Eleven Albemarle County Police Officers and one K-9 worked together to conduct a sobriety checkpoint on Proffitt Road at the turnoff to Baker Butler Elementary on Friday, June 17, 2016.

Sixty vehicles were stopped during the checkpoint, which was scheduled from 11:00 p.m. to 2 a.m.... [See More](#)



In addition, during St. Patrick's Day of 2016, the Albemarle County Police Department and Virginia State Police collaborated to conduct a high visibility enforcement effort to combat impaired driving. A press release was sent out before the enforcement effort as well as afterwards. The effort produced 96 summonses/arrests including 1 DUI arrest.



# IMPAIRED DRIVING

## OUTCOMES

Monitoring DUI rates is a cornerstone of the ACPD's traffic safety plan. DUI information is detailed at the monthly Comp Stat meetings, and DUI enforcement after action reports record arrests and contacts made during enforcement activities. Officer awareness of DUI drivers has increased and we have seen a significant drop in DUI arrests from 216 in 2015 to 177 in 2016.

Continued education at the middle and high school level is crucial to our efforts in decreasing the prevalence of driving under the influence. The citizen contacts have been an identified benefit of these traffic checkpoints. It allows ACPD to further their geo-policing mission while conducting enforcement efforts. Demonstrating our commitment to DUI/DUID enforcement provides a sense of security in the community while also protecting our citizens.

Officer C. Levy was recognized for his DUI enforcement efforts this year by Mothers Against Drunk Driving.



Albemarle County Police Department added 3 new photos.

September 14, 2016 · 🌐

The Annual MADD / James River & Valley ASAP Law Enforcement Awards Dinner was held Wednesday night at the Stonewall Jackson Hotel in Staunton.

Officer C. Levy was the award recipient from ACPD.

Officer Levy is assigned to the Blue Ridge District on Midnight Shift. ...

[See More](#)





ALBEMARLE COUNTY POLICE DEPARTMENT  
**GENERAL ORDER**

NO.

DATE OF ISSUE:

4-27

July 1, 1997

SUBJECT:

**D.U.I. ENFORCEMENT**

REVISED/RESCINDS:

Revised: 03/04, 03/06

VLEPSC STANDARDS:

ADM.25.01, ADM.25.07, OPR.07.01, OPR.07.03, OPR.07.04,  
 OPR.07.05, OPR.07.07, OPR.07.08, OPR.07.09

APPROVED:

Signature on File

Chief of Police

LIST OF CONTENTS:

- I. POLICY
- II. PURPOSE
- III. PROCEDURE
  - A. GENERAL CONSIDERATION
  - B. LAWS
  - C. LOCATING AND STOPPING
  - D. OFFICER/DRIVER CONTACT
  - E. DEALING WITH THE ARRESTED SUSPECT'S VEHICLE
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  - K. RECORD KEEPING AND DOCUMENTATION
  - L. ADMINISTRATIVE VEHICLE IMPOUNDMENT

I. POLICY

Alcohol and drug related crashes are a reckless abuse of the driving privileges granted by the Commonwealth. Driving under the influence of alcohol or other drugs is irresponsible. It poses a grave threat to the driver and to other people and property. **Sworn members of this department shall seek to increase public safety through reducing such irresponsible behavior by enforcing the related laws to the best of their ability.**

II. PURPOSE

This general order gives guidelines for handling DUI enforcement. **It is important to public safety that we take firm and effective action against DUI.** This general order is one of several that deal with traffic safety issues.

III. PROCEDURES

A. GENERAL CONSIDERATION

1. Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs.
2. In the extreme, it implies that the operator of a motor vehicle is in a state of alcoholic or drug-induced stupor or is entirely incapable of exercising physical control of his vehicle.

3. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity.
  - a. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end.
  - b. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

**B. LAWS**

1. Each officer should be familiar with all state laws relating to DUI.
2. These include:
  - a. 16.1-278.9 on delinquent child's loss of privileges;
  - b. 18.2-36.1 on involuntary manslaughter;
  - c. 18.2-266 to 18.2-273, on DUI enforcement in general;
  - d. 19.2-294.1 on double jeopardy dismissals;
  - e. 19.2-299.1 on victim impact statements;
  - f. 29.1-738 to 29.1-738.5 on watercraft operation;
  - g. 46.2-301.1 30 day administrative impoundment of motor vehicles
  - h. 46.2-341.1 et al for commercial drivers' licenses;
  - i. 46.2-356 to 360 on habitual offenders;
  - j. 46.2-384 on requesting driving records;
  - k. 46.2-391 to 46.2-391.5 on license revocation and administrative suspension;

**C. LOCATING AND STOPPING**

1. As soon as an officer suspects a driver of being under the influence, observations should be noted for future reference in establishing reasonable suspicion or probable cause.
2. Follow established procedures in effecting the traffic stop. (G. O. 4-29, Traffic Stops)

**D. OFFICER/DRIVER CONTACT**

1. Get violator out of the vehicle and to a safe location, carefully observing the driver's actions, characteristics, and statements.
2. Request the driver to perform at least three (3) dexterity tests.
3. The officer should consistently use three of the following acceptable tests.
  - a. Count Backwards
  - b. One-legged Stand
  - c. Heel to Toe
  - d. Alphabet
  - e. Walk and Turn
  - f. Horizontal Nystagmus Gaze
4. **It is essential that all tests results be recorded in detail**

5. Given the current local judicial conditions, the Horizontal Nystagmus Gaze may be used by the officer to assist in the arrest decision, but this test is inadmissible in Albemarle County General District Court.
6. In exceptional circumstances, such as the standard field sobriety tests being conducted at a hospital **or** on a disabled driver, officers may use secondary tests such as:
  - a. Finger Dexterity
  - b. Finger to nose
7. The officer must offer an Alcosensor test to the driver (if available). This is required by law and shall be administered unless refused. Record the results or the refusal.

**8. Arrest Decision**

- a. If the officer believes there is probable cause to make an arrest, the arrest shall be made.
  - b. If the officer believes there is a medical problem rather than a violation of law (DUI or DUID), the officer should assist as appropriate.
  - c. If the suspect driver refuses all preliminary tests, the officer may arrest on the basis of his observations of the suspect's driving behavior and physical condition.
  - d. Officer must keep in mind that the arrest must be initiated within two hours of the alleged offense in order for "implied consent" to apply.
9. Upon arrest, the suspect driver will be read the "implied consent" statement and will be required to take a breath test to determine the alcohol content of her/his blood. Reading the "implied consent" statement is the procedure for DUID processing as well.
10. If an insufficient breath sample is given, advise the suspect a blood sample will be obtained.
11. In cases where a breath test would not be practical, a blood test is required.
12. If the suspect driver refuses, a warrant will be obtained charging the suspect with "refusal," VA Code 18.2-268.3.

**E. DEALING WITH ARRESTED SUSPECT'S VEHICLE**

1. If in doubt, inventory the vehicle and its contents according to Departmental policy and have the vehicle towed according to State Law.
2. Any alternative such as leaving it legally parked or having it taken by an alternative driver must be with the owner's permission or at their request. If the owner is not present, he or she should be contacted, if available.
3. With the owner's permission or at the owner's request, have an acceptable alternate driver take the vehicle (if this will not cause a significant delay).
4. At the owner's request, leave it legally parked on a public roadway.
  - a. The officer should not personally move the vehicle to a legal parking spot.
  - b. If in doubt, it should be towed.

5. If the driver's license has been suspended or revoked, or he/she has been declared a "habitual offender," and any of these actions were based on alcohol related offenses, the driver's vehicle must be impounded for 30 days according to VA Code 46.2-301.1. See G. O. 4-30, Vehicle Impoundment.

**F. BREATHALYZER TESTING**

1. This test must be administered by a certified, Breathalyzer Operator.
2. The suspect will be taken to a location where the breathalyzer is administered and the procedure will be run in accordance with state guidelines.

**G. AT THE MAGISTRATE'S OFFICE**

1. At the magistrate's office, evidence will be presented to the magistrate indicating probable cause for the issuance of a warrant for driving while intoxicated and, if appropriate, refusal of breath test.
2. Once obtained, the warrants should be executed on the suspect driver in the same manner as any other criminal warrant.
3. 7 Day Administrative Suspension of Driver's License/Driving Privilege for DUI
  - a. This 7 day administrative license suspension is a significant step toward increased accountability for DUI offenses.
  - b. The officer should execute the mandated 7 day "Administrative suspension of license or privilege to operate a motor vehicle" VA Code: 46.2-391.2 in association with a DUI arrest.
  - c. The process includes:
    - 1) Appropriately completing and distributing the "NOTICE OF ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE/DRIVING PRIVILEGE (Form DC-201),
    - 2) Handing over the offender's drivers license to the Magistrate, and
    - 3) Completing appropriately and distributing a CRIMINAL COMPLAINT (Form DC-311) which is available from the Magistrate. This sworn report of the arrest must include:
      - (a) Information which adequately identifies the person arrested;
      - (b) The officer's grounds for belief that the arrested person was DUI plus breathe test results or refusal to submit to a breath test.
  - d. Depending on circumstances, arrange or provide transportation for the offender.

**4. In D.U.I. Cases involving juveniles, the process includes:**

- a. Read and complete the "DECLARATION AND ACKNOWLEDGEMENT OF REFUSAL OF BREATH TEST FORM" (Form DC-233) associated with Va. Code 18.2-268.3
- b. If not refusing, have the breath test conducted by a certified Breathalyzer Operator.
- c. Appropriately complete and distribute the "NOTICE OF 7 DAY ADMINISTRATIVE SUSPENSION OF DRIVER'S LICENSE/DRIVING PRIVILEGE (Form DC-201)

- d. Appropriately complete and distribute a "CRIMINAL COMPLAINT" (Form DC-311).
- e. Hand over the offender's driver's license, along with the original top copy of the 7 DAY ADMINISTRATIVE SUSPENSION FORM and the original top copy of the CRIMINAL COMPLAINT FORM to the on-duty magistrate.
- f. The arrestee is then held until they can be turned over to his or her parents (or legal guardian) and released on a VIRGINIA UNIFORM SUMMONS (VUS).

#### H. BLOOD TESTING

1. Blood testing will be done when
  - a. The suspect is incapacitated due to medical injuries at the hospital or
  - b. Has facial injuries which may alter the breathalyzer test or
  - c. Has any other physical condition in which a breathalyzer test would not be practical.
  - d. DUID is suspected.
2. Blood tests will be done by a registered professional nurse, graduate laboratory technician, physician, or a court certified technician.
3. The blood test should be witnessed by the officer to reduce the chance of witness subpoena being issued for the nurse or lab tech.
4. Prior to the blood vial being filled, the officer should fill out all information on the vial insuring that the title and name of the nurse or technician is on the vial and will be initialed by them.
5. Record the name, phone #, address etc. for everyone in the chain of custody of the blood vials in the Emergency Room.
6. When the officer is not able to use implied consent, record the names, addresses, phone #, of all Emergency Room personnel in the chain of custody when blood is drawn for medical purposes and contact the Commonwealth Attorney.
7. In cases of **vehicular manslaughter** or **other significant injury** DUI related accidents, officers should
  - a. Obtain a blood sample even when the suspect refuses or an arrest can not be effected within (2) hours of the offense.
  - b. Contact the Commonwealth Attorney as soon as possible.

#### I. HANDLING BLOOD TEST VIALS IN PROCESSING DUI or DUID

1. After appropriate forms have been completed, the officer should:
  - a. Take possession of blood vial as soon as the vial is filled.
  - b. Seal the vial according to the directions within the box and have the nurse or technician initial the seal itself, along with the officer initialing it.
  - c. Give the defendant the form that instructs them to contact the Division of Forensic Science if they would like their blood independently tested.
  - d. Mail the brown container to the Division of Forensic Science before ending tour of duty.

2. Postage and return address stickers can be obtained from a Police Records Clerk.

**J. HANDLING HOSPITALIZED D.U.I. SUSPECTS**

1. In circumstances where the driver is being taken to the hospital and the officer suspects the person of D.U.I., the following steps should be taken.
  - a. Document the names of the Rescue Squad members who are transporting the suspect.
  - b. They may be important because:
    - 1) The suspect was out of the officer's direct contact and observation; and
    - 2) They may need to verify that no drugs or alcohol were given to the suspect on the way to the hospital.
2. At the hospital, the officer should develop and document the probable cause for the D.U.I. charges by:
  - a. Review of evidence or indicators there were at the scene;
  - b. Odor of an alcoholic beverage on or about the person;
  - c. Testing Horizontal Nystagmus Gaze; and
  - d. Any other observations, witness statements, etc. supporting a probable D.U.I.
3. If placing the suspect under arrest, the officer must:
  - a. Advise about implied consent;
  - b. Obtain blood samples for testing.
  - c. Give Miranda warning; and
  - d. Treat as regular D.U.I. suspect.
4. The due process will vary with the condition of the suspect.
  - a. If the suspect will be released from the hospital after a short time, the officer should:
    - 1) Proceed with the arrest,
    - 2) Wait for the arrestee's release from the hospital, and then
    - 3) Take the arrestee to the magistrate as usual.
  - b. If suspect needs to remain at the hospital receiving treatment, but is expected to be released within a few hours, the officer should:
    - 1) Arrest the suspect, and
    - 2) Get another officer to stand-by with the arrestee while the arresting officer goes to the magistrate to obtain a warrant.
  - c. If the suspect is badly injured, including unconscious, is admitted to the hospital for a period of unknown length, and the officer has probable cause to suspect D.U.I., the officer may:
    - 1) Proceed with getting an arrest warrant
    - 2) Serve it when the suspect is discharged from the hospital and can then be taken to the magistrate.
    - 3) Under circumstances of hospitalization of the suspect, the officer should:
      - (a) Arrange for a blood sample if possible (the officer may have to get consent or obtain a search warrant);
      - (b) Request that the hospital security check on the suspect periodically; and
      - (c) Request that the hospital call the Department when the suspect is being released from the hospital.

5. In cases involving severely injured and/or hospitalized suspect/arrestees, when getting the arrest warrant at the magistrate's, the officer can either:
  - a. Explain to the magistrate that the subject will be hospitalized and request that the magistrate release the suspect on a summons; **or**
  - b. Offer to transport the magistrate to the emergency room and have the magistrate talk with the suspect and then serve the warrant and release the suspect on a personal recognizance bond.
  
6. If the magistrate does not allow release on a summons, go to the hospital and release on a personal recognizance bond, or the suspect is unconscious or otherwise unable to sign or attest to anything, then the officer must hold the arrest warrant until the suspect is released from the hospital. In this case:
  - a. Request that the hospital security check on the suspect periodically; **and**
  - b. Request that the hospital call the Department when the suspect is being released from the hospital.

#### **K. RECORD KEEPING AND DOCUMENTATION**

1. Keep good notes.
  
2. All appropriate forms relating to DUI must be completed including:
  - a. The Incident Report for D.U.I.
  - b. The Virginia Uniform Summons (VUS)
  - c. The FR 300 (if needed)
  - d. The Breathalyzer Certificate
  - e. The Arrest Warrant
  - f. Notice of Administrative Suspension
  - g. Criminal Complaint
  
3. Turn in all the paperwork on the case at headquarters before going off-duty.
  
4. In order to retain a copy of the back page of the report, officers must make their own photo-copy, before turning in the report.
  
5. Make the Police Records Clerk aware that you are turning in a 7 day suspension. The Police Clerk will need to teletype notice of the 7 day suspension to DMV.
  
6. The Police Records Clerk will be responsible for copying and routing of the IR/DUI report for the Commonwealth's Attorney's Office.

#### **L. ADMINISTRATIVE VEHICLE IMPOUNDMENT**

When an administrative vehicle impoundment is required, see General Order 4-30, "Administrative Vehicle Impoundment."



# OCCUPANT PROTECTION

## PROBLEM IDENTIFICATION

Wearing a seat belt is the single best way any motorist or occupant can protect himself or herself in a crash, yet in 2016 three unrestrained victims were killed in Albemarle County crashes. This is a decrease from seven in 2015.

Albemarle County Police Department is committed to promoting the importance of occupant safety. Even though Virginia does not have a primary seat belt law, Albemarle County Police considers occupant safety a priority. Albemarle County Police Officers have to observe another primary violation to stop a motorist before they can issue a summons for a seatbelt violation. Children in Virginia are required by law to be properly restrained in a car seat or booster seat until they are eight years old, and children under the age of 16 must be properly restrained, which is a primary offense in Virginia.

Each year, the Albemarle County Police Department conducts seatbelt use surveys in high traffic volume intersections, usually during the "Click it or Ticket" national campaign in May and November. A week prior to the "Click it or Ticket" mobilization starts, a Traffic Unit officer will go to designated intersections where they will observe 100 passing vehicles. The officer will then document whether or not the occupants were wearing or not wearing a seatbelt. This is considered the "Pre" survey. The same officer will conduct another seatbelt survey at the end of the enforcement mobilization at the same designated intersections at approximately the same time the "Pre" survey was

conducted; this is considered the "Post" survey. In 2016, the seatbelt usage rate was at 79% for Virginia. For Albemarle County, the seatbelt usage rate for the "Pre" survey that was conducted at the three highest crash intersections was observed to be at an average of 82%. The "Post" survey saw the seatbelt usage rate had significantly increased to 97%.

While police officers may be exempt from specific laws, they are not exempt from the laws of physics or the high risk of becoming involved in a crash during their shift. Police officers spend more time on the road and drive more miles than individuals drive in most other professions. A large percentage of an officer's driving time involves driving aggressively and at speeds above the posted limit. Responding to emergency calls and attempting to stop vehicles that choose not to stop are common duties performed by police officers. Albemarle County recognizes those risks and has a mandatory policy that all officers must wear their seatbelts while operating any Albemarle County owned vehicle.

The ACPD believes that teaching young drivers about the dangers of not wearing a safety belt is an excellent way to increase seatbelt compliance. We have identified a target population of high school students who will likely be driving in the near future. Our School Resource Officers and Traffic Officers speak to these students about a variety of issues, including the importance



# OCCUPANT PROTECTION

of wearing a safety belt. To further this message, the ACPD Traffic Unit and SROs go to each of the high schools annually and give away t-shirts to those drivers observed wearing their seatbelts. If a student is found to not be wearing his or her seatbelt, the officers discuss the safety issue with them and will generally give them a t-shirt after their safety belt is fastened. The shirts are typically in the schools' colors in an effort to further a sense of community responsibility for safety.

## POLICY

In August of 2010, **General Order 3-12** was revised to make it mandatory that all occupants of Albemarle County vehicles wear seatbelts whenever the vehicle is in operation. Albemarle County considers occupant protection a priority for its police officers.

The following is the Albemarle County Police Department policy as it reads in our policy manual:

### PURPOSE- General Order 4-05

Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action. However, overzealous enforcement, without consideration of the violator's familiarity 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 we serve. The intent of enforcement action should be to favorably alter the violator's future driving habits and gain voluntary compliance with traffic laws and regulations. Therefore, traffic enforcement actions (arrests, citations, warnings) by Albemarle County Police Officers will be in proportion with the times, locations and types of violations involved in traffic accidents and problems occurring in this jurisdiction. An officer's decision on the proper enforcement action to be taken will follow the guidelines set forth in this General Order and will also incorporate an officer's training, experience and professional judgment.

### P. SEATBELT ENFORCEMENT

1. It is a priority of the Albemarle County Police Department to protect occupants of motor vehicles that travel upon the County roadways.
2. Occupants of motor vehicles are far more likely to be injured or killed in a crash as a result of not wearing a seatbelt. Motor vehicle crashes are the leading cause of death to young children not secured in an approved child safety seat.
3. Each officer should ensure that, during every traffic enforcement contact, the use of safety restraints is addressed, to include positive reinforcement if proper use of the safety restraint is observed.
  - a. ALL vehicle occupants should be checked for compliance.

**OFFICER BELT USE POLICY**

Albemarle County Police Department General Order 3-12 section IV-B requires that all occupants of Albemarle County vehicles wear seatbelts whenever the vehicle is in operation.

**4. Use of safety restraints**

**A. All occupants of department vehicles except prisoners will properly wear seat belts whenever the vehicle is in operation.**

**B. Prisoners should be strapped in with seat belts unless it is not practical to do so.**

**C. A police officer may remove the seat belt just prior to the arrival at a call for service in which a rapid departure from the vehicle may be required.**

**D. Seat belts will, however, be worn any time the vehicle is being operated under emergency conditions.**

GENERAL ORDER	NO.	DATE OF ISSUE
VEHICLE SAFETY RESTRAINTS	4-12	April 1981
ISSUED BY	ISSUED BY	ISSUED BY
ISSUED BY	ISSUED BY	ISSUED BY

3



# OCCUPANT PROTECTION

- b. When safety restraints are not being used correctly, officers should provide the appropriate educational information to encourage their proper use.
- c. If the non-use or intentional misuse of safety restraints is noted, the appropriate enforcement action should be taken.
- d. ALL enforcement actions should be accomplished in a firm, fair, impartial and courteous manner using one of the following methods:
  - 1) Verbal warning
  - 2) Virginia Uniform Summons

## PLANNING

The Albemarle County Police Department Traffic Unit consists of a Lieutenant, a First Sergeant and six traffic officers who have two primary responsibilities. The unit investigates traffic crashes and all traffic related crimes. The Traffic Unit strives to reduce highway deaths, injuries, and property damage through enforcement and education. It is the goal of the police department to reduce traffic collisions with serious injuries and costly property damage. Crash trends are tracked and enforcement efforts are then focused in areas prone to crashes.

Officers of the Traffic Unit are specially trained in many areas of traffic safety to include occupant safety. Each year it is the goal of the Traffic Unit to improve on public education, especially to the younger/newer drivers and to improve on enforcement efforts. In 2016, the Albemarle County Police Department participated in "Click it or Ticket" in the May and November mobilizations.

In 2016, the Traffic Unit recorded public service announcements to promote seatbelt compliance.

The Albemarle County Police Department's Public Information Officer (PIO) also helps the traffic unit plan for enforcement mobilizations by releasing press releases and posting public awareness articles on the police department's Facebook page and on Twitter. The traffic unit deploys digital message boards in high traffic areas displaying, "Click It or Ticket." "Seat belt enforcement area" signs are also deployed in various locations around the county including outside the rear parking lot of the police department, reminding officers to buckle up. In addition, "Buckle Up" magnets are displayed throughout the police headquarters reminding officers to buckle up before going out on patrol as well as encouraging officers to enforce seat belt laws.



## TRAINING

In 2016, all new officers received training in the area of occupant protection. The program taught was called Below 100. This program encourages officers to wear their seatbelt, wear their vest, watch their speed, evaluate what's important at the present moment and remember that complacency kills. The training program's theory is that by addressing areas most under our control,



# OCCUPANT PROTECTION

we can dramatically cut officer line-of-duty deaths to below 100. In 2016, twelve new police officers finished their basic training, graduating from the Central Shenandoah Criminal Justice Academy. There they received specialized training emphasizing the importance of occupant protection in their crash investigations and motor vehicle laws, to include the occupant protection laws and the differences in the laws with adults and children.

## **PUBLIC INFORMATION AND EDUCATION**

The Albemarle County Police Department continues to promote the importance of the proper usage of safety belts and child restraints in motor vehicles. The police department believes in public education and awareness of Virginia's occupant protection laws.

Throughout the United States, individuals and organizations have worked to promote motor vehicle occupant protection for children, youth, and young adults. In spite of the great strides made, thousands of young people, from newborns through age 20, continue to die or experience serious injuries that could have been prevented had they been properly restrained in a child safety seat, booster seat, or safety belt.

During 2016, the Albemarle County Police Department took innovative approaches to get the message out to the public, and especially to young new drivers. Unfortunately, in 2016, three people lost their lives on Albemarle County highways

because they were unrestrained or unbelted including a 15 year old male. It is the goal of the police department to educate and promote public awareness to get this number down to zero deaths due to unrestrained occupants.

The first approach was through local press releases through our Public Information Officer. The PIO would contact the local news outlets and release public service announcements (PSA's) about any upcoming mobilizations and public awareness issues during the busy holiday travel weekends. The PIO would also use social media, including Facebook and Twitter.

To help supplement the press releases, Traffic Unit officers visited Monticello Media and Charlottesville Radio Group to record various PSA's for safe driving habits and "Click it or Ticket".

In addition to public service announcements, the officers of the Traffic Unit maintain good working partnerships with the local high school driver education programs. Traffic officers regularly attend these classes at the local high schools. The Albemarle County Police Traffic Unit strongly believes that reaching new drivers in person and discussing the perils and consequences of speeding, driving under the influence and not wearing a seatbelt is invaluable. When attending these classes, an open forum style is used, encouraging active participation from the teens.



# OCCUPANT PROTECTION

During the May 2016 “Click it or Ticket” mobilization, the Albemarle County Police Department Traffic Unit used a positive reinforcement tactic to reward young drivers for wearing their seatbelt. The police department used Photo Safe money to purchase t-shirts that stated “Don’t be That Friend! BUCKLE UP!!!”. Traffic Unit officers would stand at the exit of each Albemarle County high school and hand these t-shirts to drivers and passengers that were wearing their seatbelts, and took the opportunity to educate the young teens that were not wearing their seatbelts. Below is the design that was printed on the t-shirts for 2016.



Another approach to getting our message out to the motoring public is the use of portable message boards owned by the police department. Officers of the Traffic Unit would set-up these message boards in

specific enforcement areas to reach drivers first hand with messages like, “CLICK IT OR TICKET” and “BUCKLE UP, SAVE A LIFE”.

Throughout Albemarle County during the “Click it or Ticket” mobilizations the Traffic Unit places removable signage in the medians and roadsides to raise awareness of occupant protection.

## ENFORCEMENT

The Albemarle County Police Department recognizes that occupant protection continues to be an ongoing issue that needs to be addressed every year. Occupant Protection laws continue to be ignored by a significant number of motorists. To help combat this issue, the Traffic Unit utilized checkpoints and group enforcement efforts, combined with educational PSA’s and public awareness through the police department’s Facebook page and Twitter page.

In 2016, the Albemarle County Police Department issued **107 seatbelt summons** and **17 child seat summons**.

During the spring “Click it or Ticket” mobilization enforcement period in 2016, the Albemarle County Police Department issued a total of 31 traffic summons and had 38 contacts.

During the fall “Click it or Ticket” mobilization enforcement period, Albemarle County Police Department issued 62 traffic summons and had 71 contacts.



# OCCUPANT PROTECTION

Albemarle County Police Department also conducted 4 checkpoints throughout 2016.

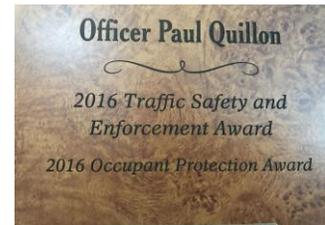
The Albemarle County Police Department promotes and advertises occupant safety through all of the traffic safety initiatives that the police department participates in every year. In all of the traffic safety initiatives officers focus on speeding, impaired driving and occupant protection. Through public awareness and visible enforcement, Albemarle County's seatbelt usage rate tends to be above the state average of 79%. At the end of the summer "Click it or Ticket" enforcement campaign the "Post" seatbelt usage rate was **97%** for Albemarle County.

At the beginning of every school year, the Albemarle County Police Department continues to raise awareness to motorists that school buses are back on the roadways. Press releases and local news interviews are conducted prior to the new school year beginning. Various message boards are set-up throughout the county near heavily traveled school zones. Strict enforcement is conducted for two weeks after school starts. Traffic officers strictly enforce the school zone speed limits and are focused during the arrival and dismissal times of the students.

## OUTCOMES

The Albemarle County Police Department annually recognizes its top performing officers in the area of traffic enforcement,

to include the officers that have issued the highest number of seatbelt summons, speeding summons and DUI arrests. Traffic safety and safe highways are a strategic goal for Albemarle County and these officers are a vital role in achieving these goals. For their traffic enforcement efforts in 2016, 9 officers were recognized by Chief Ron Lantz in a formal ceremony held at the police department. Officer Paul Quillon was awarded the Occupant Protection Award.



During that ceremony, the Van Hoovens (Father/Daughter) received the Saved by the Belt award for surviving a head on collision in 2016.



In addition to recognizing the hard work of the officers, the Albemarle County Police Department was awarded by DMV, Virginia Highway Safety Office the "Most Improved Seat Belt Use" and "Highest Seatbelt Use" awards.



# OCCUPANT PROTECTION



**VIRGINIA STATE SAFETY BELT USAGE**

**RATE 2016 = 79%**

**ALBEMARLE COUNTY SAFETY BELT USAGE**

**RATE 2016 = 97 %**



# ***OCCUPANT PROTECTION***



ALBEMARLE COUNTY POLICE DEPARTMENT  
**GENERAL ORDER**

NO.

4-05

DATE OF ISSUE:

November 1, 1999

SUBJECT:

**TRAFFIC LAW ENFORCEMENT**

REVISED/REVIEWED/RESCINDS:

Revised: 04/04, 04/12

Reviewed: 03/05

Rescinds: SO 03-05, SO 00/06/LZ/001,  
 SO 97/07/PO/001, SO 96/11/DP/001

VLEPSC STANDARDS:

ADM.02.03, ADM.02.04, OPR.07.01, OPR.07.03

APPROVED:

Signature on File

Chief of Police

LIST OF CONTENTS:

- I. POLICY
- II. PURPOSE
- III. PROCEDURE
  - A. TYPES OF ENFORCEMENT ACTION
  - B. SPECIAL CATEGORIES OF VIOLATORS
  - C. CHARGES PLACED UNDER COUNTY CODE VS STATE CODE
  - D. LAW ENFORCEMENT PRACTICES
  - E. TRAFFIC STOP OBJECTIVES
  - F. STOPPING THE TRAFFIC VIOLATOR
  - G. APPROACHING THE TRAFFIC VIOLATOR / OFFICER RELATIONS
  - H. WORKING WITH THE VIOLATOR
  - I. STOPPING A KNOWN OR SUSPECTED FELON
  - J. DRIVING UNDER A REVOKED OR SUSPENDED OPERATOR'S LICENSE
  - K. SPEED ENFORCEMENT
  - L. HABITUAL OFFENDERS
  - M. SPECIFIC TRAFFIC PROBLEMS
  - N. VIRGINIA UNIFORM SUMMONS (VUS)
  - O. PARKING ENFORCEMENT
  - P. SEATBELT ENFORCEMENT**

I. POLICY

Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action. However, overzealous enforcement, without consideration of the violator's familiarity 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 we serve. The intent of enforcement action should be to favorably alter the violator's future driving habits and gain voluntary compliance with traffic laws and regulations. Therefore, traffic enforcement actions (arrests, citations, warnings) by Albemarle County Police Officers will be in proportion with the times, locations and types of violations involved in traffic accidents and problems occurring in this jurisdiction. An officer's decision on the proper enforcement action to be taken will follow the guidelines set forth in this General Order and will also incorporate an officer's training, experience and professional judgment.

II. PURPOSE

To establish policy and procedures for traffic law enforcement, preventative patrol, proactive enforcement, and relations with motorists, pedestrians, bicyclists and the courts.

### III. PROCEDURES

#### A. TYPES OF ENFORCEMENT ACTIONS

1. Warnings
  - a. An effective verbal warning, properly given, can often build a positive rapport with the driver and be more effective than any other type of enforcement action.
  - b. A verbal warning may be issued to a violator whenever:
    - 1) There is a minor traffic infraction committed in those areas where traffic accident occurrences are minimal; or
    - 2) When the act may be due to ignorance of a local ordinance which may be a violation unique to this area.
2. Citation
  - a. A Virginia Uniform Summons (VUS), the "traffic summons" should be issued to any violator.
  - b. Especially violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including:
    - 1) Hazardous moving violations; or
    - 2) Operating unsafe or improperly equipped vehicles.
3. Physical Arrest
  - a. Officers will make physical arrests of traffic law violators in compliance with VA Code Section 46.2-940.
  - b. Situations addressed by this code section include:
    - 1) Violators of traffic laws pertaining to Driving Under the Influence of Alcohol or Other Intoxicants.
    - 2) Whenever a felony has been committed involving a vehicle.
    - 3) Whenever the operator refuses to sign the promise to appear on the traffic summons.
    - 4) Whenever the operator is licensed by a non-reciprocating state.
    - 5) Whenever the officer has reason to believe that the person will not comply with the summons if issued.

#### B. SPECIAL CATEGORIES OF VIOLATORS

1. Juveniles
  - a. Officers should consider verbal warnings for juveniles who commit minor, non-hazardous violations.
  - b. Warnings, if given, may include contact with the parents.
2. Foreign Diplomats and Consular Officials
  - a. Officers may issue a VUS to any diplomat or Consular Official, when circumstances dictate.
  - b. These officials can NOT be taken into custody for refusing to sign a summons.
  - c. Although the individual may or may not appear in court, the Department of State monitors individuals driving behavior and will suspend the operators license of those individuals who demonstrate irresponsible driving habits.
  - d. Diplomats and Consular Officials who are caught driving under the influence (DUI or DUID) should:
    - 1) Not be permitted to continue driving
    - 2) Have vehicle impounded in accordance with departmental policy if necessary
  - e. Under Federal Law, Foreign Diplomats and Consular Officials are not liable to arrest or detention prior to trial unless for commission of a felony.

- f. Notify the U. S. State Department or the U. S. Magistrate if such individuals are arrested or detained.
3. The Lieutenant Governor and members of the Virginia State Legislature
    - a. Under Title 30-6 of the Code of Virginia, during the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, members of the General Assembly, or the Clerk thereof and their assistants, shall be privileged from being taken into custody except for treason, a felony, or a breach of the peace.
    - b. The issuance of a traffic summons for a moving violation is allowed, as is a physical arrest in the case of an offense involving Driving Under the Influence (DUI or DUID).
  4. Military Personnel
    - a. Military personnel on active duty with the armed services of the United States, spouse or a dependent child not less than 16 years of age who has been licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a valid driver's license issued to him in his home state or country shall be permitted to lawfully operate a vehicle in the Commonwealth. (VA Code 46.2-306.)
    - b. Every person in the armed services of the United States, when furnished with a driver's license and when operating an official motor vehicle in such service, shall be exempt from licensure in the Commonwealth. (VA Code 46.2-305.)
  5. Non-Residents

A nonresident over the age of 16 years and three months

    - a. Who has been duly licensed as a driver under a law requiring the licensing of drivers in his home state or country and
    - b. Who has in his immediate possession a driver's license issued to him in his home state or country shall be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth. (VA Code 46.2-307.)
  6. Pedestrians
    - a. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles.
    - b. They shall cross, wherever possible, only at intersections or marked crosswalks.
    - c. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections or between intersections when crossing by the most direct route. (VA Code 46.2-923.)
    - d. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing such highway:
      - 1) At crosswalks
      - 2) At any regular pedestrian crossing
      - 3) Intersections where the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour. (VA Code 46.2-924.)
  7. Bicyclists, Mopeds and Animals
    - a. Every person riding a bicycle, moped or an animal or driving an animal on a highway shall be subject to the provisions of Chapter 8 of the VA Code and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise. (VA Code 46.2-800.)
    - b. Law Enforcement Officers operating bicycles and mopeds under emergency conditions are exempt from this section.

## 8. Multiple Violations

When an officer observes multiple violations by one person,

- a. The officer may cite the individual for all of the violations, or
- b. The officer may cite the person for the most serious violations and give warnings on the other less serious charges.

## 9. Commercial Vehicles

- a. Officers will investigate any violation in reference to Public Carriers (Busses, Taxis, etc.) and Commercial Vehicles (Tractor Trailers, Multiple Trailers, Tankers, etc.).
- b. Officers will reference Sect. III, Sub. N, of this General Order on issuing a summons.
- c. If technical advice and/ or assistance is needed officers will contact one of the two local Virginia State Police Motor Carrier Units.
  - 1) They are based in Lynchburg (434)582-5141 and sub-station in Staunton (540) 885-2142.
  - 2) These Troopers can be reached after hours by contacting the local VSP office and having them paged.

## 10. New Enacted Laws and/or Regulations

- a. Officers should allow a grace period during which time warnings are issued before enforcing newly enacted traffic laws or ordinances unless public safety is jeopardized by not immediately enforcing the new law.
- b. A similar grace period of warnings instead of summonses should also be considered when speed limits are changed or other regulatory signs are erected.

## 11. Other Hazardous Violations

- a. As with speeding violations, there are broad ranges in the seriousness of hazardous traffic violations that an officer is likely to encounter.
- b. To determine what enforcement may be appropriate, the officer should consider factors such as
  - 1) Time of day,
  - 2) Weather/traffic conditions, and
  - 3) If the violation appeared flagrant or intentional.

## 12. Other Non-Hazardous Violations

- a. Officers should take into consideration whether non-hazardous violations are repetitive or flagrant when deciding what enforcement action to take.
- b. Warnings may suffice.

## C. CHARGES PLACED UNDER COUNTY CODE VS STATE CODE

1. All summonses must include the County Code reference 9-100 in front of the VA Code statute before the summons is issued to the offender.
2. If the magistrate does not include the County Code reference 9-100 on a warrant, the officer should write 9-100 in front of the applicable Virginia Code statute on the warrant before the warrant is served.

## D. TRAFFIC LAW ENFORCEMENT PRACTICES

1. Moving Enforcement or Observations
  - a. Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties.
  - b. Selective Enforcement involves a response to:
    - 1) A citizen's request or complaint,

- 2) Potentially hazardous road or intersection, or
  - 3) Directed patrol by supervisor.
2. Stationary Enforcement or Observations
    - a. Covert or overt techniques may be used to make observations about the flow of traffic at a particular location.
    - b. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where just the presence of the vehicle will serve to remind passing motorists of the need for compliance with the traffic laws.
  3. Use of Unmarked Vehicles for traffic enforcement
    - a. Although this department does not regularly use unmarked vehicles for the specific purposes of traffic enforcement, there are exceptions.
      - 1) Investigation and administration personnel all use unmarked vehicles and may find it necessary to make traffic stops.
      - 2) Due to vehicle availability, when marked units are receiving necessary repairs, a patrol officer may use an unmarked vehicle for his regular tour of duty.
      - 3) An unmarked unit may be assigned to an officer as part of a selective enforcement assignment.
    - b. When an unmarked vehicle is used to make vehicle stops for the purpose of traffic law enforcement, the unmarked vehicle must be equipped with emergency lights, siren and constant radio communication.
    - c. When an unmarked vehicle is used for traffic law enforcement the officer **MUST** be in uniform.
    - d. If an officer is not in uniform and it becomes necessary to make a traffic stop then the officer will either:
      - 1) Have a second officer issue the VUS or
      - 2) Obtain a warrant for the driver

#### E. TRAFFIC STOP OBJECTIVES

1. There are two major objectives of a traffic stop:
  - a. Immediate objective: to take appropriate enforcement action.
  - b. Ultimate objective: to favorably alter future driving behavior.
2. The attainment of these two objectives:
  - a. Demands flexibility on the part of the officer.
  - b. Depends upon the officer's ability to evaluate:
    - 1) The violator's mental outlook
    - 2) Physical condition
    - 3) Facts concerning the violation.
3. Minimize any conflict, which may develop that would be detrimental in achieving the two major objectives of the traffic stop.

#### F. STOPPING THE TRAFFIC LAW VIOLATOR

See General Order 4-29, Traffic Stops.

#### G. APPROACHING THE TRAFFIC VIOLATOR/OFFICER RELATIONS

Once the Officer stops the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of Officer-Violator relationships:

1. Be alert at all times for the unexpected, but do not be obviously apprehensive.

2. Be absolutely certain the observations of the traffic violations were accurate, without reservation.
3. Present a professional image in dress, grooming, language, bearing and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude.
  - a. In most cases, it is advisable to have the form of enforcement action decided upon prior to the initial contact with the violator.
  - b. An exception to this would be when the officer, through conversation, finds an out-of-state driver performing a violation that would not be a violation in his jurisdiction, and the officer then decides to issue a verbal warning rather than a citation as initially intended.

#### H. WORKING WITH THE VIOLATOR

1. Greet the violator in a courteous manner.
2. Ask for the violator's driver's license and vehicle registration, accept only these forms.
3. Any attempt by the driver to offer money to the officer should be quickly refused; any persistence in the offering should be treated as an attempted bribery.
4. If the driver does not have a driver's license in his/her possession, obtain another document of identification, preferably one that includes a photograph of the driver.
5. Inform the violator of what traffic law he/she has violated and the intended enforcement action.
6. Answer any question the violator may have, without debating the case. Do not argue with, berate, belittle, or otherwise verbally abuse the violator.
7. If during these activities the elements of probable cause for some criminal activity become evident (i.e. contraband, illegal weapons, evidence of drugs), the officer should act upon this probable cause to make an arrest and proceed accordingly.
8. Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision. If feasible, the officer should issue a summons for the cause for the initial stop in situations where subsequent charges arise and are being placed (i.e. contraband, illegal weapons, or drugs).
9. Explain to the violator exactly what he is supposed to do in response to the action taken.
10. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
11. Be alert to any emotional stress exhibited by the violator. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
12. Return the violator's driver's license, registration, and issue him the violator's copy of the VUS, if he/she is to be cited.

13. At this point, after you have returned the operators license and registration to the driver, a consensual search may be requested.
14. Assist the violator in safely reentering the traffic flow.

I. STOPPING A KNOWN OR SUSPECTED FELON

See General Order 4-29, Traffic Stops.

J. DRIVING UNDER A REVOKED/SUSPENDED OPERATOR'S LICENSE

1. VA Code 46.2-301, 301.1, and 302 requires special enforcement for the operation of a motor vehicle after the privilege to drive has been revoked or suspended.
2. Once an officer has identified the driver as driving with a potentially suspended or revoked operator's license, the officer should:
  - a. Either based on personal knowledge or based on QT information, verify the license status and determine the reason for suspension/revocation.
  - b. Advise the driver of his/her Miranda Warnings and then question him/her about the status of his/her license.
  - c. Based on their response,
    - 1) If yes, the officer may release on VUS or take into custody and handle appropriately.
    - 2) If no, inform the driver that DMV records indicate that his/her privilege to drive has been suspended or revoked.
  - d. Confiscate as evidence any license produced by the driver.
  - e. Officer will issue DMV Form, "Suspension/Revocation/Disqualification Notice" and surrender of Drivers license/License plates when needed.
3. No physical arrests should be made for operating a motor vehicle after the privilege to drive has been suspended or revoked unless:
  - a. The driver refuses to give written promise to appear by refusing to sign the summons.
  - b. The officer has probable cause to believe that the driver will likely disregard the summons if issued.
  - c. The driver refuses to discontinue the unlawful act by driving or attempting to drive away.
  - d. The driver is a resident of a non-reciprocating state.
  - e. The officer is unable to sufficiently establish identification information on the driver in order to properly complete the summons.
4. If suspension/revocation was not DUI or DUID related the following actions may be used.
  - a. If another licensed driver is present he/she may be allowed to drive the vehicle.
  - b. If no other licensed driver is available, the driver charged should be allowed, within reason, to contact someone to transport him/her and the vehicle to their destination.
  - c. If no one can be contacted within a reasonable amount of time, and the vehicle is not legally parked, his/her vehicle should be towed according to Department policy.
5. An officer who sees an individual driving, who is known to be under suspension or revocation, if not able to stop the individual in a timely manner, may swear out a warrant for the violator.

K. SPEED ENFORCEMENT

1. Uniform methods of enforcement of speed laws in Albemarle County should be applied by all officers.

2. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.
  - a. Pacing
    - 1) The officer should follow the vehicle being paced at a constant interval for an adequate distance, at least one-quarter of a mile, to obtain a reading on the speedometer indicating a speed exceeding that posted.
    - 2) All speedometers must be calibrated at least every six months and a certificate should be available for court use.
  - b. Radar Enforcement
    - 1) Radar is to be utilized by Department personnel for patrol functions and for selective enforcement actions.
    - 2) Officers utilizing radar must have a current radar certification.
    - 3) Generally, the following procedures are applicable to operation of radar units:
      - (a) Radar units will always be operated in compliance with manufacturer's instructions.
      - (b) Two piece radar units will be properly installed in the vehicle and connected to the appropriate power supply.
        - Hand held units will be utilized following correct procedures.
        - Hand held units are authorized for stationary use by the Bicycle Patrol.
      - (c) The effective range of the particular radar unit must be thoroughly understood by the operator, so visual observations can support the target speed readings
      - (d) The operator should choose an appropriate location in accordance with traffic accident experience in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar.
      - (e) The radar unit must be tested at the beginning and end of the officer's shift, at a minimum. The testing procedures shall include:
        - Light test (all lights must work);
        - Internal circuit test (results must be exact);
        - External / Tuning fork test (results must be within +/- 1 mph);
        - Patrol Speedometer Verification Test (results must be within +/- 2 mph) excepting the stationary use by the Bicycle Patrol;
      - (f) If the radar unit fails any of the above tests or demonstrates other apparent malfunction(s), it shall be turned in to the Technical Support Section for service.
      - (g) Officers shall conduct a tracking history to include:
        - Visual estimate of speed;
        - Audio tracking;
        - Radar digital display tracking;
        - Patrol speed verification (if in the moving mode).
      - (h) Radar units will be secured in the police vehicle during wet weather conditions and when the officer is away from the vehicle for an extended period of time.
    - 4) The following elements must be established in court by the officer when radar speed charges are placed:
      - (a) The location and posted speed of the violation;
      - (b) The time and date of the violation;
      - (c) The tracking history;
      - (d) The vehicle description and the driver's ID;
      - (e) Any statements made by the driver;
      - (f) Radar unit testing procedures and results (before and after);

- (g) Speedometer calibrations (if in moving mode);
  - (h) That the radar was used according to the manufacturer's guidelines;
  - (i) That the officer was in uniform; and
  - (j) Officer must be able to cite radar training received.
- 5) Radar training records must be maintained by the T. P. D. Unit with the assistance of the Radar Instructor.
  - 6) The Technical Support Section shall be responsible for the following:
    - (a) All Department radar units meet current NHTSA standards;
    - (b) All radar units receive proper care and upkeep;
    - (c) All required maintenance and calibrations of radar units and tuning forks are performed; and
    - (d) Records are kept concerning the above.
- c. Laser Speed Enforcement
- 1) Laser Speed Determination Devices are to be utilized by Department personnel for patrol functions and for selective enforcement actions.
  - 2) Officers utilizing laser must have a current laser certification.
  - 3) The device will be operated in compliance with manufacturer's instructions.
  - 4) The operator of the laser speed determination device will not use the device if the operator has a concern for his/her safety. Safety of the operator will at all times outweigh the need to deploy the laser speed determination device.
  - 5) Officers shall conduct a tracking history to include:
    - (a) Visual estimate of speed;
    - (b) Audio tracking;
    - (c) Laser digital display of speed.
  - 6) When driving, the laser unit shall be secured to prevent damage.
  - 7) TESTING
    - (a) The laser test site behind the Police Department has been surveyed by a licensed surveyor and the notarized certificate is on file with the Services Unit Office Manager.
    - (b) Each Laser will be tested **every six months** by a supervisor on the test site and a notarized certificate will be completed and filed with the Services Unit Office Manager.
    - (c) The Laser speed determination device shall be tested at the beginning and end the operator's tour of duty.
    - (d) Testing procedures vary according to the manufacturer. If the manufacturer's testing instructions differ from the testing procedures listed, then the manufacturers testing instructions will be followed.
    - (e) Unless the manufacturer's testing instructions differ, the following testing procedures for the laser speed determination will be used:
      - If the unit performs a self-test when powered up, the operator shall observe the self-test and ensure that the unit passes.
      - The operator shall ensure that all segments of the Liquid Crystal Display are functioning.
      - The operator shall perform a **Distance Check Test** by performing the following:
        - Stand at the 0-foot point of the test site holding the laser speed determination device as directly over the 0-foot point as possible.
        - The operator shall aim the laser at the reflective surface on the 101-foot post and note the distance. This reading must be accurate to plus or minus one foot.

- The operator shall aim the laser at the reflective surface on the 51-foot post and note the distance recorded by the laser. This reading must be accurate to plus or minus one foot.
  - The operator shall press the select/edit button and the difference in distance between the 101 foot post and the 51 foot post should be displayed. This distance should be 50 feet + or – one half foot or 49.5 to 50.5 feet.
  - The laser will also display a speed that is representative of a vehicle traveling 50 feet + or – one foot between two pulses. This speed should be 99 to 101 MPH.
  - The operator shall then perform a **Sight Alignment Test** by performing the following:
    - Aim the laser speed determination device at the reflective surface on the 51-foot post. (Be aware that the center of the scope and the center of the transmit lens are offset by 2 inches.) The operator shall move the laser up and down (vertically) across the reflective surface noting the distance measured as the laser passes on and off the reflective surface, and or the shift in audible tone produced by the laser speed determination device.
    - The operator shall move the laser side to side (horizontally) across the reflective surface on the 51-foot post noting the distance measured as the laser passes on and off the reflective surface, and or the shift in audible tone produced by the laser speed determination device.
    - The sight of the laser shall correspond to the distances noted, and or the audible tone produced as the laser sight passes on and off the reflective surface.
- (f) If the device fails any of the above tests or demonstrates other apparent malfunctions, it shall be turned into the Technical Support Section for service.
- 8) COURT
- (a) The following elements must be established in court by the officer placing the charge.
- The location and the posted speed of the violation;
  - The time and date of the violation;
  - The tracking history;
  - The vehicle description;
  - The drivers ID;
  - Any statements made by the driver;
  - Laser unit testing procedures and results (before and after);
  - That the officer was in uniform; and
  - Officer must be able to cite laser training received.
- (b) For court purposes, officers will need a copy of the certificates listed above, as well as information about the tests that they performed on the day of the offense.
- 9) TRAINING
- (a) TPDU will maintain laser-training records.
- (b) Operators must have a current laser operator’s certificate prior to making an arrest or issuing a summons.
- 10) MAINTENANCE/ CERTIFICATIONS
- The Technical Support Section shall be responsible for:

- (a) Ensuring all departmental laser speed determination devices are approved by the Commonwealth of Virginia Department of General Services, Division of Purchases and Supply.
  - (b) Ensuring all laser speed determination devices receive required maintenance.
  - (c) Ensuring all laser speed determination devices are certified in accordance with required schedules.
  - (d) Maintaining maintenance and certification records.
3. Arrested Suspect's Vehicle
- a. Alternative driver (may be called).
  - b. Have it legally parked.
  - c. Have it towed in accordance with State Law.
  - d. See G. O. 4-08 Towing and Storage of Vehicles

L. HABITUAL OFFENDERS

See General Order 4-28, Habitual Offenders

M. SPECIFIC TRAFFIC PROBLEMS

- 1. Recommendation for Reexamination by DMV
  - a. During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
  - b. In such cases, in addition to the enforcement action by the officer, the officer will notify the Virginia Department of Motor Vehicles of these findings or suspicions, giving the violator's full name, date of birth, operator's license number and a brief description of the disability noted.
  - c. The Driver Deficiency Report Form may be used for this purpose.
- 2. Off-Road Vehicles, including Dirt Bikes, ATV's, etc.
  - a. Accidents involving off-road vehicles that do not occur on a public highway do not require that a State accident report be filed, but a Department incident report must be filed to record the accidental injury.
  - b. Any officer observing an unlicensed, recreational, off-road vehicle, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action.
  - c. Enforce laws, local ordinances, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

N. VIRGINIA UNIFORM SUMMONS (VUS)

- 1. The Virginia Uniform Summons (VUS) will be completed for all violations of traffic laws charged by members of the department. The VUS:
  - a. Provides a uniform method of submitting information to the courts.
  - b. Provides an orderly method of collecting and compiling statistical information concerning this department's enforcement activities.
  - c. Serves as a record for the officer concerning arrests made.
- 2. Completion of the VUS
  - a. Where applicable, NCIC accepted abbreviations may be used.
  - b. Complete the VUS by filling in the necessary blanks, as follows:
    - 1) Hearing date.
    - 2) File number - leave blank.

- 3) Check box indicating appearance in the appropriate court.
  - 4) Enter month, date and year of court appearance.
  - 5) Enter time of day for court appearance.
  - 6) Check appropriate block for Code where the charge may be found.
  - 7) Write in the County Code 9-100 and appropriate VA Code Section.
  - 8) Write in the common name of the charge (i.e., speeding, failure to yield, etc.).
  - 9) In the case of speeding charges where radar was used, indicate either moving or stationary radar.
  - 10) Summons must be signed by the violator unless it is accompanying a warrant.
  - 11) Check the bottom left block, reference avoiding coming to court, only when applicable.
  - 12) Write in the telephone number of the appropriate court, if necessary, (prepayment recording, 972-4014).
  - 13) Name of violator.
  - 14) Address of violator (Do not use Post Office Box Number) to include street address, city, state, and zip code.
  - 15) Fill in blocks for Race, Sex (M or F), Date of birth, Height, Weight, eye color, operator license number, state of issuance, vehicle description (use standard NCIC abbreviations), jurisdiction of offense (002 if occurred within Albemarle County), month, date, and year of offense, day of week (use first two letters of the day), direction - motor vehicle violation only (indicate direction of travel), accident - motor vehicle violation only (check appropriate box).
  - 16) For weather, use clear (clr), cloudy (cdy), rain (rai), snow (sno), sleet (sle), icy (icy).
  - 17) Route No. /Street - State route number or street name.
  - 18) Location of offense - Location where offense occurred that is listed in this summons. Must give direction to next cross street and the cross street's name if known.
  - 19) Arrest date - Month, day and year of actual arrest.
  - 20) Arrest location - Exact location of arrest.
  - 21) Officer name and badge number.
3. Distribution of Copies-Virginia Uniform Summons
- a. Normal Distribution
    - 1) Page 1 - to respective court
    - 2) Page 3 - to defendant
    - 3) Page 4 - to Records and Communication Section, the Police Clerk will file in Department records
    - 4) Page 5 - held by arresting officer
  - b. If page 2 or 5 is forwarded to Records and communication section,
    - 1) The Police Clerk will query DMV
    - 2) Request that a Driver transcript be mailed to issuing Officer
    - 3) Return these copies to the officer with the DMV confirmation.
4. Voiding Summons
- a. The following are the most common reasons for voiding traffic summons:
    - 1) Violator gave false information, such as wrong name, address, etc.
    - 2) Officer entered wrong information which caused the citation to be invalid. (When voiding the citation, indicate the number of the new citation.)
    - 3) Violation occurred outside legal jurisdiction.
    - 4) Stopped wrong car.

- 5) Traffic signs missing or obscured.
  - 6) Officer misread restriction.
  - 7) Error in computing vehicular speed.
  - 8) After issuing citation on vehicle, officer discovered previous citation had been issued by another officer. (Officer must indicate on the voided citation the number of the citation previously written on the vehicle).
  - 9) Officer unable to complete the citation because of receiving an emergency call such as a robbery in progress, assist another officer, etc.
- b. The following procedures will be adhered to when voiding summons issued in error by members of this department.
- 1) A traffic citation may be voided if written in error or if extenuating circumstances listed above make it necessary.
  - 2) In voiding a traffic citation which has not been signed by violator the following steps shall be taken:
    - (a) The officer shall print "void" and a concise statement of the reason for the voiding on all copies of the citation and turn it into Services Division.
    - (b) Voided summonses are maintained in a separate file by the Office Manager.
- c. A summons which has been issued and signed cannot be voided. Once signed it is a legal court document and must be processed by the court, either as a dismissal or a "nolle prosequere".
5. Additional Reports
- a. Should a custodial arrest result from a traffic stop, the VUS will be filled out completely and the information will be used in obtaining a warrant for the suspect driver from a magistrate.
  - b. In this instance, it is not necessary for the suspect driver to sign the VUS.
  - c. The VUS will be processed as previously explained in this section. The incident/arrest number should be placed on the department copy of the VUS.
  - d. If the suspect driver is being charged with DUI, see the appropriate section of this policy for proper reporting procedures and a listing of supplemental reports which must be completed.

#### O. PARKING ENFORCEMENT

1. The tickets to be issued under the Albemarle County Parking Ordinance will be issued from Services Division.
  - a. Officers must sign out the parking tickets and record the ticket numbers.
  - b. Parking tickets are an accountable item.
  - c. Parking tickets must be turned in once issued by the end of your tour of duty.
  - d. If a parking ticket is voided, it must be marked as such and still turned in.
2. Officers are authorized to issue parking tickets on
  - a. Any public highway, street, alley, public easement or other public thoroughfare in the county or
  - b. Any private street that is open to public access, county-owned property, or area designated as "open to the public" (shopping centers, schools, apartment complexes, etc.)
3. Officers will utilize discretion in issuing parking tickets for fire lane violations when someone is dropping someone off at a curb. The individual should be warned first that he/she is in violation and given an opportunity to move the vehicle to a legal parking spot.
4. Officers will also utilize discretion and common sense in the enforcement of "parking on any sidewalk" and on "grass", unless such parking is indicated by sign as permissive.

5. Officers may enforce the County Ordinance within the boundaries of Scottsville.
6. Parking tickets will **NOT** be issued to motorists who are stopped for a traffic infraction or at a checkpoint. VUS's will be issued in these situations.
7. Officers will **NOT** enforce County Code Sec. 12-6.2, titled Vehicle Requirements. Enforcement of Vehicle Registration and State Inspection must still be handled as a moving violation and an appropriate VUS issued.

**P. SEATBELT ENFORCEMENT**

1. It is a priority of the Albemarle County Police Department to protect occupants of motor vehicles that travel upon the County roadways.
2. Occupants of motor vehicles are far more likely to be injured or killed in a crash as a result of not wearing a seatbelt. Motor vehicle crashes are the leading cause of death to young children not secured in an approved child safety seat.
3. Each officer should ensure that, during every traffic enforcement contact, the use of safety restraints is addressed, to include positive reinforcement if proper use of the safety restraint is observed.
  - a. ALL vehicle occupants should be checked for compliance.
  - b. When safety restraints are not being used correctly, officers should provide the appropriate educational information to encourage their proper use.
  - c. If the non-use or intentional misuse of safety restraints is noted, the appropriate enforcement action should be taken.
  - d. ALL enforcement actions should be accomplished in a firm, fair, impartial and courteous manner using one of the following methods:
    - 1) Verbal warning
    - 2) Virginia Uniform Summons



# SPEED AWARENESS

## PROBLEM IDENTIFICATION

Similar to impaired driving, speed-related crashes pose a major threat to Albemarle County residents. Of the fatal crashes in 2016 investigated by the Albemarle County Police Department, 28.5% involved speed. Albemarle County has many narrow, rural roads heavily lined with trees. There is very limited room for driver error on these roads, and speed greatly increases the odds of an injury in these crashes. Additionally, speed is frequently cited as a community concern for neighborhoods within the urban ring. Our community is very vocal regarding their concerns about traffic safety.

Speeding problems have been identified by both community and engineering input. When a citizen makes a complaint regarding speeding in a neighborhood, an examination of that neighborhood is conducted. If warranted, a speed study is conducted in conjunction with the Virginia Department of Transportation. If a problem is found, speed-calming solutions and engineering solutions are examined. Additionally, high-crash areas are also frequently monitored with speed studies to determine if this is a factor in the occurrence of crashes. Agency personnel and VDOT have conducted speed studies to determine the severity of the problem and temporal factors.

In 2016, the Albemarle County Police Department Traffic Unit investigated seven fatal crashes. **Of those seven fatal crashes, only two were speed related.** In addition, the Albemarle County Police Department investigated 600 reportable motor vehicle crashes involving injury or death. Of those crashes, 105 were speed related. This number is down from 110 in 2015.

The Albemarle County Police Department Traffic Unit identifies many speeding problems through the Police Department's webpage, Facebook, direct email or phone messages that go through the First Sergeant of the Traffic Unit. To help address some of the speeding complaints and identified problem areas, the police department utilized DMV grant funds to hire traffic officers and/or off duty patrol officers to conduct strict traffic enforcement in some of the identified areas. In 2016, the police department conducted 64 selective enforcement operations using DMV grant funds specifically for speed enforcement. **In 2016, the police department issued a total of 2042 speeding summonses.**

The Traffic Unit also uses the StealthStat device to help identify speeding problems by collecting traffic data on problem highways such as peak times for speeding at certain locations and the average speed of passing vehicles. This device is attached to a pole or tree where it collects data from passing vehicles while drivers are unaware they are being monitored. This is also a



# SPEED AWARENESS

great tool to determine if traffic/speeding complaints are valid before deploying a lot of resources to a particular area. For example, when a problem area is identified, traffic officers will deploy message display boards and speed trailers in an identified problem area for a few days before conducting strict visible enforcement.

## POLICY

The Albemarle County Police Department has detailed written guidelines and policies for speed enforcement and is conveyed in General Order 4-05 which outlines the policies that detail traffic enforcement, RADAR/LIDAR enforcement, and the calibrations of those instruments. Below are a few examples and excerpts of the General Orders and guidelines as they relate to speed enforcement and calibrations. They are also separately attached in their entirety as allowed.

GENERAL ORDER	NO	DATE OF ISSUE
GENERAL ORDER	4-05	November 1, 1999
<b>SUBJECT</b> TRAFFIC LAW ENFORCEMENT	<b>REVISED/REVIEWED/RESUBMITTED</b> Revised: 04/04 Revised: 03/05 Revised: SO 03-05, SO 00/06/LZ001, SO 97/07/ PO001, SO 06/11/DP001	
<b>VEHICLE STANDARDS</b> AD-0602-03, AD-0602-04, OPR-01-03, OPR-07-01, OPR-07-02, OPR-07-03, OPR-07-04, TRN-02-01	<b>APPROVED:</b> Signature on File Chief of Police	
<p><b>II. PURPOSE</b> To establish policy and procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relations with motorists, pedestrians, bicyclists and the courts.</p> <p><b>III. PROCEDURES</b></p> <p><b>A. TYPES OF ENFORCEMENT ACTIONS</b></p> <p>1. <b>Warnings</b></p> <p>A. An effective verbal warning, properly given, can often build a positive rapport with the driver and be more effective than any other type of enforcement action.</p> <p>B. A verbal warning may be issued to a violator whenever:</p> <ol style="list-style-type: none"> <li>There is a minor traffic infraction committed in those areas where traffic accidents occur or are minimal.</li> <li>When the act may be due to ignorance of a local ordinance which may be a violation unique to this area.</li> </ol> <p>2. <b>Citations</b></p> <p>A. A Virginia Uniformed Services (VUS) or "traffic summons" should be issued to any violator.</p> <p>B. Especially violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including:</p> <ol style="list-style-type: none"> <li>1. Hazardous moving violations, or</li> <li>2. Operating unsafe or improperly equipped vehicles.</li> </ol> <p>3. <b>Physical Arrest</b></p> <p>A. Officers will make physical arrests of traffic law violators in compliance with VA Code Section 46.2-040.</p> <p>B. Situations addressed by this code section include:</p> <ol style="list-style-type: none"> <li>1. Violators of traffic laws pertaining to driving under the influence of Alcohol or Other Intoxicants.</li> <li>2. Whenever a felony has been committed involving a vehicle.</li> <li>3. Whenever the operator refuses to sign the promise to appear on the traffic summons.</li> <li>4. Whenever the operator is licensed by a non-recognizing state.</li> <li>5. Whenever the officer has reason to believe that the person will not comply with the summons if issued.</li> </ol>		

## Policy

**General Order 4-05** – Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action.

## PLANNING

Each year, the Albemarle County Police Department Traffic Unit sets strategic goals based on crash statistics and community complaints. It is then decided whether to deploy the StealthStat machines, the display boards or the radar trailers to those areas. The following were the unit's goals for calendar year 2016:

- To educate more through more public service announcements and social media.

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<p><b>K. SPEED ENFORCEMENT</b></p> <p>1. Uniform methods of enforcement of speed laws in Albemarle County should be applied by all officers.</p> <p>2. Procedures for the enforcement of law applying to speed will vary in accordance with the type of equipment used.</p> <p><b>A. Radar</b></p> <ol style="list-style-type: none"> <li>1. The officer should follow the vehicle being radar at a constant interval for an adequate distance, at least one-quarter of a mile, to obtain a reading on the speedometer indicating a speed exceeding that posted.</li> <li>2. All speedometers must be calibrated at least every six months and certificates should be available for review.</li> </ol> <p><b>B. Radar Enforcement</b></p> <ol style="list-style-type: none"> <li>1. Radar is to be utilized by Department personnel for patrol functions and for selective enforcement actions.</li> <li>2. Officers utilizing radar machines must receive certification.</li> <li>3. Generally, the following procedures are applicable to operation of radar units: <ul style="list-style-type: none"> <li>A. Radar units will always be operated in compliance with manufacturer's instructions.</li> <li>B. Two police radar units will be properly installed in the vehicle and connected to the appropriate power supply.</li> <li>C. Handheld units will be utilized in the following circumstances: <ul style="list-style-type: none"> <li>- Handheld units are not used for stationary use by the Bicycle Patrol.</li> </ul> </li> <li>C. The effective range of the particular radar unit must be thoroughly understood by the operator, or visual observation can suggest the target speed reading.</li> <li>D. The operator should choose appropriate location in accordance with traffic volume, operation in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar.</li> <li>E. The radar unit must be used at the beginning and end of the officer's shift, at a minimum. The testing procedures shall include: <ul style="list-style-type: none"> <li>1. Light test (all lights must work).</li> <li>2. Manual check test (results must be correct).</li> <li>3. Blurred/Tracking/offset (results must be within +/- 1 mph).</li> <li>4. Patrol Speedometer Verification Test (results must be within +/- 2 mph) excepting the stationary use by the Bicycle Patrol.</li> </ul> </li> <li>F. If the radar unit fails any of the above tests or demonstrates other apparent malfunctions, it shall be turned into the Technical Support Section for service.</li> </ul></li></ol>		



# SPEED AWARENESS

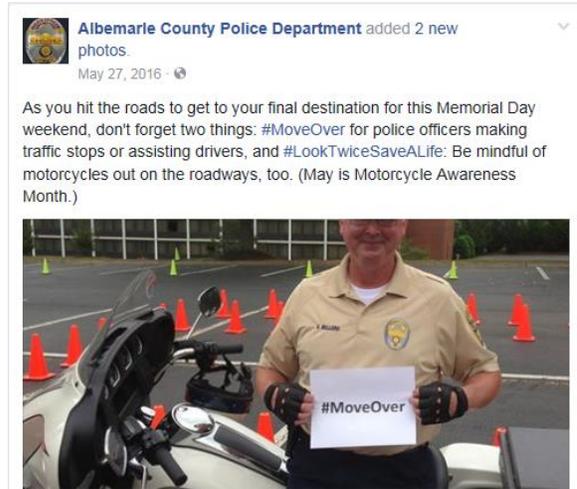
To conduct more public safety presentations in the community.

- To conduct more Traffic Unit group enforcement efforts in high problem areas.

The Albemarle County Police Department Traffic Unit utilizes two radar trailers, two message display boards, and two StealthStat machines to help educate the public and determine where to allocate needed resources.



Reaching out to local media outlets has helped the police department get our messages out to a larger audience through press releases, and social media postings such as Facebook, YouTube, Twitter, radio and television public service announcements.



## TRAINING

In 2016, officers from the Albemarle County Police Department received training and recertification in areas related to speeding and speed enforcement. In 2016, 38 Albemarle County police officers received speed related training.

## PUBLIC INFORMATION AND EDUCATION

The Albemarle County Police Department understands that speeding is a quality of life issue for the residents that live in Albemarle County. Through innovative enforcement strategies and developing strong relationships and partnerships with the local media, we hope to raise public awareness of speed and its dangers to drivers and to others in the community.

The Albemarle County Police Department also participates in highly publicized enforcement campaigns throughout the year. These campaigns are built around long holiday weekends and other holidays that traditionally see high volumes of traffic.

In 2012, a civilian was hired to be the department's new Public Information Officer. The mission of the PIO's office is to develop and maintain positive partnerships with the local media and the community to ensure that information is disseminated accurately and timely to the public. The Public Information Officer's primary goal is to communicate the daily activities of the



# SPEED AWARENESS

men and women of the Albemarle County Police Department.

The PIO conducted interviews to local television news reporters to assist the Traffic Unit when informing the public about speed enforcement operations during certain traffic related national campaigns and to educate the public about the dangers of speeding.

The Albemarle County Police Department utilizes a combination of speed awareness technologies to address speeding complaints in problem areas. The Stealth Stat is a small computer attached to a directional radar antenna that can be inconspicuously mounted on a pole or street sign to gather data on the frequency of traffic and speeds on any given road.

From the Stealth Stat report, officers can obtain the lowest and highest speeds that occurred during the survey, identify average speed, and determine whether or not there is a higher percentage of motorists traveling above the posted speed limit. The data allows the police department to determine the difference between actual and perceived speeding problems, and focus our prevention efforts where they are most needed. Traditional Smart Signs which clearly display motorists their speed are moved in and out of areas where speed complaints are frequent.

## ENFORCEMENT

In an increasingly fast-paced society, posted speed limits are often ignored. The Albemarle County Police Department recognizes that speeding is an ongoing problem each year. The Albemarle County Police Department remains committed in our dedication to conduct public education and proactive speed enforcement.



Albemarle County Police Department

February 17, 2016 · 🌐

It's still a gorgeous day out there for a ride!

Please be sure to look out for motorcycles and don't forget to slow down and move over for us as we do our job.

Thank you!



In 2016, the Albemarle County Police Department continued to maintain the importance of high visibility traffic enforcement and education. The police department participated in several national safety campaigns to include "Click it or Ticket". This national campaign occurs twice a year, once in May and then again in November. Officers strictly enforce traffic laws during these campaigns, to include a zero tolerance for speeding violations as well as occupant protection laws.



# SPEED AWARENESS

In order to raise awareness of school bus safety and school zones, press releases were sent to the local media before the new school year began. During the first week of school, Traffic officers would strictly enforce the school zone speed limits. Albemarle County has four high schools, six middle schools, sixteen elementary schools, seven technical academies, and three private schools. The special enforcements would be focused during the arrival times and dismissal times of students.

In 2016, the Albemarle County Police Department received speed enforcement grants from the Department of Motor Vehicles. The police department conducted **64** selective enforcement operations using grant time to conduct speed enforcement and issued **264** summons during these grant hours. In addition to grant related overtime to conduct speeding issues, the Traffic Unit conducted group enforcement saturations utilizing unmarked vehicles and police motorcycles to enforce speeding violations.

## OUTCOMES

Albemarle County is located in central Virginia, approximately 110 miles southwest of Washington D.C. and 70 miles west of Richmond. Albemarle County is the 5<sup>th</sup> largest county in Virginia and has over 1700 miles of roadways. The roadway system is diverse with rural roadways and suburban roadways to patrol.



Albemarle County Police Department annually recognizes its top performing officers in the area of traffic enforcement, to include the officers that have issued the highest number of speeding citations, seatbelt violations and DUI arrests. Traffic safety and safe highways are a strategic goal for the county and these officers are a vital role in achieving these goals. For their traffic enforcement efforts in 2016, nine officers were recognized by Chief Ron Lantz in a ceremony held at the police department.

Officer Name	Rank w/ Position	Rank Overall	Count of Speeding Ticket No
QUILLON, PAUL SAMUEL	1-Traffic	1	279
INGE, PAUL C	2-Traffic	2	164
MUNCY, MICHAEL ANDREW	3-Traffic	3	154
DELANGE, JEREMY TODD	4-Traffic	4	138
JOHNSON, PAUL	1-Patrol	5	122

The on-going hard work and dedication of the Albemarle County Police Department has shown significant results.



ALBEMARLE COUNTY POLICE DEPARTMENT  
**GENERAL ORDER**

NO.

4-05

DATE OF ISSUE:

November 1, 1999

SUBJECT:

**TRAFFIC LAW ENFORCEMENT**

REVISED/REVIEWED/RESCINDS:

Revised: 04/04, 04/12

Reviewed: 03/05

Rescinds: SO 03-05, SO 00/06/LZ/001,  
 SO 97/07/PO/001, SO 96/11/DP/001

VLEPSC STANDARDS:

ADM.02.03, ADM.02.04, OPR.07.01, OPR.07.03

APPROVED:

Signature on File

Chief of Police

LIST OF CONTENTS:

- I. POLICY
- II. PURPOSE
- III. PROCEDURE
  - A. TYPES OF ENFORCEMENT ACTION
  - B. SPECIAL CATEGORIES OF VIOLATORS
  - C. CHARGES PLACED UNDER COUNTY CODE VS STATE CODE
  - D. LAW ENFORCEMENT PRACTICES
  - E. TRAFFIC STOP OBJECTIVES
  - F. STOPPING THE TRAFFIC VIOLATOR
  - G. APPROACHING THE TRAFFIC VIOLATOR / OFFICER RELATIONS
  - H. WORKING WITH THE VIOLATOR
  - I. STOPPING A KNOWN OR SUSPECTED FELON
  - J. DRIVING UNDER A REVOKED OR SUSPENDED OPERATOR'S LICENSE
  - K. SPEED ENFORCEMENT**
  - L. HABITUAL OFFENDERS
  - M. SPECIFIC TRAFFIC PROBLEMS
  - N. VIRGINIA UNIFORM SUMMONS (VUS)
  - O. PARKING ENFORCEMENT
  - P. SEATBELT ENFORCEMENT

**I. POLICY**

Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action. However, overzealous enforcement, without consideration of the violator's familiarity 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 we serve. The intent of enforcement action should be to favorably alter the violator's future driving habits and gain voluntary compliance with traffic laws and regulations. **Therefore, traffic enforcement actions (arrests, citations, warnings) by Albemarle County Police Officers will be in proportion with the times, locations and types of violations involved in traffic accidents and problems occurring in this jurisdiction.** An officer's decision on the proper enforcement action to be taken will follow the guidelines set forth in this General Order and will also incorporate an officer's training, experience and professional judgment.

**II. PURPOSE**

To establish policy and procedures for traffic law enforcement, preventative patrol, proactive enforcement, and relations with motorists, pedestrians, bicyclists and the courts.

### III. PROCEDURES

#### A. TYPES OF ENFORCEMENT ACTIONS

1. Warnings
  - a. An effective verbal warning, properly given, can often build a positive rapport with the driver and be more effective than any other type of enforcement action.
  - b. A verbal warning may be issued to a violator whenever:
    - 1) There is a minor traffic infraction committed in those areas where traffic accident occurrences are minimal; or
    - 2) When the act may be due to ignorance of a local ordinance which may be a violation unique to this area.
2. Citation
  - a. A Virginia Uniform Summons (VUS), the "traffic summons" should be issued to any violator.
  - b. Especially violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including:
    - 1) Hazardous moving violations; or
    - 2) Operating unsafe or improperly equipped vehicles.
3. Physical Arrest
  - a. Officers will make physical arrests of traffic law violators in compliance with VA Code Section 46.2-940.
  - b. Situations addressed by this code section include:
    - 1) Violators of traffic laws pertaining to Driving Under the Influence of Alcohol or Other Intoxicants.
    - 2) Whenever a felony has been committed involving a vehicle.
    - 3) Whenever the operator refuses to sign the promise to appear on the traffic summons.
    - 4) Whenever the operator is licensed by a non-reciprocating state.
    - 5) Whenever the officer has reason to believe that the person will not comply with the summons if issued.

#### B. SPECIAL CATEGORIES OF VIOLATORS

1. Juveniles
  - a. Officers should consider verbal warnings for juveniles who commit minor, non-hazardous violations.
  - b. Warnings, if given, may include contact with the parents.
2. Foreign Diplomats and Consular Officials
  - a. Officers may issue a VUS to any diplomat or Consular Official, when circumstances dictate.
  - b. These officials can NOT be taken into custody for refusing to sign a summons.
  - c. Although the individual may or may not appear in court, the Department of State monitors individuals driving behavior and will suspend the operators license of those individuals who demonstrate irresponsible driving habits.
  - d. Diplomats and Consular Officials who are caught driving under the influence (DUI or DUID) should:
    - 1) Not be permitted to continue driving
    - 2) Have vehicle impounded in accordance with departmental policy if necessary
  - e. Under Federal Law, Foreign Diplomats and Consular Officials are not liable to arrest or detention prior to trial unless for commission of a felony.

- f. Notify the U. S. State Department or the U. S. Magistrate if such individuals are arrested or detained.
3. The Lieutenant Governor and members of the Virginia State Legislature
    - a. Under Title 30-6 of the Code of Virginia, during the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, members of the General Assembly, or the Clerk thereof and their assistants, shall be privileged from being taken into custody except for treason, a felony, or a breach of the peace.
    - b. The issuance of a traffic summons for a moving violation is allowed, as is a physical arrest in the case of an offense involving Driving Under the Influence (DUI or DUID).
  4. Military Personnel
    - a. Military personnel on active duty with the armed services of the United States, spouse or a dependent child not less than 16 years of age who has been licensed as a driver under a law requiring the licensing of drivers in his home state or country and who has in his immediate possession a valid driver's license issued to him in his home state or country shall be permitted to lawfully operate a vehicle in the Commonwealth. (VA Code 46.2-306.)
    - b. Every person in the armed services of the United States, when furnished with a driver's license and when operating an official motor vehicle in such service, shall be exempt from licensure in the Commonwealth. (VA Code 46.2-305.)
  5. Non-Residents

A nonresident over the age of 16 years and three months

    - a. Who has been duly licensed as a driver under a law requiring the licensing of drivers in his home state or country and
    - b. Who has in his immediate possession a driver's license issued to him in his home state or country shall be permitted, without a Virginia license, to drive a motor vehicle on the highways of the Commonwealth. (VA Code 46.2-307.)
  6. Pedestrians
    - a. When crossing highways, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles.
    - b. They shall cross, wherever possible, only at intersections or marked crosswalks.
    - c. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections or between intersections when crossing by the most direct route. (VA Code 46.2-923.)
    - d. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing such highway:
      - 1) At crosswalks
      - 2) At any regular pedestrian crossing
      - 3) Intersections where the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour. (VA Code 46.2-924.)
  7. Bicyclists, Mopeds and Animals
    - a. Every person riding a bicycle, moped or an animal or driving an animal on a highway shall be subject to the provisions of Chapter 8 of the VA Code and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise. (VA Code 46.2-800.)
    - b. Law Enforcement Officers operating bicycles and mopeds under emergency conditions are exempt from this section.

## 8. Multiple Violations

When an officer observes multiple violations by one person,

- a. The officer may cite the individual for all of the violations, or
- b. The officer may cite the person for the most serious violations and give warnings on the other less serious charges.

## 9. Commercial Vehicles

- a. Officers will investigate any violation in reference to Public Carriers (Busses, Taxis, etc.) and Commercial Vehicles (Tractor Trailers, Multiple Trailers, Tankers, etc.).
- b. Officers will reference Sect. III, Sub. N, of this General Order on issuing a summons.
- c. If technical advice and/ or assistance is needed officers will contact one of the two local Virginia State Police Motor Carrier Units.
  - 1) They are based in Lynchburg (434)582-5141 and sub-station in Staunton (540) 885-2142.
  - 2) These Troopers can be reached after hours by contacting the local VSP office and having them paged.

## 10. New Enacted Laws and/or Regulations

- a. Officers should allow a grace period during which time warnings are issued before enforcing newly enacted traffic laws or ordinances unless public safety is jeopardized by not immediately enforcing the new law.
- b. A similar grace period of warnings instead of summonses should also be considered when speed limits are changed or other regulatory signs are erected.

## 11. Other Hazardous Violations

- a. As with speeding violations, there are broad ranges in the seriousness of hazardous traffic violations that an officer is likely to encounter.
- b. To determine what enforcement may be appropriate, the officer should consider factors such as
  - 1) Time of day,
  - 2) Weather/traffic conditions, and
  - 3) If the violation appeared flagrant or intentional.

## 12. Other Non-Hazardous Violations

- a. Officers should take into consideration whether non-hazardous violations are repetitive or flagrant when deciding what enforcement action to take.
- b. Warnings may suffice.

## C. CHARGES PLACED UNDER COUNTY CODE VS STATE CODE

1. All summonses must include the County Code reference 9-100 in front of the VA Code statute before the summons is issued to the offender.
2. If the magistrate does not include the County Code reference 9-100 on a warrant, the officer should write 9-100 in front of the applicable Virginia Code statute on the warrant before the warrant is served.

## **D. TRAFFIC LAW ENFORCEMENT PRACTICES**

### **1. Moving Enforcement or Observations**

- a. Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties.
- b. Selective Enforcement involves a response to:
  - 1) A citizen's request or complaint,

- 2) Potentially hazardous road or intersection, or
  - 3) Directed patrol by supervisor.
2. Stationary Enforcement or Observations
- a. Covert or overt techniques may be used to make observations about the flow of traffic at a particular location.
  - b. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where just the presence of the vehicle will serve to remind passing motorists of the need for compliance with the traffic laws.
3. Use of Unmarked Vehicles for traffic enforcement
- a. Although this department does not regularly use unmarked vehicles for the specific purposes of traffic enforcement, there are exceptions.
    - 1) Investigation and administration personnel all use unmarked vehicles and may find it necessary to make traffic stops.
    - 2) Due to vehicle availability, when marked units are receiving necessary repairs, a patrol officer may use an unmarked vehicle for his regular tour of duty.
    - 3) An unmarked unit may be assigned to an officer as part of a selective enforcement assignment.
  - b. When an unmarked vehicle is used to make vehicle stops for the purpose of traffic law enforcement, the unmarked vehicle must be equipped with emergency lights, siren and constant radio communication.
  - c. When an unmarked vehicle is used for traffic law enforcement the officer **MUST** be in uniform.
  - d. If an officer is not in uniform and it becomes necessary to make a traffic stop then the officer will either:
    - 1) Have a second officer issue the VUS or
    - 2) Obtain a warrant for the driver

#### E. TRAFFIC STOP OBJECTIVES

- 1. There are two major objectives of a traffic stop:
  - a. Immediate objective: to take appropriate enforcement action.
  - b. Ultimate objective: to favorably alter future driving behavior.
- 2. The attainment of these two objectives:
  - a. Demands flexibility on the part of the officer.
  - b. Depends upon the officer's ability to evaluate:
    - 1) The violator's mental outlook
    - 2) Physical condition
    - 3) Facts concerning the violation.
- 3. Minimize any conflict, which may develop that would be detrimental in achieving the two major objectives of the traffic stop.

#### F. STOPPING THE TRAFFIC LAW VIOLATOR

See General Order 4-29, Traffic Stops.

#### G. APPROACHING THE TRAFFIC VIOLATOR/OFFICER RELATIONS

Once the Officer stops the violator and approaches to a point where communications can begin, the following guidelines should be followed in terms of Officer-Violator relationships:

- 1. Be alert at all times for the unexpected, but do not be obviously apprehensive.

2. Be absolutely certain the observations of the traffic violations were accurate, without reservation.
3. Present a professional image in dress, grooming, language, bearing and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude.
  - a. In most cases, it is advisable to have the form of enforcement action decided upon prior to the initial contact with the violator.
  - b. An exception to this would be when the officer, through conversation, finds an out-of-state driver performing a violation that would not be a violation in his jurisdiction, and the officer then decides to issue a verbal warning rather than a citation as initially intended.

#### H. WORKING WITH THE VIOLATOR

1. Greet the violator in a courteous manner.
2. Ask for the violator's driver's license and vehicle registration, accept only these forms.
3. Any attempt by the driver to offer money to the officer should be quickly refused; any persistence in the offering should be treated as an attempted bribery.
4. If the driver does not have a driver's license in his/her possession, obtain another document of identification, preferably one that includes a photograph of the driver.
5. Inform the violator of what traffic law he/she has violated and the intended enforcement action.
6. Answer any question the violator may have, without debating the case. Do not argue with, berate, belittle, or otherwise verbally abuse the violator.
7. If during these activities the elements of probable cause for some criminal activity become evident (i.e. contraband, illegal weapons, evidence of drugs), the officer should act upon this probable cause to make an arrest and proceed accordingly.
8. Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision. If feasible, the officer should issue a summons for the cause for the initial stop in situations where subsequent charges arise and are being placed (i.e. contraband, illegal weapons, or drugs).
9. Explain to the violator exactly what he is supposed to do in response to the action taken.
10. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
11. Be alert to any emotional stress exhibited by the violator. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
12. Return the violator's driver's license, registration, and issue him the violator's copy of the VUS, if he/she is to be cited.

13. At this point, after you have returned the operators license and registration to the driver, a consensual search may be requested.
14. Assist the violator in safely reentering the traffic flow.

**I. STOPPING A KNOWN OR SUSPECTED FELON**

See General Order 4-29, Traffic Stops.

**J. DRIVING UNDER A REVOKED/SUSPENDED OPERATOR'S LICENSE**

1. VA Code 46.2-301, 301.1, and 302 requires special enforcement for the operation of a motor vehicle after the privilege to drive has been revoked or suspended.
2. Once an officer has identified the driver as driving with a potentially suspended or revoked operator's license, the officer should:
  - a. Either based on personal knowledge or based on QT information, verify the license status and determine the reason for suspension/revocation.
  - b. Advise the driver of his/her Miranda Warnings and then question him/her about the status of his/her license.
  - c. Based on their response,
    - 1) If yes, the officer may release on VUS or take into custody and handle appropriately.
    - 2) If no, inform the driver that DMV records indicate that his/her privilege to drive has been suspended or revoked.
  - d. Confiscate as evidence any license produced by the driver.
  - e. Officer will issue DMV Form, "Suspension/Revocation/Disqualification Notice" and surrender of Drivers license/License plates when needed.
3. No physical arrests should be made for operating a motor vehicle after the privilege to drive has been suspended or revoked unless:
  - a. The driver refuses to give written promise to appear by refusing to sign the summons.
  - b. The officer has probable cause to believe that the driver will likely disregard the summons if issued.
  - c. The driver refuses to discontinue the unlawful act by driving or attempting to drive away.
  - d. The driver is a resident of a non-reciprocating state.
  - e. The officer is unable to sufficiently establish identification information on the driver in order to properly complete the summons.
4. If suspension/revocation was not DUI or DUID related the following actions may be used.
  - a. If another licensed driver is present he/she may be allowed to drive the vehicle.
  - b. If no other licensed driver is available, the driver charged should be allowed, within reason, to contact someone to transport him/her and the vehicle to their destination.
  - c. If no one can be contacted within a reasonable amount of time, and the vehicle is not legally parked, his/her vehicle should be towed according to Department policy.
5. An officer who sees an individual driving, who is known to be under suspension or revocation, if not able to stop the individual in a timely manner, may swear out a warrant for the violator.

**K. SPEED ENFORCEMENT**

1. Uniform methods of enforcement of speed laws in Albemarle County should be applied by all officers.

2. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.
  - a. Pacing
    - 1) The officer should follow the vehicle being paced at a constant interval for an adequate distance, at least one-quarter of a mile, to obtain a reading on the speedometer indicating a speed exceeding that posted.
    - 2) All speedometers must be calibrated at least every six months and a certificate should be available for court use.
  - b. Radar Enforcement
    - 1) Radar is to be utilized by Department personnel for patrol functions and for selective enforcement actions.
    - 2) Officers utilizing radar must have a current radar certification.
    - 3) Generally, the following procedures are applicable to operation of radar units:
      - (a) Radar units will always be operated in compliance with manufacturer's instructions.
      - (b) Two piece radar units will be properly installed in the vehicle and connected to the appropriate power supply.
        - Hand held units will be utilized following correct procedures.
        - Hand held units are authorized for stationary use by the Bicycle Patrol.
      - (c) The effective range of the particular radar unit must be thoroughly understood by the operator, so visual observations can support the target speed readings
      - (d) The operator should choose an appropriate location in accordance with traffic accident experience in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar.
      - (e) The radar unit must be tested at the beginning and end of the officer's shift, at a minimum. The testing procedures shall include:
        - Light test (all lights must work);
        - Internal circuit test (results must be exact);
        - External / Tuning fork test (results must be within +/- 1 mph);
        - Patrol Speedometer Verification Test (results must be within +/- 2 mph) excepting the stationary use by the Bicycle Patrol;
      - (f) If the radar unit fails any of the above tests or demonstrates other apparent malfunction(s), it shall be turned in to the Technical Support Section for service.
      - (g) Officers shall conduct a tracking history to include:
        - Visual estimate of speed;
        - Audio tracking;
        - Radar digital display tracking;
        - Patrol speed verification (if in the moving mode).
      - (h) Radar units will be secured in the police vehicle during wet weather conditions and when the officer is away from the vehicle for an extended period of time.
    - 4) The following elements must be established in court by the officer when radar speed charges are placed:
      - (a) The location and posted speed of the violation;
      - (b) The time and date of the violation;
      - (c) The tracking history;
      - (d) The vehicle description and the driver's ID;
      - (e) Any statements made by the driver;
      - (f) Radar unit testing procedures and results (before and after);

- (g) Speedometer calibrations (if in moving mode);
  - (h) That the radar was used according to the manufacturer's guidelines;
  - (i) That the officer was in uniform; and
  - (j) Officer must be able to cite radar training received.
- 5) Radar training records must be maintained by the T. P. D. Unit with the assistance of the Radar Instructor.
  - 6) The Technical Support Section shall be responsible for the following:
    - (a) All Department radar units meet current NHTSA standards;
    - (b) All radar units receive proper care and upkeep;
    - (c) All required maintenance and calibrations of radar units and tuning forks are performed; and
    - (d) Records are kept concerning the above.
- c. Laser Speed Enforcement
- 1) Laser Speed Determination Devices are to be utilized by Department personnel for patrol functions and for selective enforcement actions.
  - 2) Officers utilizing laser must have a current laser certification.
  - 3) The device will be operated in compliance with manufacturer's instructions.
  - 4) The operator of the laser speed determination device will not use the device if the operator has a concern for his/her safety. Safety of the operator will at all times outweigh the need to deploy the laser speed determination device.
  - 5) Officers shall conduct a tracking history to include:
    - (a) Visual estimate of speed;
    - (b) Audio tracking;
    - (c) Laser digital display of speed.
  - 6) When driving, the laser unit shall be secured to prevent damage.
  - 7) TESTING
    - (a) The laser test site behind the Police Department has been surveyed by a licensed surveyor and the notarized certificate is on file with the Services Unit Office Manager.
    - (b) Each Laser will be tested **every six months** by a supervisor on the test site and a notarized certificate will be completed and filed with the Services Unit Office Manager.
    - (c) The Laser speed determination device shall be tested at the beginning and end the operator's tour of duty.
    - (d) Testing procedures vary according to the manufacturer. If the manufacturer's testing instructions differ from the testing procedures listed, then the manufacturers testing instructions will be followed.
    - (e) Unless the manufacturer's testing instructions differ, the following testing procedures for the laser speed determination will be used:
      - If the unit performs a self-test when powered up, the operator shall observe the self-test and ensure that the unit passes.
      - The operator shall ensure that all segments of the Liquid Crystal Display are functioning.
      - The operator shall perform a **Distance Check Test** by performing the following:
        - Stand at the 0-foot point of the test site holding the laser speed determination device as directly over the 0-foot point as possible.
        - The operator shall aim the laser at the reflective surface on the 101-foot post and note the distance. This reading must be accurate to plus or minus one foot.

- The operator shall aim the laser at the reflective surface on the 51-foot post and note the distance recorded by the laser. This reading must be accurate to plus or minus one foot.
- The operator shall press the select/edit button and the difference in distance between the 101 foot post and the 51 foot post should be displayed. This distance should be 50 feet + or – one half foot or 49.5 to 50.5 feet.
- The laser will also display a speed that is representative of a vehicle traveling 50 feet + or – one foot between two pulses. This speed should be 99 to 101 MPH.
- The operator shall then perform a **Sight Alignment Test** by performing the following:
  - Aim the laser speed determination device at the reflective surface on the 51-foot post. (Be aware that the center of the scope and the center of the transmit lens are offset by 2 inches.) The operator shall move the laser up and down (vertically) across the reflective surface noting the distance measured as the laser passes on and off the reflective surface, and or the shift in audible tone produced by the laser speed determination device.
  - The operator shall move the laser side to side (horizontally) across the reflective surface on the 51-foot post noting the distance measured as the laser passes on and off the reflective surface, and or the shift in audible tone produced by the laser speed determination device.
  - The sight of the laser shall correspond to the distances noted, and or the audible tone produced as the laser sight passes on and off the reflective surface.
- (f) If the device fails any of the above tests or demonstrates other apparent malfunctions, it shall be turned into the Technical Support Section for service.

8) COURT

- (a) The following elements must be established in court by the officer placing the charge.
  - The location and the posted speed of the violation;
  - The time and date of the violation;
  - The tracking history;
  - The vehicle description;
  - The drivers ID;
  - Any statements made by the driver;
  - Laser unit testing procedures and results (before and after);
  - That the officer was in uniform; and
  - Officer must be able to cite laser training received.
- (b) For court purposes, officers will need a copy of the certificates listed above, as well as information about the tests that they performed on the day of the offense.

9) TRAINING

- (a) TPDU will maintain laser-training records.
- (b) Operators must have a current laser operator's certificate prior to making an arrest or issuing a summons.

10) MAINTENANCE/ CERTIFICATIONS

The Technical Support Section shall be responsible for:

- (a) Ensuring all departmental laser speed determination devices are approved by the Commonwealth of Virginia Department of General Services, Division of Purchases and Supply.
  - (b) Ensuring all laser speed determination devices receive required maintenance.
  - (c) Ensuring all laser speed determination devices are certified in accordance with required schedules.
  - (d) Maintaining maintenance and certification records.
3. Arrested Suspect's Vehicle
- a. Alternative driver (may be called).
  - b. Have it legally parked.
  - c. Have it towed in accordance with State Law.
  - d. See G. O. 4-08 Towing and Storage of Vehicles

L. HABITUAL OFFENDERS

See General Order 4-28, Habitual Offenders

M. SPECIFIC TRAFFIC PROBLEMS

1. Recommendation for Reexamination by DMV
  - a. During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
  - b. In such cases, in addition to the enforcement action by the officer, the officer will notify the Virginia Department of Motor Vehicles of these findings or suspicions, giving the violator's full name, date of birth, operator's license number and a brief description of the disability noted.
  - c. The Driver Deficiency Report Form may be used for this purpose.
2. Off-Road Vehicles, including Dirt Bikes, ATV's, etc.
  - a. Accidents involving off-road vehicles that do not occur on a public highway do not require that a State accident report be filed, but a Department incident report must be filed to record the accidental injury.
  - b. Any officer observing an unlicensed, recreational, off-road vehicle, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action.
  - c. Enforce laws, local ordinances, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

N. VIRGINIA UNIFORM SUMMONS (VUS)

1. The Virginia Uniform Summons (VUS) will be completed for all violations of traffic laws charged by members of the department. The VUS:
  - a. Provides a uniform method of submitting information to the courts.
  - b. Provides an orderly method of collecting and compiling statistical information concerning this department's enforcement activities.
  - c. Serves as a record for the officer concerning arrests made.
2. Completion of the VUS
  - a. Where applicable, NCIC accepted abbreviations may be used.
  - b. Complete the VUS by filling in the necessary blanks, as follows:
    - 1) Hearing date.
    - 2) File number - leave blank.

- 3) Check box indicating appearance in the appropriate court.
  - 4) Enter month, date and year of court appearance.
  - 5) Enter time of day for court appearance.
  - 6) Check appropriate block for Code where the charge may be found.
  - 7) Write in the County Code 9-100 and appropriate VA Code Section.
  - 8) Write in the common name of the charge (i.e., speeding, failure to yield, etc.).
  - 9) In the case of speeding charges where radar was used, indicate either moving or stationary radar.
  - 10) Summons must be signed by the violator unless it is accompanying a warrant.
  - 11) Check the bottom left block, reference avoiding coming to court, only when applicable.
  - 12) Write in the telephone number of the appropriate court, if necessary, (prepayment recording, 972-4014).
  - 13) Name of violator.
  - 14) Address of violator (Do not use Post Office Box Number) to include street address, city, state, and zip code.
  - 15) Fill in blocks for Race, Sex (M or F), Date of birth, Height, Weight, eye color, operator license number, state of issuance, vehicle description (use standard NCIC abbreviations), jurisdiction of offense (002 if occurred within Albemarle County), month, date, and year of offense, day of week (use first two letters of the day), direction - motor vehicle violation only (indicate direction of travel), accident - motor vehicle violation only (check appropriate box).
  - 16) For weather, use clear (clr), cloudy (cdy), rain (rai), snow (sno), sleet (sle), icy (icy).
  - 17) Route No. /Street - State route number or street name.
  - 18) Location of offense - Location where offense occurred that is listed in this summons. Must give direction to next cross street and the cross street's name if known.
  - 19) Arrest date - Month, day and year of actual arrest.
  - 20) Arrest location - Exact location of arrest.
  - 21) Officer name and badge number.
3. Distribution of Copies-Virginia Uniform Summons
- a. Normal Distribution
    - 1) Page 1 - to respective court
    - 2) Page 3 - to defendant
    - 3) Page 4 - to Records and Communication Section, the Police Clerk will file in Department records
    - 4) Page 5 - held by arresting officer
  - b. If page 2 or 5 is forwarded to Records and communication section,
    - 1) The Police Clerk will query DMV
    - 2) Request that a Driver transcript be mailed to issuing Officer
    - 3) Return these copies to the officer with the DMV confirmation.
4. Voiding Summons
- a. The following are the most common reasons for voiding traffic summons:
    - 1) Violator gave false information, such as wrong name, address, etc.
    - 2) Officer entered wrong information which caused the citation to be invalid. (When voiding the citation, indicate the number of the new citation.)
    - 3) Violation occurred outside legal jurisdiction.
    - 4) Stopped wrong car.

- 5) Traffic signs missing or obscured.
  - 6) Officer misread restriction.
  - 7) Error in computing vehicular speed.
  - 8) After issuing citation on vehicle, officer discovered previous citation had been issued by another officer. (Officer must indicate on the voided citation the number of the citation previously written on the vehicle).
  - 9) Officer unable to complete the citation because of receiving an emergency call such as a robbery in progress, assist another officer, etc.
- b. The following procedures will be adhered to when voiding summons issued in error by members of this department.
- 1) A traffic citation may be voided if written in error or if extenuating circumstances listed above make it necessary.
  - 2) In voiding a traffic citation which has not been signed by violator the following steps shall be taken:
    - (a) The officer shall print "void" and a concise statement of the reason for the voiding on all copies of the citation and turn it into Services Division.
    - (b) Voided summonses are maintained in a separate file by the Office Manager.
- c. A summons which has been issued and signed cannot be voided. Once signed it is a legal court document and must be processed by the court, either as a dismissal or a "nolle prosequere".
5. Additional Reports
- a. Should a custodial arrest result from a traffic stop, the VUS will be filled out completely and the information will be used in obtaining a warrant for the suspect driver from a magistrate.
  - b. In this instance, it is not necessary for the suspect driver to sign the VUS.
  - c. The VUS will be processed as previously explained in this section. The incident/arrest number should be placed on the department copy of the VUS.
  - d. If the suspect driver is being charged with DUI, see the appropriate section of this policy for proper reporting procedures and a listing of supplemental reports which must be completed.

#### O. PARKING ENFORCEMENT

1. The tickets to be issued under the Albemarle County Parking Ordinance will be issued from Services Division.
  - a. Officers must sign out the parking tickets and record the ticket numbers.
  - b. Parking tickets are an accountable item.
  - c. Parking tickets must be turned in once issued by the end of your tour of duty.
  - d. If a parking ticket is voided, it must be marked as such and still turned in.
2. Officers are authorized to issue parking tickets on
  - a. Any public highway, street, alley, public easement or other public thoroughfare in the county or
  - b. Any private street that is open to public access, county-owned property, or area designated as "open to the public" (shopping centers, schools, apartment complexes, etc.)
3. Officers will utilize discretion in issuing parking tickets for fire lane violations when someone is dropping someone off at a curb. The individual should be warned first that he/she is in violation and given an opportunity to move the vehicle to a legal parking spot.
4. Officers will also utilize discretion and common sense in the enforcement of "parking on any sidewalk" and on "grass", unless such parking is indicated by sign as permissive.

5. Officers may enforce the County Ordinance within the boundaries of Scottsville.
6. Parking tickets will **NOT** be issued to motorists who are stopped for a traffic infraction or at a checkpoint. VUS's will be issued in these situations.
7. Officers will **NOT** enforce County Code Sec. 12-6.2, titled Vehicle Requirements. Enforcement of Vehicle Registration and State Inspection must still be handled as a moving violation and an appropriate VUS issued.

P. SEATBELT ENFORCEMENT

1. It is a priority of the Albemarle County Police Department to protect occupants of motor vehicles that travel upon the County roadways.
2. Occupants of motor vehicles are far more likely to be injured or killed in a crash as a result of not wearing a seatbelt. Motor vehicle crashes are the leading cause of death to young children not secured in an approved child safety seat.
3. Each officer should ensure that, during every traffic enforcement contact, the use of safety restraints is addressed, to include positive reinforcement if proper use of the safety restraint is observed.
  - a. ALL vehicle occupants should be checked for compliance.
  - b. When safety restraints are not being used correctly, officers should provide the appropriate educational information to encourage their proper use.
  - c. If the non-use or intentional misuse of safety restraints is noted, the appropriate enforcement action should be taken.
  - d. ALL enforcement actions should be accomplished in a firm, fair, impartial and courteous manner using one of the following methods:
    - 1) Verbal warning
    - 2) Virginia Uniform Summons



# STATE/LOCAL ISSUE

## PROBLEM IDENTIFICATION

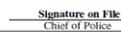
In 2015, the Albemarle County Police Department saw a significant increase in crossover related crashes on the 29/250 bypass in Albemarle County. The 29/250 bypass is a four lane divided highway which runs from the 118 mile marker on I-64, north east to the Albemarle County/Charlottesville City line. The road is 3.4 miles in length and is a short cut from I-64 to Route 29 with multiple exits in between. The speed limit on the bypass is posted at 55 mph. In 2014, there was only one crossover related crash on the bypass but in 2015, this dramatically increased to six including one fatal crash. This fatal crash was inside a half-mile stretch of the bypass, which had no significant median barrier. The four lanes were divided by a 5-foot wide concrete median as seen in the picture below.



## POLICY

General Order 4-05 (Traffic Law Enforcement) is our policy on how we handle traffic related issues. Below is our policy statement as it relates to traffic enforcement.

*Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action. However, overzealous enforcement, without consideration of the violator's familiarity 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 we serve. The intent of enforcement action should be to favorably alter the violator's future driving habits and gain voluntary compliance with traffic laws and regulations. Therefore, traffic enforcement actions (arrests, citations, warnings) by Albemarle County Police Officers will be in proportion with the times, locations and types of violations involved in traffic accidents and problems occurring in this jurisdiction. An officer's decision on the proper enforcement action to be taken will follow the guidelines set forth in this General Order and will also incorporate an officer's training, experience and professional judgment.*

 <b>ALBEMARLE COUNTY POLICE DEPARTMENT GENERAL ORDER</b>		<b>NO.</b> 4-05	<b>DATE OF ISSUE:</b> November 1, 1999
<b>SUBJECT:</b> TRAFFIC LAW ENFORCEMENT		<b>REVISED/REVIEWED/RESCINDED:</b> Revised: 04/04, 04/12 Reviewed: 03/05 Rescind: SO 03-05, SO 00/06/LZ/001, SO 07/07/001, SO 96/11/DP/001	
<b>VLEPSC STANDARDS:</b> ADM:02.03, ADM:02.04, OPR:07.01, OPR:07.03		<b>APPROVED:</b>  Chief of Police	

**LIST OF CONTENTS:**

- I. POLICY
- II. PURPOSE
- III. PROCEDURE
  - A. TYPES OF ENFORCEMENT ACTION
  - B. SPECIAL CATEGORIES OF VIOLATORS
  - C. CHARGES PLACED UNDER COUNTY CODE VS STATE CODE
  - D. LAW ENFORCEMENT PRACTICES
  - E. TRAFFIC STOP OBJECTIVES
  - F. STOPPING THE TRAFFIC VIOLATOR
  - G. APPROACHING THE TRAFFIC VIOLATOR / OFFICER RELATIONS
  - H. WORKING WITH THE VIOLATOR
  - I. STOPPING A KNOWN OR SUSPECTED FELON
  - J. DRIVING UNDER A REVOKED OR SUSPENDED OPERATOR'S LICENSE
  - K. SPEED ENFORCEMENT
  - L. HABITUAL OFFENDERS
  - M. SPECIFIC TRAFFIC PROBLEMS
  - N. VIRGINIA UNIFORM SUMMONS (VUS)
  - O. PARKING ENFORCEMENT
  - P. SEATBELT ENFORCEMENT

**I. POLICY**  
 Traffic law enforcement involves all police activities or operations which relate to observing, detecting and preventing traffic law violations, including taking appropriate enforcement action. However, overzealous enforcement, without consideration of the violator's familiarity 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 we serve. The intent of enforcement action should be to favorably alter the violator's future driving habits and gain voluntary compliance with traffic laws and regulations. Therefore, traffic enforcement actions (arrests, citations, warnings) by Albemarle County Police Officers will be in proportion with the times, locations and types of violations involved in traffic accidents and problems occurring in this jurisdiction. An officer's decision on the proper enforcement action to be taken will follow the guidelines set forth in this General Order and will also incorporate an officer's training, experience and professional judgment.

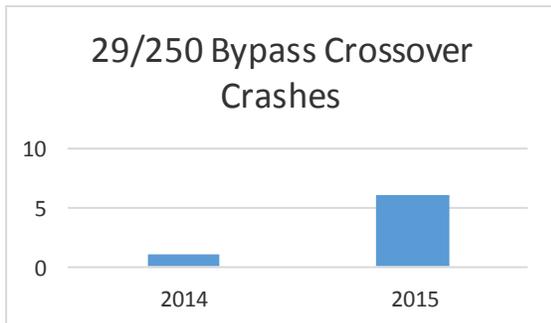
**II. PURPOSE**  
 To establish policy and procedures for traffic law enforcement, preventative patrol, proactive enforcement, and relations with motorists, pedestrians, bicyclists and the courts.



# STATE/LOCAL ISSUE

## PLANNING

The Albemarle County Police Department decided to address this traffic safety issue through enforcement and engineering changes. Police presence and enforcement on the 29/250 bypass was increased with marked patrol vehicles and unmarked traffic unit vehicles conducting traffic enforcement and traffic stops in an attempt to slow down drivers and make them more aware. The Virginia Department of Transportation (VDOT) was also advised of the traffic safety issue and the need for engineering improvements through this half mile section of the 29/250 bypass.



## TRAINING

District commanders, patrol officers and traffic unit officers were advised on the need to increase traffic enforcement on the 29/250 bypass.

## PUBLIC INFORMATION AND EDUCATION

The 29/250 bypass is a highly travelled roadway in Albemarle County. The police department utilized message boards on the bypass reminding drivers to slow down and buckle up.

## ENFORCEMENT

In 2016, the Albemarle County Police Department spent many hours conducting general traffic enforcement on the 29/250 bypass. This included regular work hours as well as grant-funded hours to address the issue. A total of 434 summons were issued and 388 traffic stops were conducted in the target area.

## OUTCOMES

The Albemarle County Police Department achieved three vital outcomes. Crossover related crashes decreased from six in 2015 to four in 2016. Fatal crashes on the bypass went from one in 2015 to zero in 2016. Additionally, VDOT installed reflective delineators in the half-mile section of the bypass to help channelize traffic in the correct lanes.

