



Subject:

# 300. Traffic Function and Responsibility

Approved:

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Effective:

November 1, 2018

Revised:

January 22, 2026

CALEA Standards: 61.1.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.7, 61.1.8, 61.1.11, 61.3.1, 61.3.2, 61.3.3

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## 300.1: PURPOSE AND SCOPE

This policy provides guidelines on the goal of the Albany Police Department to reduce traffic collisions through enforcement efforts.

## 300.2: POLICY

**It is the policy of the Albany Police Department to recognize the need to reduce traffic collisions in the City and to achieve that goal, in part, through the safe use of various enforcement tactics.**

## 300.3: TRAFFIC OFFICER DEPLOYMENT

- a. Officers assigned primarily to traffic enforcement details will be deployed based on information received from the Oregon Department of Motor Vehicles and Oregon Department of Transportation related to locations of the most traffic crash occurrences.
- b. Officers assigned to patrol or traffic enforcement functions will emphasize enforcement of crash-causing violations at locations where a high incidence of traffic collisions occur.
- c. Officers may be assigned to work directed enforcement details based on collision data and will, as a matter of routine, engage in random enforcement action as appropriate.
- d. Officers working general or directed traffic enforcement should maintain high visibility as a deterrent to unsafe drivers, especially at crash-prone locations.

## 300.4: SPEED MEASURING DEVICES

- a. Speed measuring devices shall be used in a manner to create an appropriate deterrent, which will reduce speeding violations and collisions. The following operating and maintenance guidelines should be followed when using speed measuring devices:

- 1) All speed measuring devices used by the Department shall comply with local, state, and federal regulations, and shall meet or exceed the specifications of the U.S. Department of Transportation, National Highway Traffic Safety Administration.
- 2) Speed measuring devices shall be checked for accuracy, according to manufacturer specifications, at the beginning of each shift. Officers shall demonstrate proper testing and operational procedures prior to using devices.
- 3) All speed measuring devices shall be kept in good working order. Any device found to not be functioning properly shall be removed from service and forwarded to the Police Clerk assigned to fleet maintenance to arrange for maintenance.
- 4) The Police Clerk assigned to fleet maintenance shall maintain calibration and maintenance records for speed measuring devices.
- 5) All speed measuring device operators shall be trained to properly set up, test, operate, and read the device used.

b. Albany Police Department radar trailers shall be used in locations with a high incidence of speed-related conditions or in response to citizen traffic complaints.

- 1) When deploying the radar trailer, members shall take into consideration potential hazards to vehicular, bicycle, and pedestrian traffic.
- 2) The radar trailers shall be properly secured when deployed.
- 3) Members deploying the radar trailer shall ensure that the unit is functioning properly and that the appropriate signage is posted at the time of deployment.

### 300.5: ENFORCEMENT

Officers should take appropriate action for each traffic law violation witnessed or reported to the Police Department. The ultimate goal is to achieve voluntary compliance with traffic laws and thereby reduce the number of traffic crashes.

- a. All enforcement actions will be accomplished in a fair, impartial and courteous manner
- b. When engaging in traffic enforcement operations, officers should take into account the degree and severity of the violation committed. The following are guidelines for enforcement of various types of violations, but they are not intended to supersede officer judgment on a case-by-case basis:
  - 1) **Driving Under the Influence of Intoxicants** – Individuals operating a vehicle while under the influence of intoxicants present a serious threat to the safety of others. It is a policy of the Albany Police Department to strictly enforce the law prohibiting this conduct.

- 2) **Speeding Violations** – Excessive speed in the operation of motor vehicles presents a real danger to the safety of others and is frequently the cause of motor vehicle crashes. It is a policy of the Albany Police Department to strictly enforce the law prohibiting this conduct.
- 3) **Other Hazardous Violations** – A number of violations of the Oregon Revised Statutes applicable to the operation of vehicles can be considered hazardous. Because of the propensity for these violations to cause vehicle collisions, it is a policy of the Albany Police Department to strictly enforce the law prohibiting this conduct, including at the scene of traffic collisions if sufficient evidence of a violation exists.
- 4) **Equipment Violations** – Vehicles must be properly equipped to ensure safe operation on public roadways. Officers should use good judgment to determine whether a warning or citation is appropriate for these violations.
- 5) **Public Carrier/Commercial Vehicles** – These vehicles will be treated the same as other vehicles on the road for purposes of enforcement and discretion.
- 6) **Multiple Violations** – Officers should use good judgment when deciding on enforcement action in cases where multiple violations have occurred.
- 7) **Newly Enacted Laws or Regulations** – The enforcement guideline within the text of each new law shall be followed. Officers should remember the goal is to achieve compliance and that discretionary authority exists in the level of enforcement delivered.

- c. This Department does not establish quotas for the number of citations or arrest, nor shall the number of citations or arrests by any other officers be used as the sole criterion for evaluating an officer's overall job performance.
- d. Officers attempting to enforce traffic laws shall be in Albany Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority ([ORS 810.400](#)).

#### 300.5.1: WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### 300.5.2: CITATIONS

- a. Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:
  - 1) Explanation of the violation or charge.
  - 2) Court appearance procedure including the optional or mandatory appearance by the motorist.

- 3) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- b. Officers at the scene of a traffic crash and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the crash has committed a traffic offense in connection with the crash, may issue the person a citation for that offense ([ORS 810.410\(4\)](#)).
- c. Additional information regarding traffic citations is located in [Traffic Citations: Policy 0340](#).

### **300.5.3: PHYSICAL ARREST**

Officers may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

- a. Driving Under the Influence of Intoxicants.
- b. Felony and Misdemeanor Hit-and-Run.
- c. Attempting to Elude.
- d. Reckless Driving.
- e. Failure to carry and present
- f. Felony or Misdemeanor Driving While Suspended.

### **300.5.4: TRAFFIC ENFORCEMENT PRACTICES**

- a. An effective deterrent to traffic law violation is visible patrol in a marked department vehicle and traffic enforcement will normally be conducted with a high-profile, preventative approach.
- b. When stationary observation of traffic may assist in effective enforcement, officers should generally park in a conspicuous location and to not impede the flow of traffic. Stationary covert observation for enforcement is authorized if the covert method would assist in producing the ultimate goal of achieving voluntary compliance with traffic laws and reduce the number of traffic crashes.
- c. Marked patrol vehicles shall be used for normal traffic enforcement activities. Shift supervisors may authorize unmarked and/or unconventional vehicles for traffic enforcement should an identifiable need be determined.
- d. The Department utilizes designated traffic officers as a specialty assignment. The traffic officers may use unmarked patrol vehicles as a part of their normal traffic enforcement duties.

### **300.6: SUSPENDED OR REVOKED DRIVER LICENSES**

- a. If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to [ORS 810.410](#).

- b. Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.
- c. If a computer check of a traffic violator's license status reveals a suspended or revoked driver's license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended ([ORS 809.500](#)).

### **300.7: DRIVER RE-EXAMINATION REQUESTS**

If an officer has contact with a driver who the officer suspects to be incompetent to drive due to physical or mental disability, disease or other condition which might prevent the person from exercising reasonable and ordinary care over a motor vehicle, the officer should complete the [Driver Evaluation Request form](#) to request the person to be re-examined by the Department of Motor Vehicles.

### **300.8: SPECIAL PROCESSING REQUIREMENTS**

- a. Non-resident traffic violators shall be handled in the same manner as a resident violator.
- b. Juveniles who have committed a traffic violation shall generally be handled in the same manner as adults.
  - 1) However, juveniles accused of the following traffic offenses shall be taken into custody:
    - A. Driving under the influence;
    - B. Felony or misdemeanor hit and run;
    - C. Manslaughter by motor vehicle;
    - D. Driving while license criminally suspended or revoked;
    - E. Attempting to elude;
    - F. Reckless driving;
    - G. All other incidents in which an adult would be taken into custody.
  - 2) In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents as soon as practicable.
- c. Foreign diplomats and/or consular officials shall be accorded their respective privileges, rights and immunities as directed by International and Federal law.
  - 1) Diplomatic immunity is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants who are not nationals of nor permanently reside in the receiving state. They are protected by unlimited immunity from arrest, detention, prosecution with respect to any civil or criminal offense under current U.S. Law ([22 USC 252](#)).

- 2) Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. Diplomatic officers, their families, official staff, and servants are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.
- 3) Career consular officials can be identified by credentials issued by the State Department. The State Department credential bears its seal, the name of the officer, his title, and the signatures of the State Department officials. Honorary consular officials do not receive identification cards from the State Department but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention. Family members of a Consular Officer cannot claim immunity.
- d. Members of the United States Congress shall, in all cases except treason, felony, and breach of the peace, be immune from arrest during their attendance at the session of their respective Houses, and in going and returning from the same; and for any speech or debate in either house. They shall not be questioned in any other place.
- e. Military personnel and their spouses are granted driving privileges as outlined in [ORS 807.020](#).

### 300.9: TRAFFIC STOPS

- a. When making traffic enforcement stops, officer and motorist safety should be a primary concern. The following steps should be considered:
  - 1) Careful choice of stop location, considering visibility to other motorists, adequate lighting, and available cover;
  - 2) The Communications Center should be advised of the location of the stop and vehicle license number and description if appropriate;
  - 3) Activation of emergency lights and use of horn/siren to affect the stop;
  - 4) Safe distance between officer's vehicle and violator's vehicle;
  - 5) Continuous observation of vehicle occupants on approach;
  - 6) Use of headlights, spotlights, and takedown lights for illumination to increase visibility inside violator vehicle.
  - 7) Use of safe position during driver contact (e.g., behind driver door, in front of driver door, passenger-side approach);
  - 8) Ask violator to remain in their vehicle for the duration of the stop unless circumstances dictate otherwise.

- b. During the stop, officers should maintain visual contact with the occupants of the violator vehicle while checking driver license status, wants, warrants, etc., and issuing citation if appropriate.
- c. When re-contacting the driver, officers should be aware of any changes in the condition of the driver, the vehicle, or other occupants.
- d. The violator vehicle should be allowed to depart the scene first, unless circumstances dictate otherwise.

#### **300.9.1: HIGH RISK VEHICLE STOPS**

A high-risk traffic stop is a vehicle stop conducted when specific and articulable information known to officers at the time of the stop indicates that the occupant(s) may pose a heightened risk to officer(s) or public safety beyond that normally associated with a routine vehicle stop.

Circumstances that may justify a high-risk vehicle stop include, but are not limited to:

- a. Information that an occupant is armed, has access to weapons, or has recently used, attempted to use, or threatened to use physical force.
- b. Suspected involvement in a violent crime.
- c. Active or recent flight from law enforcement.
- d. Credible intelligence or observed behavior suggests an increased likelihood of resistance or violence.

A high-risk vehicle stop may involve the use of additional officers, cover and/or concealment, coordinated officer positioning, and verbal commands intended to manage risk and enhance safety. The specific tactics employed are based on the totality of the circumstances and officer judgement, and no single tactic or sequence of actions is required. The designation of a high-risk vehicle stop does not require certainty that a threat exists, only that the information known at the time reasonably indicates an elevated risk.

#### **300.10: BICYCLE AND PEDESTRIAN ENFORCEMENT**

Because bicycles and pedestrians are involved in collisions with motor vehicles, often resulting in injury to the cyclist or pedestrian, it is the policy of the Albany Police Department to actively enforce all applicable laws and ordinances pertaining to pedestrians and bicycles, including enforcement action where appropriate at the scene of collisions involving pedestrians and bicycles.

#### **300.11: TRAFFIC DIRECTION AND CONTROL**

##### **300.11.1: HAND SIGNALS**

Personnel assigned to provide traffic control shall utilize the following control signals and gestures:

- a. Stop Signal - The basic signal to stop is an upraised hand at the end of an extended arm raised at or above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.

- b. Start Signal - The signal for a stopped vehicle to start moving begins with the officer extending their arm, at shoulder level, toward the stopped vehicle (pointing) and waving the car onward by bending their arm at the elbow and drawing their hand towards their chest. Once traffic in one direction starts to move, the officer turns and faces opposing traffic and delivers the same signal.
- c. Left turn - Once it is safe for the motorist to complete the turn, opposing traffic should be stopped using the standard stop signal. The officer then motions to the turning vehicle with a starting signal and points in the direction the driver intends to go.
- d. Right Turn - Right turning requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or has to merge into heavy vehicular traffic. Natural gaps are best used for turning vehicles.
- e. Flashlight Signals - A flashlight may be used to halt traffic. To stop traffic, slowly swing the flashlight across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, hand signals may be given in the usual manner with the vehicles' headlights providing illumination.

### **300.11.2: TEMPORARY TRAFFIC CONTROL DEVICES**

During emergencies and special events, the department may use temporary traffic control devices, such as reversible or temporary signs, moveable barriers, control of traffic signals, etc.

- a. The temporary control devices shall be deployed at the direction/approval of the Shift Supervisor, or supervisor in charge of the special event, if appropriate. Officers placing temporary control devices shall be responsible for their removal.
- b. In cases where the officer placing the temporary control device ends their tour of duty, the oncoming supervisor shall be notified and assume responsibility for directing its removal.
- c. A master key to access traffic signal control boxes is located in the patrol sergeant key box. Officers can obtain the key to manually control traffic signals at electronically controlled intersections. Circumstances that would warrant an officer placing a signal in "flash" mode or turn the signal off include:
  - 1) Malfunctioning of the signal (notify Public Works);
  - 2) To facilitate traffic movement at the scene of a traffic crash or other emergency;
  - 3) Providing a thoroughfare for a motorcade;
  - 4) Other circumstances where the safe, efficient movement of traffic may be jeopardized.

### **300.11.3: HIGH VISIBILITY VESTS**

The Albany Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment ([23 CFR 655.601](#); [A. 437-002-0134](#)).

- a. Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.
- b. Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.
  - 1) Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.
  - 2) Plainclothes personnel may use a reflective vest any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.
- c. A high-visibility vest shall be issued to each employee who works in the field, and it is the employee's responsibility to ensure that the vest is stored in a manner which protects it from damage.
- d. The administrative assistant charged with uniform supply should be promptly notified whenever a member requires a vest to be replaced.

### **300.12: SELECTIVE TRAFFIC ENFORCEMENT**

The goal of selective traffic enforcement is to reduce traffic crashes. Crash and citation report data is used to identify problem areas that must be addressed. Selective traffic enforcement functions include the following procedures to be completed by the Support Services Captain or his/her designee:

- a. Review of traffic crash data.
- b. Review of traffic enforcement activities will be performed on a monthly basis.
- c. Selective enforcement shall be performed in those areas where review of traffic crashes and violations indicates that special attention is needed.
- d. Officers will perform traffic enforcement education by utilizing speed enforcement devices, video cameras, and speed reader boards to reduce traffic violations and increase traffic safety. Officers patrolling on foot and on bicycles may also be used as an educational resource and to enforce traffic laws.

#### **300.12.1: ANNUAL REVIEW**

The Support Services Captain or his/her designee will evaluate the selective traffic enforcement program annually. A report will be submitted to the Chief of Police summarizing whether the enforcement efforts met their objectives.

- a. An annual review of traffic crash data will include geographic, temporal, and causative factors such as:
  - 1) Month, day, hour;
  - 2) Location and directions, weather, road and traffic volume conditions;
  - 3) Intended driver action;
  - 4) Type of vehicles involved.

**300.13: ESCORTS**

- a. The Investigations Lieutenant shall review all requests for police escort services. In cases of public officials, dignitaries, or funerals requesting a police escort, the Lieutenant shall be responsible for the coordination and implementation of the escort. In cases of oversize vehicles or hazardous or unusual cargo, the Investigations Lieutenant shall coordinate the escort together with Public Works.
- b. In the event of an emergency or an unusual circumstance, escorts shall be provided at the direction of the field supervisor. Officers shall not provide escorts to private vehicles during medical emergencies. Escorts for emergency vehicles generally shall not occur, except in cases where the emergency vehicle requests assistance in finding a location or if there is a malfunction of a vehicle's emergency lights and/or siren.

**300.14: TRAFFIC ENGINEERING**

- a. A Community Resources Unit (CRU) Sergeant shall be responsible for coordinating activities regarding traffic engineering issues.
- b. Review of traffic crashes will be completed by a CRU Sergeant and reviewed with the Transportation Systems Analyst periodically.
- c. Traffic volume data and distribution reports are compiled and maintained by the Transportation Systems Analyst and provided to the Police Department on a request basis.
- d. When the Transportation Systems Analyst or the Police Department become aware of a particular problem that may or may not be reflected in crash report data, communication between the departments will occur as necessary and steps will be taken to correct the problem.
- e. Roadway hazards are reported by officers directly to the Communication Center who, in turn, will notify the Public Works Department or Oregon Department of Transportation (ODOT).