

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>3.03.015</b>	
<b>Policy and Procedure Title</b> Traffic Law Enforcement	<b>Effective Date</b> April 7, 2021	Page 1 of 11
<b>Replaces Prior Policy:</b> August 10, 2009	<b>Approved by:</b> Chief Justin Doll	

**This policy is the internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.**

### **3.03.015 Traffic Law Enforcement**

#### **PURPOSE**

To establish and provide written guidelines that describe the Anchorage Police Department's procedures relating to traffic enforcement activities.

#### **POLICY**

It is the policy of the Anchorage Police Department to establish procedures for traffic enforcement activities, including provisions that Officers enforce traffic laws and regulations in a fair and equitable manner in an effort to increase voluntary compliance with motor vehicle laws, deter collision-causing violations, and promote the safe and efficient flow of traffic.

#### **DEFINITIONS**

**Traffic Law Enforcement (TLE):** A category within the broad topic of "traffic" relating to the enforcement of all statutes and ordinances regulating traffic, as opposed to the other category of traffic known as "Collision Investigation." Although TLE encompasses many areas, this procedure limits itself to enforcement of moving and parking ordinances and statutes.

#### **I. GENERAL INFORMATION**

**A. Types of Violations.** Traffic Law Enforcement addresses several categories of laws. Most common of these are:

1. Parking Violations.
2. Moving Violations.
3. Taxicab Violations.
4. Commercial Vehicle Violations.
5. Licensing/Registration Violations.

6. Certain criminal violations involving vehicles, found in the traffic codes instead of the criminal codes (Leaving Scene of Crash, Operating Under the Influence, Driving on a Suspended License, to name a few).

**B. Traffic Code Source.** The term “traffic code” refers to the laws contained in the following sources:

1. Anchorage Municipal Code, Titles 9 and 11.
2. Alaska Statute (AS) Title 28
3. 13 AAC (Alaska Administrative Code).

**C. Range of Seriousness.** The traffic codes have within them violations ranging in severity from civil sanctions through felony criminal offenses.

**D. Disposition Alternatives.** When observing any traffic violation, Officers can react in one or more of the following ways:

1. Stop violators to instruct them on the applicable traffic law.
2. Stop violators to warn them of the violation and possible consequences.
3. Stop violators and issue the appropriate charging document.
4. If applicable, arrest violators.
5. Disregard the violation, providing certain standards are met.

**E. Criteria for Selecting Appropriate Disposition.** Within the arena of traffic law enforcement, the Department is dedicated to a single goal--*Quality*. Having Officers exercise professional judgment in discharging their enforcement duties is fundamental to achieving that quality. Departmental expectations of its Officers merely reflect the citizen's expectations--firm but fair treatment, with accuracy of facts and consistency in criteria for disposing of violations. Towards that end, the following guidelines are provided, and Officers who deviate from these standards must be prepared to articulate the reason(s):

1. The basic premise is that an observed violation warrants a stop, and that the traffic stop is for the purpose of charging the violator. In practice, however, issues come to Officers' attention that persuade them not to make a particular stop or issue a specific citation. If the Officer elects to take no action on an observed violation, or decides to stop the violator but give only a warning or instruction instead of a citation, he/she must base that decision on valid, fair, and articulable reasons, and those reasons must be reasonably consistent throughout the Department. For the individual Officer to retain the discretionary powers needed for effective traffic law enforcement, one must rely on professional judgment coupled with Department guidelines. Those guidelines are:

- a) Always consider the objectives of traffic law enforcement when deciding on what action to take. Maintaining the smooth flow of traffic, enhancing safety, and instilling respect and voluntary compliance with the law are the primary purposes. Following are some examples of situations where an officer may reasonably choose not to take any enforcement action:
    - i. Reaching and/or stopping the violator might create more of a traffic hazard or be more disruptive to the smooth flow of traffic, than the violation itself.
    - ii. Officers are engaged in more urgent police activity than the observed violation.
    - iii. The subject vehicle or violator is suspect in a more substantial case and stopping that vehicle/person would imperil that investigation.
  - b) Always consider the totality of the circumstances. There are many factors to weigh in deciding whether or not to stop and/or charge a violator, and no two elements have equal significance. Some of these factors are:
    - i. The seriousness of the offense, which can be influenced by:
      - (1). Time of day (lighting, traffic density).
      - (2). Nearly causing a collision.
      - (3). Prior warnings to the operator.
    - ii. Driver experience.
      - (1). Young or newly licensed drivers can often benefit from instruction.
      - (2). Nonresident drivers unfamiliar with Anchorage.
    - iii. The forum for debate is traffic court and not the street. Nothing should stop Officers from assessing genuinely new information/evidence in considering the disposition of a violation, but irresolvable issues such as an interpretation of the law, the value of a particular ordinance, or factual debates, should be minimized in the field and adjudicated in traffic court.
    - iv. Other circumstances exist which can legitimately convince an Officer that formal charging may not be in order. A driver who pulls into a no parking zone because of illness, or an undercover Officer making a minor infraction while following a suspect vehicle are two of many examples of unique circumstances requiring a tailored response by Officers.
2. Certain offenses have been identified as requiring priority enforcement by the Department. These violations are known to have a correlation

with an increase in vehicle collisions and tend to be committed by habitual traffic offenders. To reduce vehicle collisions and aid the Department of Motor Vehicles in the identification of habitual offenders, it is firm Department policy to charge all offenders of the following ordinances, unless a compelling mitigation is detected and articulable by Officers:

- a) All criminal traffic violations, which include:
  - i. Leaving the Scene of a collision.
  - ii. Duty to Give Information after a collision.
  - iii. Failure to Render Aid.
  - iv. False Report of a collision.
  - v. Driving with Suspended/Revoked License.
  - vi. Unlawful Use of License (various types).
  - vii. Reckless Driving.
  - viii. Refusal to Submit to Chemical Tests.
  - ix. Operating Under the Influence.
  - x. Eluding an Officer.
- b) These infractions:
  - i. Red light violation.
  - ii. Speeding more than 15 miles per hour over the limit.
  - iii. Speeding in a School Zone by more than 10 miles per hour over the limit.
  - iv. Failure to Yield violation.
  - v. Stop sign violations.
  - vi. Careless Driving.
  - vii. Allowing Unlicensed Driver to Drive.
- 3. Criminal violations and arrests.
  - a) At collision scenes, if evidence concludes a violation of a criminal traffic law has occurred, an arrest shall be made except in cases of critical or fatal injury. See "Collision Investigations" 3.03.020.
  - b) In all other cases, an arrest will be made if sufficient evidence is discovered.
- 4. Citations at collision scenes. If evidence concludes a violation has occurred, a citation shall be issued except in cases of critical or fatal injury. See "Collision Investigations" 3.03.020.

**F. Subsequent to Stop.** After a stop is made, Officers shall:

1. Ensure any property has been returned to the operator unless such property must be retained for legal cause (for example, evidence, suspended/revoked licenses, or two licenses).
2. Advise the driver if the citation is for an optional court offense or otherwise, including the date, time, and location of the scheduled court appearance, if applicable.
3. Explain the procedure for paying the fine, entering a plea, or correcting the citation, including appropriate timelines and method.
4. Avoid following the violator once back into the flow of traffic.

**Officers should be mindful that this might be the only contact that a citizen may have with the Department, and that respectful communication coupled with critical listening is most likely to reflect favorably on the citizen's perception of the Department as a whole.**

**G. Charging Documents.** Depending on the violation, one or more of the following charging documents would be used:

1. Parking Citation, to charge the civil violations found in the parking ordinances.
2. Taxicab Violation, to charge taxicab operators with violations of those laws dealing only with the operation of "for hire" commercial vehicles.
3. Uniform Summons and Complaint, which is used to charge infractions found in the traffic code and various misdemeanor (criminal) offenses which meet certain criteria, 3.02.025 Arrest Misdemeanor.
4. Order and Conditions Release Per Schedule, OR paperwork, can also be used to charge various misdemeanors found under the traffic code.

**H. Juveniles.** Officers are reminded that within traffic law enforcement, juveniles are processed almost identically as adults, with the following few exceptions:

1. Infractions. If a juvenile is charged with violating a traffic infraction which can be resolved by mail or online payment, he/she is issued a citation indistinguishable from an adult citation. The minor is entitled to remedy the infraction by paying online or mailing in the dollar amount entered by the Officer from the Bail Schedule, just like an adult. Should the minor elect to contest the citation in court, a parent must also be present--but the court system will advise the minor of that fact when setting a court date, not Officers.
2. Criminal violations of the traffic code. If a juvenile violates a traffic law which is criminal, he/she is arrested and processed exactly as an adult would be. If the traffic offense and circumstances would warrant an adult receiving a Misdemeanor Citation, then an equivalent scenario would allow a juvenile to be issued the same Misdemeanor Citation. Conversely, if an adult would be brought before a Magistrate for bail

setting, so would the subject juvenile. The Officer retains the same responsibility for the preparation of the Court Complaint with a juvenile offender (if such would be appropriate for an adult). The sole difference is that, should detention be appropriate/ordered, that detention would occur at McLaughlin Youth Center, Arrests--Juveniles 3.02.080.

3. If an adult operator is not able to be notified to retrieve the vehicle in a timely manner, it shall towed if applicable, Towing – Vehicle Impounds Policy 3.03.010.
4. Any time a juvenile is to be given a summons, the Officer may notify the juvenile's parent or guardian of the circumstances as soon as possible.

**I. Foreign Diplomats, Nationals, and Consular Officials.** Diplomatic and consular Officers may be accorded special privileges, rights, and immunities as directed by law and federal statutes. However, they may be stopped and cited for traffic violations regardless of their diplomatic immunity. It is the duty of all persons enjoying such rights and privileges to respect local laws and regulations. Questions that may arise regarding a traffic violator's diplomatic status may be directed to the U.S. Department of State, Arrest, Death, or Serious Injury of Foreign National Policy 3.10.035.

**J. Additional Material.** The actual method of taking custody of a violator and charging him is discussed extensively in the chapter "Arrest and Custody," especially noting the procedures on Infractions and Civil Violations.

## **II. Use of Speed Measuring Devices**

1. The use of assigned speed measuring devices by properly trained and certified officers is an effective method for carrying out the following departmental traffic enforcement objectives:
  - a) Reducing vehicle collisions where speed is a factor
  - b) Reducing speeding violations in response to citizen complaints
  - c) Reducing speeding where speed limit violations are prevalent
2. Equipment Specifications

The equipment standards of electronic speed measuring devices used by the Department, weather RADAR or LIDAR, will be limited to those which appear on the Conforming Products List published by the National Highway Traffic Safety Administration.

3. Operational Procedures

Each Officer shall have a thorough understanding of the operational procedures for all speed measuring devices for which they are authorized to operate and will adhere to the manufacturer's recommendations as outlined in the instruction manual and consistent with the Officer's training. Other operational procedures include:

- a) All Officers certified in the use of electronic speed measuring devices will inspect the unit prior to its use to ensure it's working properly.
- b) The calibration will be checked in the proper manner according to training at the beginning and end of each Officer's shift.

#### 4. Proper Care and Upkeep

If the operator of a speed-measuring device does not get a proper calibration check or feels the device is malfunctioning at any point during its operation, it shall be turned into the Traffic Unit office. The unit will not be placed back in service until it has been properly checked and/or repaired.

#### 5. Maintenance/Certification

Officers assigned a speed measuring device shall ensure that it is maintained according to manufacturer recommendations. Officers shall also ensure that any RADAR Tuning Forks or LIDAR that have been assigned to them or are otherwise being used by them receives an annual certification by the Alaska State Metrology Laboratory or any other entity or individual that complies with manufacturers recommendations as well as the Standard Operating Procedures of the National Institute of Standard and Technology.

#### 6. Operator Training and Certification

No Officer shall operate any speed-measuring device unless he/she has received proper training in its use and has been certified to operate the device.

### III. PARKING ENFORCEMENT

**A. Jurisdiction.** Parking violations can be cited on publicly owned or private property within the municipality. The only limitation is that the parking violation must occur in the citing Officer's presence.

**B. Violations Alleged on a Parking Citation.** Information regarding the proper completion of that form can be found in the Report Writing Manual. Note that to allege any violation not appearing as a pre-printed box, Officers

must write the equivalent information in the "Comments" area of the Parking Citation.

**C. Citations May Be Issued By Sworn Officers, Community Services Officers (CSO's), or Contracted Agents.** The copies will be turned in by the end of their shift.

**D. Impounding as a Result of a Parking Violation.** Complete information regarding impounding can be found in the procedure "Towing--Impounds," including special procedures such as "Over 24 hours" and "Trailers Parked Over One Hour."

#### **IV. MOVING VIOLATIONS**

**A. Jurisdiction. Anchorage Municipal Code Title 9 applies to all property within the Municipality.** As such, citations can be issued, and arrests conducted on both public and private property unless limited by the language of the ordinance in question. Officers must, therefore, be conscious of that language, and assess its applicability under the prevailing circumstances. To aid Officers in this assessment, consider the following:

1. An ordinance with no restrictor applies anywhere within the Municipality. An example is AMC 9.36.160, Boarding or Alighting from Vehicles, which states "No person may board or alight from any vehicle while such vehicle is in motion."
2. An ordinance with a restrictor, such as "on a street" or "roadway," narrows the scope of the law. Such a law would only apply to conditions specified. In this example, the violation could not occur in a field or closed parking lot, since:
  - a) "Street" is defined as "the entire width between the boundary lines of every way open to the use of the public for purposes of vehicular travel."
  - b) "Roadway" is the travelled part of a street. Consequently, if an ordinance forbids a certain act "on a roadway," the language narrows the act to occurring on the travelled portion only.
3. Some ordinances will specify applicability. For instance, AMC 9.26.020 A. states a maximum speed of "Fifteen miles per hour in any alley or public parking lot;" and AMC 9.36.240, Trespass in Parking Lots, makes it "...unlawful for any driver, passenger, pedestrian or other person to enter or remain within a public or private parking lot in violation of a clearly visible sign posted by the owner or operator of such lot, which sign sets forth rules of occupation of the said lot during specified times."
4. In instances when Officers encounter drivers who no longer appear to be competent to operate a motor vehicle, they may make a Recommendation for Re-Examination, to request the Department of Motor Vehicles re-evaluate a person's ability to drive. (AS 28.15.091



and 2 AAC 90.450)

**B. State Traffic Charges.** If a Municipal law or ordinance addresses the violation, then that provision should be cited instead of the State equivalent. However, there are a few State traffic laws which have no Municipal equivalent so, when encountered, Officers should cite that State law.

**C. Charging Document.**

1. Most moving violations are infractions, which are normally charged on a Uniform Summons and Complaint, and served either by:
  - a) Personal service by Officers; or
  - b) Summons mailed through the Traffic Court.
2. Some violations are criminal, so may appear on a:
  - a) Uniform Summons and Complaint "cite and release"; or
  - b) Court Complaint; or
  - c) Order and Conditions Release Per Schedule, Form CR-766.

**D. Correctable Offenses Through Inspection.**

1. Certain infractions have an additional remedy beyond resolution by mail, online payment, or court appearance. These are the "correctable offenses," and give the violator the additional option of correcting the deficiency and having it inspected. If satisfactorily corrected, the citation is voided. These are called "correctable offenses," or "equipment violations." Note the different categories of correctable offenses:
  - a) Equipment violations charged under AMC 9.44 which are correctable may be inspected anytime within 30 days at the police station during business hours.
  - b) Excessive exhaust fumes or smoke and noise violations (AMC 9.44.330 A-E) are correctable. The vehicle must be inspected within 30 days of receiving the citation at the MOA Environmental Health Services Department, 825 L Street, during normal business hours. The defendant must call, 907-343-4200, and make an appointment.
  - c) Mandatory Infractions are correctable within 30 days in a normal traffic court hearing. Most notable are:
    - i. AMC 9.12.030 No Operators License in Possession, which is a 2-point correctable violation requiring resolution in court.
    - ii. AMC 9.44.010 A Operating an Unsafe Vehicle, which is a 0-point, optional court infraction.

2. Large Trucks. Semi's and other large vehicles can be issued correctable equipment citations like any other vehicle. However, because of the size and occasional specialized equipment involved, a different inspection process is used:
  - a) The violator must contact the Traffic Unit during normal business hours to arrange an inspection location and time.
  - b) Inspections will not be conducted in the Department lot. Normally, weigh stations are used.
  - c) Field Inspections. Officers may inspect repair work in the field. If a violator successfully repairs any deficiencies which the Department may inspect, Officers may conduct the inspection in the field, and bring the citation into the station for voiding and processing.

## **V. COMMERCIAL VEHICLES**

A. **Street Restrictions.** The Municipal Traffic Engineer has designated certain Anchorage streets on which the operation of commercial vehicles and large trucks would create exceptionally hazardous conditions or cause undue public inconvenience. Traffic Engineering has erected appropriate signs or outlined in Title 9 of the Municipal Traffic Code, certain streets or routes where commercial vehicles or trucks are prohibited.

1. Action to be taken. When Officers observe a violation of a posted sign or designated truck route prohibiting commercial vehicles, trucks, or vehicles over 11,000 lbs., a citation can be issued under one of the following Municipal Traffic Ordinances:
  - a) 9.46.090 A-D Allowable Gross Weights (Overweight) 0-points/\$.15 per lb.
  - b) 9.46.360 Load Restrictions on Certain Streets (Overweight - unable to weigh) 0-points/\$150.00.
  - c) 9.46.370 B Commercial Vehicles Restricted (Signs posted which prohibit use) 2-points/\$150.00.
  - d) 9.46.410 A-H Trucks Prohibited on Certain Streets 2-points/\$100.00.
2. If more than one section applies, only issue a citation for the most serious violation.
3. When observing flagrant overweight violations, you may wish to direct the truck driver to proceed to the nearest State Weigh station.
  - a) There are weigh stations located south of Potters Marsh on the Seward Highway and on the Glenn Highway north of the Fort Richardson gate.

- b) Some commercial trucks carry pit slips from State certified weight scales which give the exact weight of the vehicle. The State DMV registration form also indicates the truck's unladen (empty) weight.

## **VI. Voiding of Correctable Citations/Infractions/Summonses**

1. If the summons or infraction has been issued and the motorist believes that it was issued in error, they shall be instructed to plead not guilty to the offense and state their reasons in court.
2. If an Officer writes out a citation, summons or infraction and discovers that it was written in error, i.e. incorrect charge, defective traffic control, etc., the Officer will do the following:
  - a) Take all copies of the summons or infraction, write the word "VOID" across the summons, and contact the Records Department requesting that the ticket be voided, and explaining the reasons that the Officer wants the ticket voided.
  - b) The voided ticket will then be disposed of in a manner appropriate with state records retention guidelines.

## **VII. Manual Traffic Direction Procedures**

1. Manual direction may be used in situations where traffic control signals or devices are not present, inadequate due to traffic flow or malfunctioning. Emergency conditions may dictate the manual control of traffic.
2. All persons on manual traffic duty will wear a high visibility traffic vest and when available reflective high visibility gloves. All cruisers will be equipped with these vests.
3. Clear, uniform hand signals shall be used. Hands and arms will be kept in a position to be clearly visible to motorists who are signaling to stop. Officers must recognize vehicle signals before others are allowed to proceed.
4. Officers will take into consideration bad weather, darkness, bright sunlight or flashing cruiser lights, which might obscure motorist's vision

**\*\*\*END OF DOCUMENT\*\*\***