




Clayton County Police Department PROCEDURES

Subject TRAFFIC ENFORCEMENT		Procedure # D42	
Authorizing Signature 	Effective 05-30-2023	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 23

I. PURPOSE

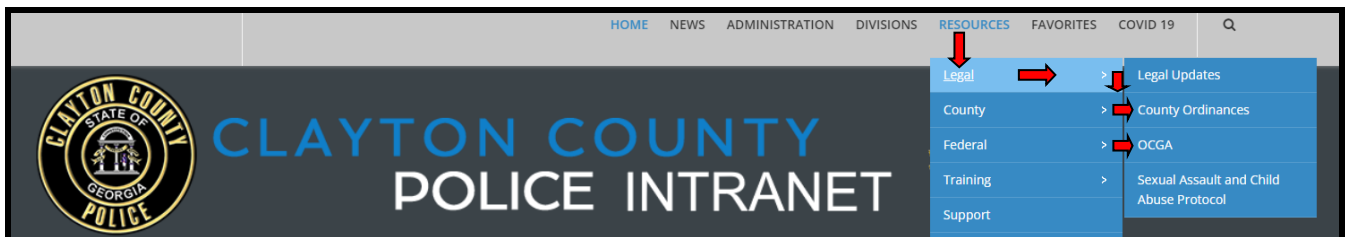
The purpose of this policy is to establish guidelines for the Clayton County Police Department's traffic enforcement operations.

II. POLICY

The responsibility for the enforcement of traffic laws and regulations rests with all uniformed personnel of the Clayton County Police Department (CCPD), regardless of specific assignment. All sworn officers, while on duty and in uniform, shall take appropriate enforcement actions for all violations of traffic laws and regulations they observe. Enforcement action will be taken without regard for such factors as attitude, intent, or excuse. Enforcement not only involves arrests and citations, it also includes effective warnings to drivers and pedestrians. To effectively carry out this function, all officers must be familiar with traffic enforcement-related statutes.

III. GEORGIA TRAFFIC CODES & CLAYTON COUNTY ORDINANCES

Officers will enforce traffic laws in accordance with applicable laws and departmental policies and training. Officers can access applicable laws from the CCPD's Intranet homepage using the "Resources" tab drop-down menu (shown below) and the following instructions:



- A. Georgia's Traffic Laws (Georgia Code): Click on OCGA. Traffic Laws are located under Title 40 - Motor Vehicles and Traffic; Chapter 6 (Uniform Rules of the Road), Chapter 8 (Equipment and Inspection of Motor Vehicles), and Chapter 14 (Use of Speed Detection and Traffic-Control Signal Monitoring Devices) of the Official Code of Georgia Annotated (OCGA).
- B. Clayton County, Georgia – Code of Ordinances: Click on County Ordinances. Ordinances are located under Chapter 94 (Traffic and Vehicles) of the Clayton County Code of Ordinances.

IV. TRAFFIC ENFORCEMENT GOALS & OBJECTIVES

- A. The objective of the CCPD's traffic enforcement program is the reduction of fatalities, personal injuries and property damage as a result of traffic accidents. To this end, the CCPD will compile and review traffic accident and enforcement data in order to direct selective enforcement efforts to those areas or conditions that contribute to traffic accidents. The areas of enforcement, education, engineering, and emergency medical assistance shall be used as measures to correct existing road safety issues or as accident prevention strategies.
- B. The reduction of the number and severity of traffic accidents will be the sole motivation of the CCPD's traffic enforcement efforts. The generation of revenue or imposition of quota systems will not be a determining factor.
- C. The goal of each precinct or unit involved in the CCPD's selective enforcement effort will be a reduction in the number or severity of traffic accidents in areas targeted as a result of accident data analysis. The progress made by each component in the attainment of its goals in targeted areas will be reported and forwarded through the chain of command.

V. TRAFFIC ENFORCEMENT UNIT

The Traffic Enforcement Unit is the CCPD's traffic enforcement component and is primarily responsible for the enforcement of traffic laws to prevent and/or deter motor vehicle and pedestrian accidents. In addition to the enforcement of traffic laws, the traffic function of the Traffic Unit shall consist of the following elements:

- A. Deployment of units as appropriate to ensure traffic safety and enforcement of all traffic related laws;
- B. Evaluation and coordination of the Department's selective enforcement activities resulting from analytical data compiled from traffic accidents;
- C. Operation, calibration and maintenance of speed detection devices and state-approved intoxilyzer machines;
- D. Evaluation and coordination of enforcement activities resulting from citizen complaints;
- E. Coordination and planning of most special events where vehicular or pedestrian traffic is concerned;
- F. Traffic safety education, in conjunction with the Community Affairs Unit;
- G. Enforcement of Driving Under the Influence (DUI) of Alcohol/Drugs violations;
- H. Follow-up investigation of hit and run accidents, traffic related fatalities and other non-traffic fatalities resulting from motor vehicle accidents;
- I. Dissemination of monthly accident and enforcement summaries, in conjunction with the Targeted Investigations Through Analysis of Networks (TITAN) Unit; and
- J. Compiling, analyzing and reporting of accident statistics, to include annual review of traffic accident data as it compares to selective enforcement activities.

VI. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, ORGANIZATION & COMMAND

The Traffic Unit is made up of a team of officers assigned to the duties described below.

- A. Traffic Unit Commander: The Traffic Unit Commander is responsible for the day-to-day operation of the Traffic Unit, and makes shift assignments and enforcement target assignments as necessary, or as directed by the concerned Division Commander. Available resources (e.g., accident/enforcement statistics, traffic engineering data, citizen complaints) will be utilized for making assignments and implementing selective enforcement techniques and procedures. The Traffic Unit Commander will report daily to the concerned Division

Commander and shall be responsible for creating and forwarding a monthly activity report as well as an annual report detailing the Unit's goals and objectives. The Traffic Unit Commander will evaluate all selective traffic enforcement activities to ensure the agency is achieving its goals and objectives.

- B. Traffic Unit Supervisor(s): The Traffic Unit supervisor(s) will report to the Traffic Unit Commander and conduct their assigned shifts based on information received and duties required. Traffic Unit supervisor(s) will (at a minimum) hold the rank of Sergeant. Additionally, they will be responsible for assisting the Traffic Unit Commander with the compilation and review of traffic accident and enforcement data. They may be assigned to maintain or coordinate the maintenance of equipment utilized by the Unit.
- C. Traffic Unit Officer(s): The Traffic Unit officer(s) will be assigned to traffic enforcement activities (e.g., preventing and detecting of violations of law and regulations; facilitating the safe, expeditious flow of vehicular and pedestrian traffic; and rendering assistance to and ensuring the safety of motorists). This position is also responsible for providing assistance to all officers in relation to their expertise in traffic law enforcement. Work shifts for Traffic Unit officers are assigned by the Traffic Unit Commander. These flexible hours provide for coverage during times of high traffic volume or accidents. Hours and days off are subject to immediate change at the discretion of the Traffic Unit Commander to fill personnel requirements as needed.
- D. Specialized Traffic Enforcement Units: The specialized traffic enforcement units are made up of a team of officers assigned to the duties described below:
 - 1. Motorcycle (Motor) Unit: The Motor Unit shall complement and assist the Traffic Unit in the enforcement of traffic laws and regulations and to ensure the safety of motorists within the County. The duties and responsibilities may include, but are not limited to, assisting with special events and details, (e.g. parades, funerals), specialized calls for service and community functions.
 - 2. Highway Enforcement of Aggressive Traffic (HEAT) Unit: The HEAT Unit is a multi-jurisdictional task force specifically designed to combat impaired and aggressive drivers. The HEAT Unit provides support for officers in order to achieve strategic goals including higher police visibility and promoting safe behaviors for drivers on the roadways. The HEAT Unit will: enforce laws targeting aggressive driving; conduct high visibility patrols; participate in multi-jurisdictional road checks and sobriety checkpoints to stop impaired drivers; and reduce the number of accidents, fatalities and injuries on the roadways.
 - 3. Specialized Traffic Accident Reconstruction (STAR) Team: The STAR Team conducts in-depth investigations and analysis of traffic accidents involving serious bodily injury or death within the County. The duties and responsibilities include, but are not limited to, accident reconstruction through analysis of the three (3) phases of a traffic collision (e.g. pre-crash, at-crash and post-crash).
 - 4. Hit & Run Unit: The detectives investigate hit and run accidents and work closely with the STAR Team accident investigators assigned to fatal or critical injury crashes. The detectives examine vehicle evidence along with other evidence and witness accounts in an effort to identify the hit and run vehicle and/or driver.

VII. PRECINCT/SHIFT RESPONSIBILITIES

- A. Each shift will, whenever practical or possible, assign an officer(s) to traffic enforcement duties and direct its selective traffic enforcement efforts into areas that are:
 - 1. Determined to be high incident areas of traffic accidents and/or traffic law violations. Decisions will be based on monthly accident and enforcement reports and general accident patterns; and
 - 2. The subject of citizen complaints regarding violations of traffic laws.

- B. The progress made by each precinct/shift will be documented and forwarded through the chain of command.

VIII. ENFORCEMENT ALTERNATIVES

Officers are to use individual discretion, based on professional judgment, when deciding which form of enforcement action will be taken. Action will be appropriate for each violation of the law, with the basic premise that enforcement should be an educational experience, rather than immediate punishment, for the violator. This action will be accomplished in a fair, impartial, courteous, and professional manner. The following options are at the discretion of the officer:

- A. Verbal Warning: A verbal warning is appropriate when the violator commits a very minor violation that results in little or no potential danger to the public. When a verbal warning is issued, there is no required documentation. Regarding applicable radio traffic signals, "Code 8" will be used for a verbal warning.
- B. Written Warning: A written warning will only be issued on a *Uniform Traffic Citation (UTC)*. A written warning is a proper alternative response when a violator commits a minor traffic violation, but the officer feels that court or other judicial action is not warranted. The issuance of a written warning is at the discretion of the issuing officer, unless serious traffic offenses are involved. When a *UTC* is utilized to issue a written warning, it **requires** a departmental case number, just as if the officer were issuing a written *UTC*.
1. When a *UTC* is produced electronically, "WARNING" is listed at the top of the citation and there is no court date/time information listed.
 2. When a *UTC* is handwritten, "WARNING" shall be written in all of the following areas/sections: (1) Directly under the case number; (2) In the court date and location section; and (3) In the remarks section. See *Appendix B* of this procedure for a Sample of a *UTC Written Warning*.

Regarding applicable radio traffic signals, "Code 7" will be used for a written warning on a *UTC*.

- C. Written Citation: A written citation will only be issued *on a Uniform Traffic Citation (UTC)*. The *UTC* will be utilized for issuing citations to violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic. This should include hazardous moving violations and operating unsafe or improperly equipped vehicles. The *UTC* requires an assigned departmental case number.

Regarding applicable radio traffic signals, "Code 7" will be used for a written citation on a *UTC*.

In accordance with OCGA § 17-6-11, drivers stopped for violations of Title 40 can usually be issued a *UTC* and released instead of being arrested and/or brought before a judicial officer to post bail when the driver displays their license.

1. Generally, drivers should not be released upon display of their license, if charged with:
 - a. DUI;
 - b. Revoked or Suspended License;
 - c. Reckless Driving;
 - d. Fleeing or Attempting to Elude a Police Officer;
 - e. No License;
 - f. Homicide by Vehicle; or
 - g. Other violations considered to be serious in nature.
2. A driver who has received a *UTC* and displayed their license in lieu of posting bail must sign the *UTC* to acknowledge receipt of the citation and their obligation to appear for trial in order to be released. When issuing a *UTC* to a person, pursuant to OCGA § 40-13-2.1,

prior to obtaining the driver's signature, the citing officer must advise the driver that signing the citation is not an admission of guilt and that failure to sign will result in the driver having to post a cash bond. If, after receiving this information, the driver refused to sign the *UTC*, it shall constitute reasonable cause to believe that the person will not appear at trial and the officer may bring the driver before a judicial officer or traffic violations bureau to post a cash bond.

3. A driver's license should not be held as bail under any circumstances but may be confiscated for other reasons if authorized by law (e.g., DUI or suspended license). When confiscated, officers will ensure the appropriate forms are completed and a copy of such form shall be provided to the driver, when required to do so. The officer shall provide the person with a full explanation as to why their driver's license is being confiscated.

D. **Physical Arrest:** Arrest is an extreme action taken when the continued operation of the vehicle would result in an immediate danger to the public. The driver shall also be arrested when their driver's license has been suspended or revoked by the Georgia Department of Public Safety or the Department of Public Safety of any other state or as stated in the above section (i.e., *VIII. C.1.*). In the case of a license that has been suspended or placed in revocation, the driver must have been properly served with notice of suspension or revocation. If the status of the suspension cannot be determined, the officer will not make a physical arrest.

1. If under extraordinary circumstances (e.g., medical condition, protective custody concerns) a driver is released on a copy of charges, the officer will obtain approval from their supervisor and provide reasons for the release in their report. For additional information regarding discretion and alternatives to a physical arrest, refer to *CCPD SOP A8: Arrest Procedures*.
2. On all arrests, the officer will complete an *Incident Report*, *UTC* for each charge, a *Warrantless Arrest Probable Cause Affidavit (WAA)*, if the driver is taken into custody and transported to the Clayton County Jail on the cited *UTC* charge(s), and any additional paperwork required for such incident.

IX. TRAFFIC PATROL

A. Visible Traffic Patrol

1. **Area:** Moving or stationary observation in an area that includes a number of streets or sections of highway. The officer's assigned area of responsibility (e.g., sector, beat).
2. **Line:** Moving or stationary observation of a specific street or highway which is between two (2) points.
3. **Directed:** Area or line patrol that is specifically directed by supervisory personnel and is based on unfavorable traffic accident data, hazardous violations, or enforcement data.

B. Stationary Observation

Pursuant to OCGA § 40-14-7, law enforcement officers are prohibited from operating a stationary speed detection device from a vehicle in which the vehicle is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least five hundred (500) feet.

1. **Covert:** Traffic enforcement units will not be concealed from view of the roadway to the extent that the officer is not visible to persons using ordinary powers of observation.
2. **Overt:** Traffic enforcement vehicles will be positioned in such a manner near the roadway or intersection that is clearly visible by persons using ordinary powers of observation.

X. TRAFFIC STOP PROCEDURES

Although stopping motorists on the highway for traffic violations or other purposes is often considered a routine function of patrol officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists, even during apparently "routine" situations. Therefore, it is the policy of the CCPD that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures, while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

A. Stopping and Approaching Traffic Violators

Also refer to *CCPD SOP D3: Motor Vehicle Pursuits*.

It is recognized that varying conditions such as roadway construction, volume of traffic, weather, road design, and the urgency of making vehicle stops may require officers to adjust to particular conditions. However, the following procedures are to be followed whenever possible:

1. Unmarked vehicles with emergency equipment will not be used in traffic enforcement under normal operating circumstances. Should an officer driving an unmarked vehicle observe a violation that should be addressed, the officer may take action by having a marked patrol vehicle make the traffic stop. However, if the actions of the violator endanger the immediate safety of other motorists, which may include the officer, an unmarked vehicle may attempt a traffic stop of the violator. Once the violator is stopped, and without delay, a marked patrol vehicle shall be summoned to the scene to assist as a uniformed presence.

Non-uniformed officers operating vehicles not equipped with emergency lights or siren, shall not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, officers shall contact the E911/Communications Center, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.

2. Officers shall have a legitimate basis to perform traffic stops (e.g., probable cause, articulable suspicion or other public safety interests). Bias based profiling is prohibited when determining an articulable reason to justify the detention of an individual or the investigatory stop and/or search of a motor vehicle. Also refer to *CCPD SOP A7: Bias Based Profiling*.

In conducting the stop, officers shall take every reasonable precaution to manage the risk to themselves and others. In the interest of safety, officers may direct the individual to another location prior to taking action.

3. When a location has been selected for the stop, the officer shall notify the E911/Communications Center or Mobile Communications Terminal (MCT) of the traffic stop, providing unit location, vehicle tag number and state (if applicable), description of the vehicle, and the number of occupants. The radio shall be used for emergency traffic (e.g., suspicious vehicle stops, felony/high-risk stops, calls for assistance, disturbances, driver fleeing on foot). At the officer's discretion, or dispatcher's request, additional information may be given.

B. Violator Contact

1. Contact with vehicle occupants shall be done in the safest and most appropriate manner.
2. Whenever possible, the patrol vehicle shall be parked to the rear of the violator's vehicle and positioned so as to afford the greatest degree of protection to the officer and the motorist. At night, the patrol vehicle should be positioned to utilize the take down lights to illuminate the violator's vehicle and its occupants.
 - a. The officer shall have the option of asking the driver to remain in the vehicle, or step away to a place where the reason for the stop can be discussed in reasonable safety.

- b. Unless the officer deems otherwise necessary, all occupants shall be asked politely to remain in the vehicle, while the officer is conducting the stop.
3. Officers shall greet the driver in a professional manner, and identify themselves by using their name and rank. If not in uniform, officers will present proper identification, and allow the driver to examine their credentials, if necessary, to verify they are a police officer.
4. The driver should be politely informed of the reason for being stopped.
5. The officer shall ask the driver for their driver's license and other appropriate documents.
6. The officer will provide their name and badge number upon request.
7. The officer should be flexible and maintain a professional demeanor at all times.

C. Issuing a *Uniform Traffic Citation (UTC)*

1. When issuing *UTCs*, conducting roadside field sobriety tests, or conversing with the violator, the officer and other parties should be positioned with safety as the primary factor, and within view of the police vehicle's mobile camera recording equipment.
2. A *UTC* shall be issued for any violation that in any way contributed to the cause of a collision, unless such collision occurred on private property. *UTCs* are not normally issued on the majority of traffic accidents that occur on private property.
3. When preparing *UTCs*, officers should position paperwork and related materials in a manner that allows them to maintain visual vantage over the actions of the violator and other occupants.
4. Each violator will be assigned a court date, if applicable. The issuing officer will inform the violator of any special information in regards to the charge(s) and instruct the violator to call Court Services to obtain information pertaining to:
 - a. Mandatory or optional court appearance; and
 - b. Ability to enter a plea and/or pay the fine by mail or in person.

D. Stopping an Approaching Motorist

In cases where an oncoming motorist in traffic must be stopped, the following actions should be taken:

1. Drive the police vehicle to the extreme right portion of the roadway, and as the violator's vehicle approaches, signal it to stop by using hand signals and emergency lights.
2. Because of the potential hazard involved, officers should not leave their vehicles when attempting to stop oncoming motorists, unless it is necessary and can be safely accomplished.
3. If the motorist complies with the instructions, the police vehicle may then be turned around and properly positioned to the rear of the violator's vehicle.
4. Should the motorist fail to comply with an officer's instructions, the officer should turn the police vehicle around to execute a traffic stop.

E. Stopping a Following Violator

When stopping a motorist to the rear of the police vehicle, the following procedures should be followed:

1. The officer should drive to the right shoulder of the road, and as the violator's vehicle approaches, signal it to stop using hand signals and emergency lights.
2. Officers should not exit their vehicles in order to signal the motorist.
3. Should the motorist fail to comply, the officer should return to the roadway, approach the violator's vehicle from the rear, and execute the traffic stop.

F. Making High-Risk Vehicle Stops on a Known or Suspected Felon

All felony/high-risk traffic stops will be performed according to the training received by the officer, in addition to the following guidelines. Officers should remember that every stop will be different and may require modification of the stop and extrication procedures. Always act and react in accordance with the training received in practical exercises including proper exit, handcuffing, and search procedures.

1. When a vehicle driven by a known or suspected felon is located, the officer will notify the E911/Communications Center immediately. The officer will inform the dispatcher of the location, license plate information, a thorough description of the suspect vehicle, and a description of the occupants.
2. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep back-up units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
3. An officer should not individually initiate a high-risk vehicle stop unless back-up units will not be available in a reasonable amount of time, or the urgency of the situation demands immediate action.

G. Stopping Oversize and Overweight Vehicles

In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be followed:

1. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight; and
2. Allow the operator sufficient time and distance to make the stop.

XI. SPECIAL PROCESSING PROCEDURES

A. Non-Residents

1. The Non-Resident Violator Compact (NRVC) is a United States interstate compact used by forty-four (44) states and Washington, D.C. to process traffic citations across state borders. If a properly licensed violator's state of residence is a member of the Non-Resident Violator Compact (shown below), the officer may release the person on a copy of the citation. The officer will advise the violator that if the citation is not paid, or if the violator does not appear in court on the date indicated, the Georgia Department of Driver Services (DDS) will notify the Department of Public Safety, or other respective division, in the violator's home state of residence, and their driver's license may be suspended until the case is settled.

Chart for Non-Resident Violator Compact Members (States and Washington, D.C.)

Alabama	Idaho	Massachusetts	New York	Tennessee
Arizona	Illinois	Minnesota	North Carolina	Texas
Arkansas	Indiana	Mississippi	North Dakota	Utah
Colorado	Iowa	Missouri	Ohio	Vermont
Connecticut	Kansas	Nebraska	Oklahoma	Virginia
Delaware	Kentucky	Nevada	Pennsylvania	Washington
Florida	Louisiana	New Hampshire	Rhode Island	West Virginia
Georgia	Maine	New Jersey	South Carolina	Wyoming
Hawaii	Maryland	New Mexico	South Dakota	*Washington, D.C.

2. If a violator's state of residence is not a member of the Non-Resident Violator Compact, the violator shall be arrested and post a bond. There are only six (6) states that are not members of the compact and they are shown below.

Chart for States that are Not Members of the Non-Resident Violator Compact

Alaska	California	Michigan	Montana	Oregon	Wisconsin
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B. Juvenile Offenders

1. If a *Uniform Traffic Citation (UTC)* for violating a traffic law or ordinance is written on a driver who is sixteen (16) years of age or younger, with or without a valid driver's license, a *Juvenile Complaint Form* and *Incident Report* will be completed in addition to the *UTCs*. The juvenile must be released to a parent or guardian. Court dates for juvenile offenders will be "To Be Notified." For further information on arrest and charges involving juvenile offenders, refer to *CCPD SOP A10: Juvenile Procedures*.
2. Juveniles taken into custody for DUI of alcohol or drugs, who are sixteen (16) years of age and possesses a Georgia Driver's License, should be given their rights under the Georgia Implied Consent Law, for the purpose of the chemical test(s) for alcohol or drugs.
 - a. If the juvenile takes the test(s), the results should be noted in the officer's report.
 - b. If the juvenile refuses to take the chemical test(s), it should also be noted in the officer's report and the proper forms for a refusal completed and forwarded to the Georgia Department of Public Safety.
 - c. The chemical breath test should be administered at the nearest Department facility.
 - d. Drawing of blood and/or obtaining urine samples shall be done by qualified medical personnel and at a medical facility. The juvenile will not be taken to the County Jail under any circumstances.

C. Legislators

After ascertaining a subject has proper legislative credentials and that an official legislative session and/or committee meeting is being held or scheduled, the officer will release the legislator with a warning for most misdemeanor traffic violations. However, the officer will take appropriate action as mandated by State law for any DUI and/or felony traffic offenses. The officer will immediately notify an on-duty supervisor of the encounter. When legislators are in session, *Uniform Traffic Citations (UTCs)* or physical arrest will not be initiated without prior approval of the officer's immediate supervisor.

D. Foreign Diplomats & Consular Officials

1. In all cases where a person who is known to be entitled to or asserts diplomatic or consular immunity, the person will be treated with the courtesy and respect that befits their distinguished position and a supervisor shall be contacted immediately. It is the duty of the supervisor to contact the U.S. Department of State (DOS) immediately to verify the person's status and seek official guidance.
2. Consular officials may only be arrested for a felony pursuant to a warrant issued by judge.
3. Traffic violations
 - a. Under international law, the issuance of a *UTC* does not constitute an arrest or detention. Therefore, the on-scene officer may, after ascertaining that the official has the proper credentials, issue the person entitled to diplomatic or consular immunity a *UTC* or warning as appropriate under the circumstances.

- b. If an officer issues a *UTC* to a foreign diplomat or consular official, the officer is required to complete an *Incident Report*. Copies of the *UTC* and *Incident Report* will be forwarded through the chain of command to the Diplomatic Motor Vehicle Office of the U.S. Department of State's Office of Foreign Missions, using the following contact information:

<u>Mail</u> : 3507 International Place, NW Washington, D.C. 20522	<u>Phone</u> : (202) 895-3521 (M-F 0900-1700 EST) (866) 217-2089 (after hours)
<u>E-mail</u> : OFMDMVEenforcement@state.gov	<u>FAX</u> : (202) 895-3646

4. Traffic Accidents

- a. If a vehicle involved in an accident was operated by a person who has verified diplomatic or consular status, or bears diplomatic or consular motor vehicle license plates issued by the U.S. Department of State, a copy of the *Accident Report*, *Incident Report*, and any *UTCs* issued to the person entitled to diplomatic or consular status will be forwarded through the chain of command to the U.S. Department of State's Diplomatic Motor Vehicle Office using the following contact information:

<u>Mail</u> : 3507 International Place, NW Washington, D.C. 20522	<u>Phone</u> : (202) 895-3521 (M-F. 0900-1700 EST) (866) 217-2089 (after hours)
<u>E-mail</u> : OFMDMVEenforcement@state.gov	<u>FAX</u> : (202) 895-3646

- b. Vehicles that are issued U.S. Department of State license plates are required to be covered by liability insurance.

5. DUI and other Offenses Where the Safety of the Official or Public is Involved

- a. The primary consideration in DUI cases and other more serious offenses is to ensure that the official is not a danger to themselves or the public. If it is necessary to restrain the official to prevent them from harming themselves, or others (including officers), the officer restraining the official should contact their supervisor as soon as possible to inform them of the situation.
- b. If the supervisor determines that a diplomatic or consular official is a danger to themselves or others, the supervisor may direct that the official be taken to the precinct or another location where phone calls and/or arrangements can be made to take the official to an authorized location.
- c. In cases involving a DUI, the officer may ask the individual to perform field sobriety tests under the same manner as any other driver while awaiting verification of the status claimed.
- d. If the incident involves a person entitled to diplomatic immunity, the supervisor will contact the U.S. Department of State, Office of Protocol by telephone immediately and advise them of the situation. The Office of Protocol, may be reached by calling one (1) of the following telephone number(s): Phone: (202) 647-1727 (M-F, 0900-1700 EST) or (866) 217-2089 (after hours).
- e. A full written report will be submitted within twenty-four (24) hours through channels to:

Office of the Chief of Protocol Department of State 2201 C Street, NW Room 1238 Washington, DC 20520

- f. For consular officials, a full report will be submitted, through channels, to the U.S. Department of State, Office of the Chief of Protocol, using the same address. For further information refer to *CCPD SOP D39: Diplomatic and Consular Notification*.

E. Active Duty Military Personnel

The members of the organized militia or military forces shall in all cases except treason, felonies, or breach of the peace, be privileged from arrest during their attendance at drills, parades, meetings, encampments, and the election of officers and going to, during, and returning from the performance of any active duty as such members (OCGA § 17-4- 2).

1. When an officer stops any military personnel who is on active duty, they may affect an arrest if the offense meets the above listed criteria. Officers should notify their supervisor before making such arrest, if possible.
2. On all traffic violations, military personnel are not immune from prosecution.
3. In situations where the violator is charged with DUI, the report will reflect that the operators driving constituted a breach of peace. This should be established before a physical arrest is made.
4. In this situation, the violator's commanding officer and the District Attorney's Office will be notified on the next business day following the arrest.

F. Any immunity claimed by a violator must be verified with the appropriate authorities, officers are required to notify their supervisor immediately when such claim is made.

XII. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

Appropriate uniform enforcement action is important if motorists are to enjoy safe driving in Clayton County. Good judgment by the police officer, in consideration of the circumstances and conditions at the time of the violation, will ensure appropriate action and gain the public's confidence in traffic enforcement.

A. Driving Under the Influence (DUI) of Alcohol/Drugs

1. DUI has been interpreted by various courts to mean that there is a presumption of impairment when a motorist's ability to operate a moving motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. The mere fact that a driver has the odor of alcoholic beverage on his breath is not sufficient cause for arrest. The violation occurs when the driver's ability is impaired.
2. Officers should arrest any driver found to be in violation of DUI laws. Arrests will be determined by the driver's observed operations on the roadway or involvement in an accident, field sobriety tests, and state administered chemical tests.

B. DUI Countermeasures Program

Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of this County. Consequently, a comprehensive, coordinated, and on-going countermeasures program involving education, enforcement, adjudication, treatment, and public support is essential if a program is to have long term success in combating the DUI problem.

1. The CCPD shall have officers who are subject matter experts on the detection and evaluation of suspected DUI drivers. Such expert officers shall be assigned to those areas and times where there is a high incidence of DUI driving and/or DUI related traffic accidents. Though the Department has such expert officers, all officers of the CCPD have the responsibility of detecting and apprehending DUI drivers.
2. Enforcement is one of the key elements in the DUI countermeasures program. If the CCPD does not detect and apprehend impaired drivers, the rest of the program cannot function.
3. Patrol officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact, and

upon determining that probable cause to arrest is present, the officer will effect a physical arrest of the subject.

4. State administered chemical tests will be offered in accordance with the Georgia Implied Consent Law and departmental policies and procedures.
5. Officers are reminded that chemical tests are supplemental tools only, and a refusal to submit to a chemical test will not constitute cause to issue a *Uniform Traffic Citation (UTC)* for a lesser offense.
6. All officers will be familiar with impaired driver detection cues and field sobriety testing. If any officer recognizes a need for additional training in either area, the officer should seek advanced training by making a request for training via the concerned chain of command. For further refer to *CCPD SOP B10: Career Development* regarding training requests.
7. Officers use various combinations of the following DUI countermeasures: selective assignment of personnel to, and surveillance of, locations where significant violations/accidents have occurred; analysis of DUI related accidents; selective safety checks for deterrence purposes; and enforcement of DUI laws.

C. DUI Procedures

The procedures below will be followed by all personnel of this Department in DUI cases:

1. If an officer has reasonable suspicion that a driver's ability is impaired, the officer has the right to request the driver to step away from the vehicle to observe the driver's balance, appearance and to have the driver perform field sobriety tests.
2. After the officer has administered field sobriety tests, and has determined that the driver is impaired, the officer should at that time place the driver under arrest for DUI. Once the driver is placed under arrest for DUI, the driver becomes subject to testing procedures under the Implied Consent Law.
3. It is now imperative that the officer read the suspect the correct Implied Consent Notice **in its entirety and without unnecessary delay**. The officer must read it understandably and clearly. It must be read exactly as it is printed on the *Implied Consent Notice Card* currently issued by the Georgia Department of Driver Services.

The three (3) types of Implied Consent Notices are:

- a. Suspects under age twenty one (21);
 - b. Suspects age twenty one (21) or over; and
 - c. Commercial motor vehicle driver suspects.
4. As soon as possible the suspect should be transported to a location where the requested state test(s) can be administered. For further information on locations for state administered breath tests refer to *CCPD SOP B19: Breathalyzer Rooms*. All Departmental-owned instruments used to administer state breath tests will be located in an area(s) that makes it easy to monitor the actions of the suspect while completing the test and associated paperwork.
 5. Once the driver has been read the Implied Consent Notice and given the state administered test(s), such driver may at any time before being turned over to the jail for confinement make a request for an additional test by someone of their own choosing. Any additional tests and analysis costs are at the expense of the driver (should the driver request an additional breath test, one will be provided at no charge on an instrument used for the state test). If a test is requested that requires transportation to the nearest or reasonably requested hospital, the officer is required to oblige.

6. If the driver's blood-alcohol content (BAC) is .08 or higher, or the driver refuses the requested state test, the arresting officer shall take the driver's license of the driver and forward it to the State with the completed *DDS 1205* form.

If the driver is hospitalized or submits to a blood test requiring the sample(s) be sent to the Georgia Bureau of Investigation (GBI), Division of Forensic Sciences (crime lab), a *DDS 1205S* form will be completed when the results are returned to the Department.

D. Speed Law Violations

Speeding violations are to be considered as types of offenses which cause auto accidents, property damage, and injuries. The enforcement of speed violations is considered to be a high priority, especially in those areas which have proven to possess a high injury-accident rate. Speed enforcement should also be given to the residential streets, and at those locations where citizen complaints have indicated that speeding violations occur. The following guidelines should be followed when taking enforcement action:

1. All detected speeding violations should be enforced by a *UTC*, especially at the locations and times noted in selective enforcement reports;
2. The use of speed detection devices will be governed by applicable State law (OCGA 40 Chapter 14); and
3. When speed has been determined to be the causative factor in a traffic accident, a *UTC* should be issued. This includes speed related offenses such as "Following Too Closely" or "Too Fast for Conditions."

E. Hazardous Moving Violations

Hazardous traffic violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways, enacted primarily to regulate safe movement of vehicles and pedestrians. Hence, officers shall issue *UTCs* or make arrests, if applicable, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

F. Equipment Violations

When a vehicle is found to be in violation of equipment requirements, a *UTC* should usually be issued for the most serious violation.

G. Commercial Vehicles

Enforcement of commercial vehicle laws will be governed by applicable federal and state laws and local ordinances.

H. Non-Hazardous Violations

Minor traffic infractions may be resolved with verbal warnings.

I. Multiple Violations

When multiple violations are observed which can be classified separately as having distinctly different elements, they shall be dealt with independently. For example, a motorist stopped for following too closely and subsequently found to be operating without a driver's license, should be issued two (2) separate *UTCs*.

1. In situations where two (2) violations are similar to the extent that the elements of one (1) law are included in the other law, only the more serious violation should be used. For example, a motorist who has been charged with reckless driving would not normally be charged with speeding or improper driving on the roadway if the additional offenses occurred concurrently with, and are important factors in, the charge of reckless driving.
2. In conjunction with an issued *Uniform Traffic Citation (UTC)* for a more serious equipment

or hazardous moving violation, an additional verbal or written warning may be issued at the officer's discretion for a non-hazardous and/or non-serious traffic violation. For example, a verbal or written warning for a seat belt violation may be issued when a subject has been stopped and issued a written *UTC* for speeding.

J. Pedestrians and Bicycles

Violations of traffic laws related to pedestrians and bicycles often receive a low priority in the overall enforcement of traffic laws. This is often due to the perceived seriousness of the violations, the age of the violators, or difficulty in apprehending the violator.

It will be the policy of this Department to enforce these traffic laws in a manner similar to any other traffic violation and to take a pro-active role in the prevention, education and investigation of incidents involving these violations.

Enforcement activities will be based on analysis of traffic accident experience and/or complaints. Countermeasures shall be based upon such factors as:

1. Factors leading to accidents;
2. Actions of the violators that contributed to the accident; and
3. Type of accident.

K. Off-Road and Recreational Vehicles

When investigating the use of off-road and recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted, in writing, to operators of off-road and recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators are in violation of State law, OCGA § 40-7-4.

If violations of other applicable laws occur while operating a recreational vehicle, such as DUI, reckless driving, hit-and-run, or criminal damage, additional enforcement action may be taken by officers. Any recreational vehicle driven upon public roadways will be held to the same motor vehicle and registration laws as any other motor vehicle driven upon public roadways.

L. Parking Violations & Abandoned Vehicles

When enforcing parking laws and ordinances, particularly in residential areas, the officer should first attempt to correct a parking violation by attempting to locate the owner of the vehicle and having the vehicle removed. If compliance is not achieved, contact attempts have failed, and/or the owner is not immediately available, a *Uniform Traffic Citation (UTC)* may then be issued.

If an immediate hazard or roadway obstruction is caused by an abandoned vehicle, it should be impounded. An effort to contact the owner of the abandoned vehicle should be attempted before it is impounded.

1. Abandoned Vehicles on Roadway or Public Property

- a. Pursuant to OCGA § 40-11-15(a), any officer who finds a motor vehicle which has been left unattended or abandoned on a public street, road, highway, or other public property, for a period of at least more than five (5) days, as evidenced by the date on the *CCPD Unattended Vehicle Notice Check Card*, shall be authorized to cause such motor vehicle to be removed to a garage or other place of safety, if the officer reasonably believes that the person who left such motor vehicle unattended or abandoned does not intend to return and remove such motor vehicle.
 - 1) When officers encounter or investigate abandoned vehicles in violation of OCGA § 40-11-15(a), they will complete and affix a *CCPD Unattended Vehicle Notice Check Card* (orange in color) to the windshield/driver's side window of the vehicle.

- 2) Information on the *CCPD Unattended Vehicle Notice Check Card* shall include:
 - (a) Abandoned vehicle number (obtained from E911/Communications, Central Watch Office at Police Headquarters, or local computer);
 - (b) Vehicle make;
 - (c) License plate number, or vehicle identification number (VIN), if license plate is not available;
 - (d) Specific location of the abandoned vehicle;
 - (e) Date & time of issuance of the *CCPD Unattended Vehicle Notice Check Card*;
 - (f) Name & employee number of the issuing officer; and
 - (g) Any other remarks, if necessary.

- b. Any officer who finds a motor vehicle which has been left unattended/abandoned on the state highway system, shall be authorized to cause such motor vehicle to be removed immediately to a garage or other place of safety when such vehicle poses a threat to public health or safety, or traffic congestion, pursuant to OCGA § 40-11-15(b).
- c. Anytime an unattended or abandoned vehicle is impounded by a contract wrecker service and contact was not made with the owner, the officer must conduct a vehicle inventory and complete a *Vehicle Inventory Form, Incident Report* (notating any law violations and/or the date and time the *CCPD Unattended Vehicle Notice Check Card* was affixed to the vehicle, when applicable), *Vehicle Impound & Owner Notification Sheet (Blue Sheet)* and any other report or paperwork required for such incident. The officer will have the vehicle entered on GCIC as an abandoned vehicle as soon as possible.

2. Abandoned Vehicles on Private Property

Vehicles left unattended or abandoned on private property shall not be impounded unless:

- a. The vehicle is stolen, involved in a crime, or involve parking violations/Code violations as outlined in Clayton County Ordinances; or
- b. Emergency conditions exist where the vehicle constitutes an immediate danger to life and/or property.

For additional information on impounding vehicles pursuant to Clayton County Ordinances refer to *CCPD SOP D31: Vehicle Impounds & Releases*.

3. Parking Violations

Particular emphasis will be placed on enforcing parking laws and ordinances regarding properly marked fire lanes (e.g., yellow or red curbs, warning signs) and properly marked handicapped parking spaces.

For further information on impounding vehicles parked in an “emergency no parking” zone refer to *Clayton County Ordinance 94-64*.

M. Driving with a Suspended License

The patrol officer is frequently in the position of encountering drivers who are unable to produce a valid driver's license when stopped for a violation or other contacts. This could be the result of various actions not only of the driver, but of the court and/or the Georgia Department of Driver Services (DDS). Using NCIC/GCIC, the officer should conduct a check of the violator/contact's name and date of birth, or operator's license number (OLN) for the current status of driving privileges. If the violator or contact has a valid license, the officer's actions should be dictated by the initial violation or contact.

1. If the NCIC/GCIC check indicates the driver does not have a valid driver's license, the officer should determine if the violator was ever issued a license through this State or their state of residence. If it cannot be determined that a license was ever issued, the officer should cite the violator for not having a driver's license, and the driver should be arrested.
2. If the violator was issued a license in this state or their state of residence, and the violator's driving privileges have been revoked or suspended with a service and/or surrender date, the officer should cite the violator for not having a driver's license, or driving under the suspension, and the driver should be arrested.
3. If the driver is not arrested, the driver shall not be allowed to drive from the location of the traffic stop, and other arrangements should be made (e.g., another licensed driver in the vehicle, someone who can respond to the scene to obtain the vehicle). The vehicle does not need to be towed if it is legally and safely parked, or on private property.
4. If there is doubt about the suspension status of a license, and verification of court action cannot be gained within a short period of time, approximately fifteen (15) minutes, the officer should release the driver. The officer may further investigate the information by use of teletype message or other means of contact with court authorities. If a follow-up investigation determines that the license was suspended, law enforcement action may then be initiated by the officer.

N. New Laws

When new traffic laws are enacted, it is permissible for officers to use their discretion when issuing *UTCs*. Generally, the issuance of verbal warnings for a period of thirty (30) days after a new traffic law has been enacted is acceptable. However, there may be certain circumstances where issuing a *UTC* with a court return date would be the most appropriate action.

XIII. REQUESTS FOR RE-EXAMINATION OF DRIVERS

Any officer having reason to believe that a person is not physically or mentally qualified to be a licensed driver in Georgia, should send that person's name, address, and date of birth to the Georgia Department of Driver Services pursuant to OCGA § 40-5-34(c). The request for re-examination will be a letter to the Driver's License Advisory Board. Physical or mental defects must be described in specific detail and signed by the initiating officer and the officer's supervisor.

XIV. OFFICER/VIOLATOR RELATIONS AND INFORMATION TO VIOLATOR

Traffic enforcement is one (1) of the daily tasks performed by patrol officers, but for the violator it is frequently an emotional experience. Officers should be aware of these conditions and strive to make each contact educational, leaving the violator with the impression that the officer has performed a necessary task in a professional and friendly manner. Traffic stops have two (2) objectives which the officer seeks to achieve. The first objective is to take appropriate enforcement action, and the second is to favorably alter the violator's future driving behavior. The accomplishment of these objectives requires a thorough understanding of human relations and demands flexibility on the part of the officer.

XV. ACCOUNTABILITY FOR UNIFORM TRAFFIC CITATIONS (UTCs)

Blank *UTC* books will be issued to individual officers. Records of the issuance of *UTC* books will be maintained by the unit or precinct on the *Departmental Citation Book Issue Form*. Officers will be expected to account for all *UTC* books and *UTCs* issued to them. Any voided, damaged, or otherwise unused *UTC* will be marked with the officer's name and badge number, and all copies forwarded to Central Records & Permits along with an *Incident Report*. An *Incident Report* will be made on all lost or stolen *UTCs*. All court dispositions are maintained by the Clerk of Court. *UTC* books will be kept in a secured storage area accessible only to supervisors.

XVI. SPEED DETECTION DEVICES

The effective use of speed detection devices and their acceptance is dependent upon the operator's understanding of the specific limitations of speed detection devices, adequate training and the operator's initial certification combined with periodic re-certification to demonstrate operator's efficiency. The CCPD may use speed detection devices in high or potentially high accident locations when speed is a factor, in areas where speed limit violations are common, and in response to citizen complaints concerning speeding motorists. The CCPD will only utilize speed detection devices which meet or exceed the performance specifications established by the Georgia Department of Public Safety, pursuant to OCGA § 40-14-1.

The CCPD shall apply for a *Speed Detection Device Permit* from the State of Georgia every three (3) years. This gives the CCPD permission to operate speed detection devices on the roadways permitted. See *Appendix C* of this procedure for the current *State-Approved Certificate and List of Roadways for Clayton County*.

A. Equipment Specifications for Speed Detection Devices

1. RADAR/LASER:

RADAR/LASER units used shall be in compliance with Title 40, Chapter 14, of the Official Code of Georgia.

2. Pacing/Speedometer:

The speedometer of each vehicle used for traffic enforcement will be certified for accuracy.

B. Operational Procedures

Speed detection devices shall be operated in accordance with manufacturer's guidelines and the requirements set forth in Title 40, Chapter 14, of the Official Code of Georgia (OCGA).

C. Proper Care and Upkeep

1. Officers shall test the device for accuracy at the beginning and end of each tour of duty in accordance with manufacturer's procedures and State law, pursuant to OCGA § 40-14-5. Records of the results of each test will be maintained.

2. Care and upkeep on a continual basis, including cleanliness, repairs and/or reporting needed repairs of devices, is the responsibility of the concerned officers who are certified and assigned, temporarily or permanently, to operate speed detection devices.

D. Programmed Maintenance

RADAR and LASER devices are professionally calibrated by a factory-authorized technician upon receipt of the devices by this Department.

E. Maintenance and Calibration Records

Records of all calibrations performed, including certificates of calibration, for each RADAR or LASER device shall be maintained by the Traffic Unit Commander, or designee.

F. Operator Training and Certification

All officers using speed detection devices must successfully complete an initial basic operator program prior to issuing *UTCs*.

XVII. TRAFFIC ACCIDENT INVESTIGATION

The CCPD performs a variety of traffic accident investigation functions including providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-up investigations, preparing reports and taking proper enforcement action relative to incidents. The purpose of accident investigation is to properly determine the causative factors involved in an automobile crash and utilize these factors to develop enforcement that will reduce the number of accidents.

A. Definitions

Traffic Accident Reporting: Basic data collection intended to identify and classify a traffic accident and the persons, property, time/location, and planned movements involved, along with possible contributing factors such as traffic law violations.

Traffic Accident Investigation: Collection of factual information identifying and describing people, roads and property involved; describing the results of the accident in relation to marks on the road, debris, damage to vehicles/objects, final positions of vehicles and bodies; collection and organization of evidence for study and interpretation to explain how the accident happened.

B. Accident Reporting

1. The *Georgia Uniform Motor Vehicle Accident Report* will be completed on all reported accidents that occur on public or private property; and transmitted through the Georgia Electronic Accident Reporting System (GEARS). Detailed instructions for preparing the *Georgia Uniform Motor Vehicle Accident Report* are contained in the *Georgia Uniform Motor Vehicle Accident Report Instruction Manual*.

Any accident reported to the Department more than twenty-four (24) hours after the actual occurrence will be completed on an *Incident Report*.

- a. Once completed each motor vehicle *Accident Report* shall be submitted through GEARS before the end of the reporting officer's tour of duty, regularly-scheduled off days, planned leave (e.g., annual leave, pre-planned sick leave), and/or training days.
 - b. It is the responsibility of the Traffic Unit supervisors to review *Accident Reports* regularly through GEARS. If a Traffic Unit supervisor discovers the need to correct and/or modify an *Accident Report*, they will immediately and simultaneously notify the reporting officer and the concerned Shift and/or Unit Commander via email. The notification email will specify the correction(s) and/or modification(s) needed.
 - c. For each notification received from a Traffic Unit supervisor, the reporting officer has twenty-four (24) hours to correct and re-submit the *Accident Report* through GEARS. This procedure will continue until all corrections or modifications to the *Accident Report* are completed and submitted. When possible, all corrections or modifications to *Accident Reports* shall be completed prior to the reporting officer's regularly scheduled off days, planned leave (e.g., annual leave, pre-planned sick leave) and/or training day(s).
 - d. In the event corrections and/or modifications are necessary, the concerned Shift and/or Unit Commander will follow up with the reporting officer and Traffic Unit supervisor within seventy-two (72) hours of the email notification. This will ensure that the corrections and/or modifications were completed and submitted within the authorized time frame, and that the *Accident Report* was approved.
2. Officers will respond to the scene of and investigate all traffic accidents occurring on public or private property, to include the following:
 - a. Death or injury;
 - b. Hit and run;
 - c. Impairment due to alcohol or drugs;
 - d. Damage to vehicles and/or property;
 - e. Hazardous materials;
 - f. Disturbances between drivers and/or occupants;
 - g. Major traffic congestion as a result of the collision; and
 - h. Damage to vehicles to the extent towing is required.

C. General Investigation

1. The officer assigned to the accident shall normally be responsible for the investigation and any follow-up investigation or information needed.
2. All officers assigned to the accident scene will take the necessary steps to protect it and preserve short-lived evidence (e.g., vehicle debris, displaced cargo, skid marks).
3. In case of injuries, persons trapped in vehicles, etc., the Clayton County Fire Department (CCFD) and Emergency Medical Services (EMS) should be immediately notified. Officers should administer emergency medical care (basic life support measures) and fire suppression, within the scope of their abilities, knowledge or experience, pending the arrival of CCFD and EMS.
4. Any officer arriving at the scene of an accident where there is indication of fire, or a hazardous material that may have been released, will immediately request the services of the CCFD. Officers will not attempt to enter areas where there will be a known hazardous material exposure. The Fire Chief, or CCFD designee, will assume control of any scene involving fire or hazardous materials and police officers will provide support as required. Accident investigation will start upon release of the scene by CCFD.
5. Traffic flow should be established as soon as immediately possible after the injured are treated and/or transported by EMS. If vehicles are creating a hazard and cannot be removed from the roadway, the officer may need to manually direct traffic around the scene or call for sufficient personnel to handle traffic direction.
6. Officers will interview drivers and witnesses and collect all information required to complete the *Georgia Motor Vehicle Accident Report*. Officers will also examine and record vehicle damage and defects on the roadway noting the position of all vehicles. Any evidence found will be collected as needed.
7. Any property belonging to accident victims will be protected from theft and pilferage. If the victims are not present, their vehicle/property will be inventoried in accordance with departmental policy. Refer to *CCPD SOP D31: Vehicle Impounds & Releases* regarding vehicle inventories.
8. Enforcement action should be taken when the officer has detected a violation of a traffic law and when evidence exists to satisfy all the elements of that particular violation. An officer may also choose to take enforcement action on any other violation discovered during the accident investigation.
9. During any accident investigation officers will be alert to signs of impairment due to alcohol and/or drugs. If there is probable cause to believe that a driver is impaired, appropriate DUI enforcement actions will be taken as previously explained in *Section XII. C.* of this procedure.
10. Any follow-up investigation will be conducted by the initial investigating officer, unless the accident involves serious injury/fatality or hit-and-run. In these cases the Specialized Traffic Accident Reconstruction (STAR) Team or Hit and Run detective, will conduct follow-up investigation as needed.

D. Hit-and-Run Accidents

1. Hit-and-run accidents, depending upon the severity or depth of investigation needed, can be investigated by the initial responding officer, then forwarded to the Hit and Run detective for follow-up investigation.
2. Whenever a hit-and-run case is turned in for investigation, all pertinent facts and follow-up driver/witness information should be documented for use by the Hit-and-Run detective.

3. Technically, a hit-and-run accident is investigated using the same basic steps as listed for accident investigations.
4. All physical evidence that might lead to a description of the vehicle, or the identification of the driver of a vehicle, should be collected and placed into evidence.
5. If possible, photographs should be taken of the accident scene and the vehicles involved. Photographs should be packaged and handled the same as any other piece of physical evidence.

E. Fatality & Serious Injury Accidents

In serious accidents involving near death injuries or fatalities, it is necessary to summon the expertise and technical assistance of the STAR Team. Such assistance will be requested through a supervisor. The STAR Team will respond to and investigate all confirmed fatality accidents which can be prosecuted. The investigation and reporting of fatality accidents should be handled in the following manner.

1. The first officer on the scene will notify a concerned supervisor, who will respond to the scene.
2. Upon arrival, the supervisor will assume responsibility and take control of the scene. **If the supervisor determines the STAR Team is needed, they will contact the Traffic Unit Commander to request the STAR Team.**
3. Upon arrival of the STAR Team, complete control of the accident scene will be relinquished to the STAR Team to conduct the investigation. The STAR Team will complete any applicable reports required. The officer receiving the call, or officer(s) designated by their supervisor, will assist as needed, and remain on scene until the STAR Team has completed their investigation and/or relieved them of their duties.
4. The on-scene officers will not alter the accident scene or move any evidence unless absolutely necessary to administer first aid or rescue.

XVIII. ASSISTANCE TO MOTORISTS

The CCPD will offer reasonable assistance at all times to motorists who appear to be in need of aid. Officers should freely provide information and directions upon request. In an effort to better serve the citizens, officers should not only become familiar with the streets and services of the County, but also the various services and facilities in the area. To that end, the following procedures will apply:

- A. Requests for information, directions or assistance will be handled as a normal function of an officer's duties.
- B. Personnel who observe motorists stranded on the highways will lend assistance unless otherwise committed to a higher priority assignment. In lending assistance, officers are authorized to transport stranded citizens to nearby service facilities or other location for aid.
- C. In cases of mechanical failure, if the citizen cannot obtain aid from private resources in a reasonable amount of time and the vehicle is a traffic hazard, the contract wrecker service will be called to remove the vehicle. The officer will remain with any vehicle which presents a traffic hazard until it is removed from the roadway.
- D. Officers should ensure that motorists stranded or disabled in hazardous locations or environments are assisted as soon as possible.
- E. Officers will render all practical assistance to users of the roadway who are involved in emergency situations. Upon discovery of a medical emergency, the officer will request CCFD and/or EMS and render first aid until they arrive.
- F. The Georgia Department of Transportation maintains the Highway Emergency Response

Operations (HERO) units. HERO units generally operate on the interstate system. They have equipment to make minor repairs of vehicles and can assist in traffic direction and control. Officers may request HERO assistance through the E911/Communications Center.

XIX. ROADWAY HAZARDS

The following procedures will be followed in identifying, reporting and correcting hazardous roadway, roadside, or environmental conditions:

- A. When an officer identifies a hazard which requires immediate correction, they will immediately inform the E911/Communications Center of the situation and identify the assistance or special equipment required. The officer will protect the scene and bystanders and take whatever action is necessary to correct the situation.
- B. When a hazard is detected that represents a potential accident situation, but the threat of such is not imminent, the officer will pass this information on to the E911/Communications Center. The E911/Communications Center will notify the proper authority to have the situation corrected. If officers are able to correct the situation they will take appropriate action.

XX. GEORGIA OPEN ROADS POLICY

The removal of hazardous materials, and/or vehicles involved in collisions, from the roadways of the State of Georgia is a responsibility of public safety and law enforcement agencies. An agreement between the Georgia Department of Public Safety (DPS), Georgia Department of Transportation (GDOT), and other state, county and local agencies and political subdivisions established a policy for DPS and GDOT personnel to expedite the removal of vehicles, cargo and debris in order to restore, in an urgent manner, the safe and orderly flow of traffic following a traffic incident on Georgia's roadways. The CCPD will cooperate with the current State of Georgia Open Roads Policy. See *Appendix A* of this procedure for the current *State of Georgia Open Roads Policy*.

XXI. TRAFFIC ENGINEERING

A. Complaints and Suggestions

Complaints or suggestions in regard to traffic engineering deficiencies should be referred to the appropriate state or county Department of Transportation (DOT). Officers locating deficiencies that pose an immediate danger should have the E911/Communications Center contact the DOT for an immediate response and standby until they arrive.

B. High Accident Areas

Copies of *Accident Reports* will be made available to the County DOT, upon request, for the compiling of accident data. This data will be used for the analysis of traffic accidents, the directing of enforcement efforts, and traffic engineering solutions. The Traffic Unit will work in conjunction with the County DOT to help locate and remedy any factors that might be responsible for accidents in high traffic accident areas.

XXII. TRAFFIC DIRECTION AND CONTROL

- A. Traffic direction and control are necessary to ensure the safe and efficient movement of vehicles and pedestrians. Officers shall be assigned to carry out identified traffic direction and control functions only at those times and places where police authority or human intervention are required to ensure safety and efficiency, and until such time that the problem is resolved.
- B. Emergency conditions may dictate the manual control of traffic and traffic control devices. These include, but are not limited to:
 1. Scenes of traffic accidents;
 2. Scenes of fires or other critical incidents (firefighters might also be utilized);
 3. Periods of adverse road and weather conditions;

4. Malfunctioning traffic signals;
 5. Road construction; and
 6. Special events and functions.
- C. In order to establish uniform procedures for the provision of traffic direction and control, the following policies will be adhered to:
1. Hand Signals and Gestures
Officers will use those hand signals and gestures to direct traffic as authorized by the Georgia Peace Officer's Reference Text and taught by the CCPD a recognized Public Safety Training Center.
 2. High Visibility Equipment
Officers will wear high-visibility Department issued clothing and equipment for safety when directing traffic in the roadway. The following issued equipment will be utilized at all times when directing traffic on or off-duty:
 - a. Reflective vest or raincoat with reflective side visible to motorists.
 - b. Flashlight, for use during low-light conditions.

EXCEPTION: An exception to the above will be made only when the urgency of the situation requires that first responding officers administer first aid immediately, relieve congested traffic, or secure the scene. As soon as the emergency situation stabilizes, or assistance arrives on the scene, the officer must put on their visibility equipment.
- D. Traffic Control at Fire Scenes or Other Critical Incidents
1. Officers engaged in traffic direction and control services at fire scenes or other critical incidents will ensure ingress and egress from the scene by emergency vehicles.
 2. No vehicles will be allowed to cross fire hoses without the approval of the senior CCFD official on the scene.
 3. Parked vehicles which interfere with operations may be towed as needed.
- E. Traffic Control during Adverse Road and Weather Conditions
1. A supervisor will request E911/Communications operators/dispatchers to notify the local radio stations, public works, CCFD, and other public safety agencies of adverse road conditions that will affect the motoring public.
 2. Officers will provide traffic direction and control services at the scene of downed power lines, broken gas lines and water mains, or construction sites when the lack of traffic control would endanger the safe movement of traffic through the area.
 3. Officers may close any street if surface conditions and terrain create an unusual hazardous condition. When this occurs, officers will advise E911/Communications of the closure and their immediate supervisor. The supervisor should request assistance from the appropriate County department in alleviating the problem, and request public service radio announcements be made in reference to the closure. Other public safety departments/agencies will also be notified.
- F. Traffic Control Devices
1. Temporary traffic control devices (e.g., cones, barricades) may be obtained from the County Transportation & Development Department for special events or emergency situations. Supervisors may request these devices and determine the location for their use.
 2. Temporary devices will be removed when the event or emergency situation is over and returned to the County Transportation & Development Department.

3. Normally, officers will not manually operate traffic signals. A supervisor may, however, approve the manual operation of traffic signals if the supervisor believes the circumstances warrant it (e.g., special events, unusual occurrences). In all instances, the County Transportation & Development Department will be contacted for assistance.

XXIII. POLICE ESCORTS

- A. Requests to escort public officials or dignitaries must be approved by the Chief of Police, or designee. Police vehicles **shall not** be used to escort private vehicles on emergency runs or any emergency vehicle which has its own operating emergency equipment. Police officers may facilitate the movement of other emergency vehicles by assisting with traffic control at key intersections.
- B. Special Events
Special events (e.g., parades, sporting events, picketing) may require special *Traffic Action Plans* which cover all aspects of traffic control and direction. Generally, the Traffic Unit will handle scheduled parades and road races while concerned Division, Shift and Unit Commanders will assign personnel to handle other special events as they occur. Upon learning of a special event, the Chief of Police will promptly designate certain personnel to ensure the preparation and implementation of a special *Traffic Action Plan* which addresses the following:
 1. Ingress and egress of vehicles and pedestrians;
 2. Provisions for parking;
 3. Spectator/crowd control;
 4. Public transportation;
 5. Assignment of point control duties and relief;
 6. Alternate traffic routing;
 7. Temporary traffic controls and parking prohibitions;
 8. Emergency vehicle access; and
 9. Appropriate area for media coverage.

XXIV. TRAFFIC SAFETY EDUCATIONAL MATERIALS

The CCPD seeks to educate the public and publicize specific problems by publishing traffic collision and injury statistics, and by giving notice and warning of changes in regulations prior to taking enforcement action. In an effort to achieve voluntary compliance with traffic laws and regulations, the CCPD will have available to the public, educational pamphlets and brochures. The Traffic Unit Commander will maintain a supply of educational materials and distribute them to each shift as requested. Officers are encouraged to distribute this material through their normal contacts with citizens, especially at road checks, traffic stops, educational events and homeowners association (HOA) meetings.

XXV. TRAFFIC SAFETY ROAD CHECKS

Traffic safety road checks provide the Department with a means to protect the citizens of the County and to monitor and check driver's licenses, driver condition, insurance, vehicle registrations, vehicle equipment, and various other requirements of the *Official Code of Georgia (OCGA)*. **Only supervisors are authorized to initiate road checks.** For additional information regarding road check procedures refer to *CCPD SOP D43: Traffic Safety Road Checks*.

XXVI. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *D42: Traffic Enforcement*, dated June 8, 2017.