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## **PREAMBLE**

Traffic law enforcement is intended to enhance the safety of public roadways through voluntary compliance with traffic laws. Both the quantity and quality of arrests made and citations issued during enforcement activities play an integral part in gaining motorists' voluntary compliance with traffic laws. The Douglas County Sheriff's Office (DCSO) strives to maintain enforcement practices that result in fair, safe, and efficient traffic enforcement activities. Deputies will have legal justification (Reasonable Suspicion or Probable Cause) to stop a motor vehicle.

## **POLICY**

It is the policy of the Douglas County Sheriff's Office (DCSO) that Deputies will take appropriate enforcement action to reduce the number of motor vehicle collisions, reduce the severity of injuries associated with collisions, and to ensure the safe and efficient flow of vehicular and pedestrian traffic. Deputies who observe traffic law violations are expected to take appropriate enforcement action, when practical, and to do so in a manner that is as uniform as possible. All Deputies will rely on sound judgment, common sense, their training and experience, and a consideration of factors existing at the time of the violation while making enforcement decisions.

## **DEFINITIONS**

**Articulable Facts:** Facts that an officer can verbalize that give rise to reasonable suspicion that a person has committed, is committing, or is about to commit a crime.

**Diplomatic Immunity:** A principle of international law in which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal lives.

**Patrol Based Traffic Enforcement:** Enforcement actions taken based on a Deputy's observation of a traffic law violation during regular undirected patrol.

**Probable Cause:** Probable cause exists where the facts and circumstances within the officer's knowledge are more probable than not to warrant a belief that the suspect has committed, or is in the process of committing a crime. Probable Cause is established by two building blocks: (1) An awareness of the articulated facts, and (2) a gathering of supportive evidence.

**Reasonable Suspicion:** Specific, reasonable inferences that the officer is entitled to draw from the facts in light of their experience. Reasonable suspicion is something less than the probable cause standard, and will not support an arrest. Reasonable suspicion is established by three building blocks: (1) Specific articulated facts, (2) Rational inferences, and (3) Plausible conclusions.

**Selective Traffic Enforcement:** Direct enforcement activities that are conducted at specific geographic locations or activities focused on specific traffic law violations that have been identified as necessary to enhance the safety of public roadways.

## **PROCEDURE**

## **I. Traffic Enforcement Procedures - General**

- A. DCSO Deputies will enforce traffic laws in accordance with applicable state statutes and DCSO policies, procedures, and training.
- B. The DCSO will not use ticket quotas or disparate treatment of persons on the basis of race, ethnic background, color, gender, religion, sexual orientation, national origin, economic status, age, cultural group, handicap, or any other identifiable characteristics. (1.2.9)
  - 1. DCSO Deputies will adhere to Biased Policing directives when conducting traffic stops (see the DCSO "Biased Policing" policy).
- C. Deputies observing traffic law violations will take appropriate enforcement action when that enforcement action has priority over other tasks or assignments that the Deputy may currently be involved with.
  - 1. Often, the most egregious traffic law violations that pose the greatest risk of collisions resulting in injury or death are observed during regular patrol. Deputies have a duty to take enforcement actions to stop immediate threats to the safety of public roadways.
- D. Deputies may rely on their familiarity with their assigned district(s) to determine when and where their independent traffic enforcement activities take place.
- E. To ensure all traffic enforcement activities are adequately tracked, Deputies will document all traffic enforcement activities as follows:
  - 1. Enter traffic enforcement stops in CAD.
  - 2. Patrol based traffic enforcement and specialized Nebraska Office of Highway Safety (NOHS) selective enforcement operations are considered self-initiated activity. These entries will include the following information:
    - a. Times out of service (10-7) and in-service (10-8).
    - b. Location of the stop.
    - c. Reason for the stop.
    - d. License plate number and state of issue.
      - (1) If no license plate is present, a vehicle description will be listed.
    - e. Driver's name, race, sex, and date of birth.
    - f. Stop disposition (citation number and the violation(s) charged if applicable).
    - g. Bias card number.
- F. Deputies will not write on any official government documents owned by or issued to another party (e.g., vehicle license, registration, etc.) as this could invalidate the document.

## **II. Traffic Stop Procedures**

- A. Violator/Deputy Relations

1. A traffic stop has great impact on the person being stopped. The manner in which Deputies conduct themselves often creates a lasting impression. Less than professional conduct such as a lack of courtesy, condescension, rudeness, and hostility not only create an unfavorable impression of the Deputy, but also of the DCSO and law enforcement in general.
2. A traffic stop is intended to accomplish two purposes:
  - a. To stop violations that endangers life and poses a threat to the safety of public roadway.
  - b. To serve as a means of enhancing community relations.
3. When speaking to a motorist during a traffic stop, Deputies will:
  - a. Be polite, courteous, and considerate.
  - b. Explain the reason for the traffic stop.
  - c. Ask the violator for an explanation or reason for the violation.
  - d. Refrain from arguing with the motorist.
    - (1) Deputies will advise an argumentative motorist that the place to argue or contest the citation is in court on the listed date and time.

B. Deputies who conduct a traffic stop, whether working as a single Deputy or two Deputy unit will notify the Dispatcher of the traffic stop by providing the following information as soon as practical (usually prior to or immediately upon the subject vehicle stopping) (61.1.7a):

1. Unit call sign (i.e. 3 Patrol 17).
2. Location of the traffic stop.
3. License plate number (specifying the state if other than Nebraska) of the stopped vehicle.

C. If there are aggravating circumstances surrounding the stop (i.e. no license plate on the vehicle, the stopped vehicle matches the description of a vehicle used in a robbery), a Deputy may also provide the following:

1. Vehicle description.
2. Occupant descriptions.
3. Reason for stop.

D. Deputies will position the cruiser in such a manner as to protect the Deputy from rearward approaching/upstream traffic.

E. Deputies may use either a driver's side approach or passenger side approach during unknown risk stops. (61.1.7a)

1. The Traffic Incident Management SHRP2 program encourages, but does not require, the use of passenger side approach techniques.
2. Deputies will rely on their training and experience to determine which approach technique to use during any particular situation.

F. If an occupant of the subject vehicle is a felony suspect, the Deputy will conduct a 'Felony/High Risk' stop. **(61.1.7b)**

1. Deputies will rely on their training and experience to determine which 'Felony"/High Risk' stop techniques are used during any particular situation.

### **III. Traffic Law Violations **(61.1.5)****

A. The DCSO will enforce all moving and non-moving traffic law violations in accordance with state statute and DCSO policies and procedures. Such violations may include **(61.1.5c&d):**

1. Speed Violations **(61.1.5c)**
  - a. Drivers who operate their vehicles in excess of the posted speed limit or at speeds that are unsafe for conditions create an increased risk of collisions and increase the severity of injuries resulting from collisions. The DCSO regards willful disobedience of the speed limit as serious and hazardous violations warranting enforcement action.
2. Proof of Financial Responsibility
  - a. Owners of vehicles that are registered in the State of Nebraska, In-Transit in the State of Nebraska, that have expired Nebraska In-Transit, or have expired Nebraska registration are required to possess and maintain insurance/financial responsibility for such vehicles and provide proof of that insurance/financial responsibility to the DMV or a peace officer when requested.
    - (1) Ownership of a vehicle is established by the name on the bill of sale, vehicle title, or vehicle registration (current or expired).
  - b. Deputies will strictly enforce the law requiring motor vehicle insurance/financial responsibility.
    - (1) Deputies will issue a citation in lieu of arrest to the owner of an uninsured vehicle if the owner is present.
    - (2) When the vehicle owner is not present, Deputies will make a reasonable effort to locate the owner to issue a citation in lieu of arrest for the violation.
    - (3) If the owner cannot be located no citation will be issued.
  - c. No Proof of Financial Responsibility is a misdemeanor traffic offense. Deputies will complete a Case Report to document the incident.
3. Non-Hazardous Violations

- a. Non-hazardous violations are those that are not likely to create or expose persons or property to risk, loss, or damage (e.g., expired registration, no license on person, etc.).
- b. Deputies will utilize their discretion when determining the type of enforcement action taken. Any willful or wanton violation will be handled with appropriate action.

4. Unlicensed Drivers

- a. An unlicensed driver is a person who has never been issued an operator's license by the State of Nebraska or a driver's license by any other state or foreign government and operates a motor vehicle on a public roadway.
- b. Unlicensed drivers will not be allowed to drive away from the scene.
- c. If no validly licensed driver is available to drive the vehicle from the scene, the vehicle will be impounded.

5. Suspended Drivers (61.1.5b)

- a. Operators of motor vehicles whose driving privileges have been suspended or revoked by the State of Nebraska or any other state or jurisdiction in the United States will be cited or arrested in accordance with DCSO procedures.
- b. Suspended and/or revoked drivers will not be allowed to drive away from the scene.
- c. If no validly licensed driver is available to drive the vehicle from the scene, the vehicle will be impounded.

6. Equipment Violations

- a. For a vehicle to be operated safely, it will be properly and legally equipped. However, in many cases, a driver may not be aware that a piece of equipment is failing to operate properly.
- b. A warning from a Deputy may be all that is necessary to bring the driver into compliance. Deputies may issue warnings for minor equipment violations when appropriate.

7. Off-Road and Non-Traditional Vehicle Violations

- a. Dirt bikes, mini bikes, motorized scooters, ATV's, snowmobiles, golf carts, etc. are generally not equipped or of sufficient power to be operated on public roadways.
- b. Deputies will be knowledgeable of applicable laws governing the use of off-road and other non-traditional vehicles and take enforcement action consistent with DCSO philosophy.

8. Public Carriers/Commercial Vehicle Violations (61.1.5e)

- a. Operators will comply with all applicable laws, rules, and regulations that will be strictly enforced by Deputies. However, the Deputy's discretion, training, experience, and knowledge will determine the enforcement action taken.
- b. Deputies may consult or request assistance from the Nebraska State Patrol Carrier Enforcement Division to determine the appropriate enforcement action in situations involving public carriers/commercial motor vehicles.

9. Other Hazardous Violations

- a. Traffic violations that may cause accidents will be considered hazardous. Examples of hazardous violations include, but are not limited to:
  - (1) Failing to obey a traffic control device.
  - (2) Failure to yield right of way to another vehicle or a pedestrian.
  - (3) Careless, reckless, and willful reckless driving.
  - (4) Improper lane change/usage.
- b. Deputies will utilize their discretion when determining the type of enforcement action taken.

10. Violations Resulting in Collisions (61.1.5h)

- a. Deputies may make arrests or issue a citation in lieu of arrest when probable cause exists to believe that the violator committed a violation of traffic law that resulted in a motor vehicle collision.
- b. Deputies may also make arrests or issue citations for non-collision related law violations discovered during the investigation of a collision.

11. Multiple Violations (61.1.5f)

- a. Deputies will exercise their discretion when dealing with situations in which a violator commits multiple violations during the same situation. Deputies may contact their Supervisor for direction as needed.

12. Newly Enacted Laws and Regulations (61.1.5g)

- a. When new laws and/or regulations are passed and become effective, the enforcement guidelines prescribed within the text of each new law/regulation will be followed.
- b. Deputies will be aware of new laws and regulations as they are enacted.

13. Pedestrian and Bicycle Violations (61.1.5i)

- a. Deputies will enforce pedestrian and bicycle traffic violations following the same philosophy applicable to motor vehicle violations.
- b. Pedestrians

- (1) Nebraska State Statutes §60-6152 through §60-6157 regulate pedestrian traffic while walking upon and traversing public roadways.
- (2) Deputies will be familiar with the laws and regulations applicable to pedestrians.

c. Bicycles

- (1) Per Nebraska State Statute §60-6314, any person who operates a bicycle upon a public roadway will have all the rights and will be subject to all the duties applicable to the driver of a motor vehicle.

14. **Parking Violations (61.1.5d & 61.1.12)**

- a. Public Roadways
  - (1) Nebraska State Statutes §60-6164 through §60-6168 regulate parking on public roadways.
  - (2) Street parking is regulated to ensure fair access to parking and to expedite the flow of traffic.
  - (3) Patrol Deputies have a responsibility to enforce parking violations reasonably and impartially. Deputies will be especially aware of the following:
    - (a) Violations that constitute a traffic hazard.
    - (b) Violations that restrict traffic flow, especially during peak traffic hours.
    - (c) Handicap parking violations.
- b. Private Property
  - (1) Deputies may receive parking complaints from private property owners. Nebraska State Statutes §60-2401 through §60-2411 address private property parking and the owner's rights.
  - (2) Deputies may advise private property owners of their rights per State Statute, but will not take any law enforcement action unless:
    - (a) The vehicle is stolen.
    - (b) The vehicle is in violation of a properly marked handicap parking space.

**IV. Traffic Enforcement Actions/Dispositions (61.1.2)**

A. **Warnings (61.1.2c)**

- 1. Deputies may exercise discretion and may accept a driver's explanation for a non-criminal, traffic violation when appropriate.
- 2. Verbal warnings may be given for minor traffic infractions.

3. Warning citations may be issued for minor traffic law violations such as an expired operator's license, expired vehicle registration, and vehicle equipment defects.

B. Citation In Lieu Of Arrest (61.1.2b)

1. NRS §29-422 allows peace officers to issue a citation in lieu of arrest for any offense that is a traffic infraction, other infraction, or a misdemeanor.
2. If a Deputy witnesses a traffic violation, they may issue a citation in lieu of arrest. All E-citations will be submitted using State of Nebraska TracS Program. (82.2.1b)
3. In relation to motor vehicle collisions, a Deputy may issue a citation for a traffic violation that they did not personally observe only if they have established probable cause that the violation occurred, and the person to be charged committed the violation.
4. The issuance of citations will be based on probable cause that satisfies the elements of the specific violations being charged.
5. Deputies will utilize the most current waiver/fine schedule set by the Nebraska Supreme Court to determine whether a violation requires a court appearance or the court appearance may be waived by paying the set fine amount and court cost.
  - a. If the violation has a mandatory court appearance Deputies will complete an Officer Narrative documenting the incident (see the DCSO "Report Writing" policy).
6. When a Deputy presents a citation in lieu of arrest to a violator, the following information will be explained to the violator:
  - a. An explanation of the violation.
  - b. That the violator's signature on the citation is not an admission of guilt, but merely a promise to appear/comply with the citation. (61.1.4c) Deputies will have the violator sign the citation by:
    - (1) Printing a copy of the citation, having the violator sign the citation, and scanning the image into the TracS Program.

-OR-

    - (2) Having the violator sign the citation on the tablet.
- c. Whether the violation requires a court appearance or a court appearance can be waived. (61.1.4b)
  - (1) The current Waiver/Fine Schedule issued by the Nebraska Supreme Court will list fines for violations in which court appearance can be waived.
  - (2) If no fine amount is listed or the offense does not appear on the Waiver/Fine Schedule, a court appearance is required.

- d. When the court appearance may be waived, the amount of the fine, court costs, and total cost, as well as the time period allowed to comply with the citation will be advised.
- e. The options for paying the total cost of the citation (in person, by mail, online). **(61.1.4c)**
- f. The date, time, and location of the scheduled court appearance. **(61.1.4a)**

7. When issuing a citation for a moving violation, Deputies will take one of the following additional steps: **(61.1.4d)**

- a. Provide the violator with a card advising of the optional traffic education programs offered through the Nebraska Safety Council.

-OR-

- b. In the comments section of the individual moving violation in TracS, advise the driver that their moving violation may be dismissed by completing a traffic education program offered through the Nebraska Safety Council and include the full web address that is listed on the previously mentioned card.

8. Until the adoption of the E-citation portal by Douglas County Justice System prosecutors, Deputies will print out each Prosecutor and Court copy of the E-citation to be submitted.

9. Any violator that refuses to sign a citation in lieu of arrest will be placed under arrest, transported to the Douglas County Department of Corrections, and booked for the original offense(s) as well as refusing to sign a citation in lieu of arrest.

- a. The unsigned citation will be booked into the Property and Evidence Division (PED) as evidence of the refusal to sign the citation.

10. Citation Errors

- a. The TracS system will not allow Deputies to submit citations with missing information. The following errors on paper citations will result in a citation being not submitted for prosecution:

- (1) Date and time fields are blank, incomplete, or incorrect.

**NOTE:** Dates will be written as month/day/year.
- (2) Violator's name is missing.
- (3) Location of violation is missing.
- (4) Violation is missing or cannot be determined.
- (5) Deputy's serial number is missing
  - (a) If the Deputy's name is present and legible, Records Division members may add the serial number.
- (6) Signature of the violator is missing

**NOTE:** The violator's signature is not required for parking violations.

- (7) "Waiver allowed" or "Will appear in court" box is not marked.
- b. The DCSO will rectify inaccurate court dates and/ or times written on criminal citations in the most expedient manner possible.
- c. If the error is discovered prior to the citation and accompanying reports being forwarded to the Records Division, the Deputy who issued the citation will ensure the correction is made on the original citation but must also personally contact the arrestee and have him/her initial the original citation acknowledging the change. The City Prosecutor's Office will not file the charge if this is not done.
  - (1) The issuing Deputy will then document this step in the Case Report and forward it to the Records Division in a timely manner.
- d. If the error is discovered by the Records Division via data review after the citation and accompanying reports have been forwarded, these citations will be entered as NOT SUBMITTED for prosecution by the Records Division.
  - (1) Copies of the original citation, a 'past record' screen highlighting the NOT SUBMITTED entry, and the accompanying reports will be sent back to the issuing Deputy's sergeant for follow-up.
  - (2) It is the original issuing Deputy's responsibility to ensure that either a new citation is issued, or an arrest affidavit sought, whatever the situation dictates. Timeliness is an issue, and these matters must be addressed as expeditiously as possible.
- e. Issuing a New Criminal Citation
  - (1) If a new criminal citation is issued, the same Case Report Number/SR Number will be used.
  - (2) The date of the offense remains the same, but the Deputy will enter the actual date of issuance in the 'date of citation'.
  - (3) Under no circumstances will a Deputy change the court date and/ or time on the original citation without notifying the defendant of the change.
- f. Errors on traffic citations will be fixed by the City Prosecutor.
- g. Deputies and Sergeants will refer questions or problems regarding the citation to a Patrol Lieutenant on an Inter-Bureau.

C. Custodial Arrest (61.1.2a)

- 1. NRS §29-427 states that any peace officer having grounds for making an arrest may take the accused into physical custody when:
  - a. The violator fails to identify themselves satisfactorily.
  - b. The violator refuses to sign a citation in lieu of arrest.

- c. The officer has reasonable grounds to believe the violator will not respond to the citation.
- d. Custody is necessary to protect the violator or others when their continued liberty would constitute a risk of immediate harm.
- e. Custody is necessary in order to carry out legitimate investigative functions.
- f. The violator lacks ties to the jurisdiction reasonably sufficient to assure their appearance in court.
- g. The violator has previously failed to appear in response to a citation.

2. Custodial arrests are justified in cases involving serious violations. Violations in which an arrest would be warranted include, but not limited to:

- a. Willful Reckless Driving.
- b. Driving Under the Influence.
- c. Flight to Avoid Arrest.
- d. Motor Vehicle Homicide.
- e. Driving Under Suspension/Revocation.

D. License Recall Requests (61.1.11)

- 1. NRS §60-4118 allows a law enforcement officer to request that a person be required to submit to a license reexamination when:
  - a. The officer has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle.
  - b. When a person's driving record appears to justify an examination.
- 2. Deputies requesting driver's license recall reexaminations will complete DMV 06-12. If completed in TracS the form will be automatically routed to the DMV.
  - a. The Deputy will explain in detail the reason for the request. If the request is a result of a motor vehicle collision, a copy of the accident report will be attached to the form.
  - b. Completed paper reexamination reports will be approved and signed by the USB Captain or designee.
  - c. A copy will be forwarded to the Policy Coordinator.
- 3. If a person makes inquiries about a license recall without any observations by a Deputy, they will be referred to the Nebraska Office of Highway Safety.

V. Traffic Violators – Special Processing Requirements (61.1.2)

A. Nonresidents

1. Nonresidents who are in violation of State Statutes will be handled the same as resident of the State of Nebraska.
2. Nonresident violators may be given warnings, issued a citation in lieu of arrest, or physically arrested as deemed appropriate by the Deputy.
3. Deputies will consider the use of warnings for nonresidents who are simply passing through and have committed a minor, non-hazardous traffic violation.

B. Juveniles

1. Juveniles, ages 16 and 17, believed to have committed a traffic infraction or a traffic misdemeanor, may be issued a citation in lieu of arrest.
2. Juveniles, ages 15 and younger, believed to have committed a traffic infraction or traffic misdemeanor, will be street-released to a parent or guardian and referred to Juvenile Court.
3. Referrals to Juvenile Court will be accomplished by submitting a completed Case Report with a juvenile referral.
4. Juveniles ages 10 and younger will not be arrested, cited, or street released in accordance with Nebraska State Statutes §43-248(8) and §43-250(2).

C. Legislators

1. In accordance with the Nebraska State Constitution Deputies will not arrest or issue citations to members of the Legislature during or 15 days before or after the legislative session except in the following circumstances:
  - a. Treason.
  - b. Felony.
  - c. Breach of the Peace.
  - d. The citation was issued during the legislative session but the court date for the citation is set for 16 or more days after the end of the session.
2. Enforcement action involving non-Nebraska legislators is subject to applicable federal, state, and/or local legislation.

D. Foreign Diplomats and Consular Officials

1. Diplomats and consular officers such as Consuls General, Deputy Consuls General, and Vice Consuls are afforded Diplomatic Immunity (see the DCSO "Foreign Nationals" policy).
2. Family members of a consular officer cannot claim immunity. However, they will be afforded appropriate courtesy and respect.
3. Citations in lieu of arrest for traffic infractions may be issued to diplomatic officials regardless of their rank or status.

4. Diplomatic vehicles will not be physically impounded or searched.
5. Those with diplomatic immunity will not be physically arrested, but if they present a continuing danger to the public, such as DUI, they may be detained until arrangements can be made for their safety.

## VI. Speed Measuring Devices (61.1.8)

- A. The DCSO uses electronic speed measurement devices to determine vehicles' speed in accordance with all applicable laws regarding the use of and training for operators of such devices.
  1. Only DCSO owned electronic speed measurement devices will be used to determine vehicle speeds for enforcement actions.
- B. The DCSO uses several vehicle-mounted RADAR (Radio Detection and Ranging) devices that vary in models and manufacturers. (61.1.8a)
  1. Certification (61.1.8d)
    - a. These devices require annual certification by an independent third party.
    - b. The Patrol Division Lieutenant will make the necessary arrangements with a third party vendor for annual certification to occur.
    - c. If the certification identifies that maintenance is required the necessary maintenance will be completed.
  2. Operator Training/Certification (61.1.8e)
    - a. Deputies will have successfully completed all required RADAR operator classroom and field observation training prior to using RADAR for speed enforcement.
  3. Operation (61.1.8b)
    - a. Deputies will complete an operational check of a RADAR unit both prior to and after its use to ensure the unit is operating properly. The operational check includes:
      - (1) Power Up.
      - (2) Internal Function Test (Usually automatically done during power up).
      - (3) Light Segment/Display Test.
      - (4) External Function Test – Tuning Fork Tests.
    - b. In the event the operational check reveals that the RADAR unit is not operating properly prior to its use, the Deputy will not use the unit and will notify the USB Lieutenant who is responsible to arrange for any necessary repairs. (61.1.8c)
    - c. In the event the operational check reveals that the RADAR unit is not operating properly after its use, the Deputy will discontinue use of the unit and notify the

USB Lieutenant who is responsible to arrange for any necessary repairs. (61.1.8c)

- (1) Any citations issued using the affected unit between a functional operational check and a dysfunctional operational check will be voided.
- (2) The issuing Deputy or their Supervisor will contact the affected violators, explain the situation, advise that the citation will be voided, and make arrangements to retrieve the violator's copy of the citation.
- (3) Deputies will document an appropriate 'Tracking History' in the "Comments for the Prosecutor" field.

C. The DCSO uses several handheld laser speed measurement devices LIDAR (Light Detection and Ranging) /Laser Speed Measurement) that vary in models and manufacturers. (61.1.8a)

1. Certification (61.1.8d)

- a. These devices require annual certification by an independent third party.
- b. The USB Division Lieutenant will make the necessary arrangements with a third party vendor for annual certification to occur.
- c. If the certification identifies that maintenance is required the necessary maintenance will be completed.

2. Operator Training/Certification (61.1.8e)

- a. Deputies will successfully complete all required LIDAR/Laser operator classroom and field observation training prior to using LIDAR/Laser unit for speed enforcement.

3. Operation (61.1.8b)

- a. Deputies will complete an operational check of a LIDAR/Laser unit both prior to and after its use to ensure the unit is operating properly. The operational check includes:

- (1) Power Up.
- (2) Internal Function Test (Usually automatically done during power up).
- (3) Display Test.
- (4) Sight Alignment Test.
- (5) External Function Test – Distance and Difference Test.

- b. In the event the operational check reveals that the LIDAR/Laser unit is not operating properly prior to its use, the Deputy will not use the unit and will notify the USB Lieutenant who is responsible to arrange for any necessary repairs. (61.1.8c)

- c. In the event the operational check reveals that LIDAR/Laser unit is not operating properly after its use, the Deputy will discontinue use of the unit and will notify the

USB Lieutenant who is responsible to arrange for any necessary repairs. (61.1.8c)

- (1) Any citations issued using the affected unit between a functional operational check and a dysfunctional operational check will be voided.
- (2) The issuing Deputy or their Supervisor will contact the affected violators, explain the situation, advise that the citation will be voided, and make arrangements to retrieve the violator's copy of the citation.
- (3) Deputies will document an appropriate 'Operator's Confidence' in the "Comments for the Prosecutor" field.

## VII. Direction Control Procedures

### A. Traffic Direction and Control (61.3.2)

1. The purpose of manual traffic control is to ensure an orderly flow of traffic with the safety of all motorists, pedestrians, and public safety personnel in mind. Effective traffic management reduces the duration and impacts of traffic incidents and improves the safety of collision victims, motorists and first responders. Quick clearance is necessary to safely restore normal traffic flow and reduce the incidence of secondary crashes.
2. Upon exiting the cruiser, Deputies will wear approved retro-reflective traffic vests at all times (61.3.2e).
3. Flares, advanced warning signs, and/or traffic cones may be used when necessary. (61.3.2d)
4. Incidents in which manual traffic control may be used include, but are not limited to:
  - a. Traffic Collision Scenes.
    - (1) Members will refer to the DCSO "Traffic Enforcement – Crashes" policy for traffic collision procedures. (61.3.2a)
  - b. Fire/Critical Incident Scenes.
    - (1) At fire scenes or scenes of critical incidents, Deputies will park their cruisers at a safe distance from the scene, keeping in mind the accessibility for ingress and egress of fire, rescue, and other emergency vehicles.
    - (2) Alternate routes for motor vehicle traffic will be determined, and traffic diverted to those routes. (61.3.2c)
    - (3) Appropriate measures will be taken to prevent injury from fire or exposure to hazardous materials, including moving persons a safe distance away from the hazard.
    - (4) Information on potential hazards will be forwarded to the responding Fire and Rescue Units.
  - c. Hazardous situations on or near the roadway. (61.3.2b)

- (1) In instances of road closings due to flooding, trees down across the roadway, etc. the responsible local, county or state agency will be notified and barricades requested.
- d. Special law enforcement operations or special events (parades, large gatherings).
- e. Adverse Weather Procedures **(61.3.2b)**
  - (1) When adverse weather conditions occur and cause hazardous driving conditions, the Deputy will evaluate the situation and arrange appropriate traffic control or maintenance.
  - (2) The Deputy will advise Communications of what type of maintenance the situation requires; i.e., sand, salt, plowing, etc.
- f. Road Closings - Traffic Control Signals
  - (1) Deputies will not manually operate traffic control signals unless authorized by a Command Officer. **(61.3.2c)**

## **VIII. Ancillary Services Procedures**

- A. Motorist Assistance **(61.4.1)**
  - 1. All on-duty Deputies, when practical, will provide assistance to motorists to include providing information and directions, assisting stranded or disabled motorists, obtaining fuel, changing tires, etc.
  - 2. When a stranded motorist is observed on or along the roadway, the Deputy will stop, notify Communications of the location, license plate number, etc., and offer assistance.
  - 3. When traveling through another jurisdiction, a Deputy may stop and assist a motorist if an apparent emergency or other hazardous condition exists.
    - a. Otherwise, a local law enforcement agency will be contacted by telephone or radio to assist the motorist.
  - 4. When the Deputy cannot stop, they will notify Communications of the location and the vehicle description, so that another Deputy can be dispatched to assist.
  - 5. If a stranded vehicle is in a hazardous location, the Deputy will stand by with the cruiser's emergency lights on to warn oncoming traffic.
    - a. The Deputy will assess the situation to determine the best course of action.
    - b. The Deputy may contact the registered owner to remove the vehicle or make arrangements to have the vehicle moved, contact a tow company to remove the vehicle or utilize the cruiser's push bumper to remove the vehicle from the roadway if exigent circumstances exist.
    - c. If the registered owner cannot be identified or contacted, a tow company will be contacted to remove the vehicle from the hazardous location.

- d. If the vehicle is stranded in a location that presents an immediate threat to public safety, a Supervisor will be contacted and a determination will be made if the stranded vehicle will be pushed with a cruiser's push bumper to a safe location.
- 6. If it is determined that the best course of action is pushing the disabled vehicle(s) with a cruiser equipped with a push bumper, the Deputy will adhere to the following procedures:
  - a. A minimum of one additional Deputy with a marked unit is requested to assist with traffic control while the stranded vehicle is being pushed.
  - b. The push bumper on the DCSO vehicle matches the bumper of the vehicle to be pushed or moved. The Deputy will make a visual and physical inspection to ensure the vehicle bumpers match.
  - c. Deputies will survey the terrain where the vehicles will travel to ensure that holes, dips, road damage, ditches, etc. are identified and assessed prior to moving the vehicle and that there is sufficient visibility to move the vehicle safely.
  - d. Deputies will communicate with the driver of the vehicle to be pushed so that there is an agreement on steering, braking, and final destination.
  - e. DCSO vehicles will push disabled vehicles in as straight a path as possible to avoid and minimize contact damage.
  - f. No disabled vehicles will be pushed for an excessive distance. The goal is to identify and move the disabled vehicle using the safest, shortest, and straightest path to achieve quick clearance.
  - g. At no time will contact be maintained when pushing a disabled vehicle around a corner. The DCSO vehicle will provide enough momentum to allow the disabled vehicle to coast around the corner.
  - h. Once the corner has been turned, the vehicle will be re-engaged to continue in a straight line.
  - i. Tow chains will not be attached to the push bumper or any other part of the DCSO vehicle at any time.
  - j. If the vehicle is not able to be pushed and a tow truck is requested, the Deputy will stay with the vehicle and direct traffic until the roadway is clear.
- 7. In the event that a person is in need of medical or fire assistance, the Deputy will have Communications dispatch the appropriate units. The Deputy will provide practical assistance until the proper service arrives.
- 8. During adverse weather conditions, Deputies will make an effort to transport or arrange for the transportation of stranded persons to a place of safety.
- 9. When the motorist requires towing service and does not have a tow company preference, the Deputy may obtain towing services from the towing company contracted with the DCSO.
  - a. Motorists will be advised of their responsibility to pay for the tow.

B. Correcting Hazardous Roadway Conditions **(61.4.2)**

1. When a Deputy becomes aware of an existing or potential roadway hazard, the Deputy is responsible for taking action to control traffic and arrange for the correction of the hazard.
2. If the hazard is in the form of debris or an abandoned vehicle(s), the Deputy will arrange for its prompt removal.
3. When the hazard is in the form of malfunctioning, missing, or downed traffic control devices, the Deputy will notify Communications and request that the appropriate agency respond to repair or correct the problem. The hazard may require that the Deputy remain at the scene until the hazard is corrected or removed. **(61.3.1a)**
4. When the hazard or potential hazard is in the form of roadway defects or defects in roadway safety features, the Deputy will request Communications contact the proper agency. **(61.3.1a)**
5. Deputies who identify or receive complaints/suggestions regarding traffic engineering deficiencies (i.e., trees blocking signs or roadways, missing traffic signs, etc.) will advise Communications who in turn will relay the message to the Engineer's Office, the Nebraska Department of Roads, or other appropriate agency. **(61.3.1a)**

C. Impounding Vehicles

1. Deputies may tow and impound vehicles for the following reasons: **(61.4.3b)**
  - a. Stolen vehicle recovery.
  - b. Traffic Hazard.
  - c. Dead storage (Except on private property).
  - d. Abandoned vehicle safekeeping. **(61.4.3a)**
    - (1) Abandoned vehicles that are not a hazard will be issued a Red Tag in accordance with NSS §60-1901 (Abandoned Vehicle). Such vehicles include the following:
      - (a) Vehicles with no license plates or valid In-Transit stickers left unattended for more than 6 hours on any public property.
      - (b) Vehicles left unattended illegally for more than 24 hours on any public property.
      - (c) Vehicles left unattended for more than 48 hours, after the parking of such vehicle will have become illegal, if left on a portion of a public property on which parking is legally permitted.

-OR-

- (d) Vehicles left unattended for more than 7 days on private property if left initially without the permission of the owner or after permission of the owner is terminated (The property owner may tow the vehicle).

(2) The Community Action Unit Supervisor will assign issued Red Tags to Deputies for follow up. All issued Red Tags, the owner contact, follow up, and disposition information will be documented.

- e. Collision scenes when drivers do not or cannot specifically request their own tow company.
- f. Vehicle involved in a criminal act and impoundment of the vehicle is necessary to an investigation.
- g. When the driver/owner is arrested and no other person is available to remove the vehicle at the owner's request.
- h. A vehicle will be impounded when no licensed driver is available to drive the vehicle away from an incident. **(61.4.3b)**

2. Deputies will not tow vehicles that are abandoned on private property per NSS §60-1901(d). **(61.4.3b)**
  - a. When a Deputy is contacted by a private property owner in reference to an abandoned vehicle, the Deputy will check and see if the vehicle is stolen.
  - b. If the vehicle is stolen, the Deputy will follow established procedures for towing a stolen vehicle.
  - c. If the Deputy determines that the abandoned vehicle is not stolen the Deputy will advise the property owner that State Statute makes the property owner responsible for towing an abandoned vehicle per NSS §60-1901(d)
  - d. As a courtesy, the Deputy may issue a red tag to the abandoned vehicle, but the property owner will be advised that he/she is responsible for follow up action/tow.
  - e. Deputies are prohibited from disclosing any vehicle registration information to the private property owner.
3. When a Deputy impounds a vehicle, the Deputy will complete the Impound Report in RMS. **(61.4.3c)**
  - a. The Deputy will note, in the Inventory Notes section of the impound report, the name or description of any property left in the vehicle.
  - b. Any property of value will be removed from the vehicle and placed into the Property and Evidence Division per established policy.
  - c. If the vehicle is impounded to the OPD Impound Lot, the vehicle will be entered into the TOPs system in addition to completing the RMS Impound Report.

D. Escort Services **(61.3.3)**

1. Deputies will not provide escort services for ambulances or rescue units.
2. Deputies will not provide emergency escorts for private vehicles.

- a. If a Deputy encounters a citizen en-route to a hospital with a life threatening medical emergency, the Deputy will assist the victim by calling for rescue personnel.
  - b. Deputies will not transport parties with medical emergencies in the patrol car.
  - c. If a party refuses to wait for emergency medical personnel, the Deputy will advise the driver to proceed with due caution.
3. All requests for non-emergency escorts will be evaluated on a per case basis.  
**(61.3.3)**
  - a. Non-emergency escorts that require main arterial roads to be closed and/or traffic patterns to be significantly interrupted will be referred to the Bureau Captain or designee for approval. Such escorts may include, but are not limited to:
    - (1) Distance runs or races (marathons, triathlons, etc.).
    - (2) Public Officials.
    - (3) Dignitaries.
    - (4) Large Funerals.
    - (5) Oversized Vehicles.
    - (6) Hazardous or Unusual Cargo.
  - b. Small non-emergency escorts that do not have a significant impact on traffic (e.g., neighborhood parade) may be approved by a USB Sergeant.
4. Oversized and hazardous cargo carriers will provide their own escort as stipulated on the use permit issued by the Douglas County Engineer's Office.

E. Road Kill Deer or Antelope Permit

1. Any person who desires to take possession of a road killed antelope or deer must obtain a permit before taking possession of the animal.
2. The permits are issued by DCSO sworn members acting as agents for the Nebraska Game and Parks Commission (NGP).
3. Permits may be issued via TracS or via a paper permit.

F. Stolen License Plates

1. If a license plate is stolen from a vehicle, but one license plate remains, the stolen plate will be entered into NCIC.
2. The owner of the vehicle will be advised to replace the plates on the vehicle, and two new plates with numbers that are different from the stolen plate will be issued by the Treasurer's Office.

3. If the stolen license plate is recovered, it will be cleared from NCIC and entered into Property and Evidence (see the DCSO "Property and Evidence" policy).

## **REFERENCES:**

### **I. Laws**

- A. Applicable Nebraska State Statutes include: §29-422, §29-427, §43-248(8), §43-250(2), §60-1901, §60-2401-§60-2411, §60-4118, §60-6152-§60-6157, §60-6164-§60-6168, §60-6314.

### **II. Previous DCSO Orders**

- A. Previous DCSO General Orders include: #62-2022, #50-2022, #47-2021, #92-2020, #59-2020, #66-2019, #106-2018, #25-2017, #20-2016, #9-2016, #8-2015, #11-2012, #9-2012, and #1-2012.
- B. Previous USB Bureau Directives include: #1-2007.

### **III. CALEA Accreditation Standards**

- A. Applicable CALEA Accreditation Standards include: 61.1.2, 61.1.4, 61.1.5, 61.1.7, 61.1.8, 61.1.11, 61.1.12, 61.2.3, 61.3.1, 61.3.2, 61.3.3, 61.4.1, 61.4.2, and 61.4.3.

### **IV. Review Schedule**

- A. Quadrennial.