



# GENERAL ORDER

DURHAM POLICE DEPARTMENT  
DURHAM, NC

NUMBER:

**4040 R-4**

## TRAFFIC LAW ENFORCEMENT

Effective Date: 12/15/1995

Revision Dates: R-1 03/01/1996; R-2 12/05/2003; R-3 05/29/2017; **R-4 03/17/2023**

### INTRODUCTION

It is the policy of this Department to enforce the North Carolina General Statutes concerning traffic law in a consistent, impartial and efficient manner. The two (2) major objectives of a traffic stop are to take appropriate enforcement action, and to favorably alter the violator's future driving behavior. The attainment of these two (2) objectives depends upon the officer's ability to evaluate the violator's mental outlook, physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Officers should make every effort to minimize conflict which may develop between the officer and violator during traffic stops.

### ENFORCEMENT ACTION

Officers are expected to take appropriate action when traffic violations are witnessed or reported to them. Discretion will generally be given to the officer to reasonably determine the most appropriate enforcement action based upon the totality of the circumstances, including but not limited to, severity of the offense, conditions at the time of the offense, driver history and experience, and cooperation. All enforcement actions will be done in a consistent, impartial, and courteous manner using one of the following methods:

- *Arrest* - Officers will generally effect the arrest of any person in violation of those traffic laws pertaining to driving while intoxicated and those violators who reside out of state unless subject to the interstate compact.
- *Citation* - The issuance of a traffic citation is most often appropriate for those violators who commit a minor misdemeanor traffic offense which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether those violations are moving, parking, or safety and equipment violations, pursuant to N.C.G.S. § [15A-302](#). See also G.O. [4032 Use & Processing of Citations](#).
- *Warning* - A warning, verbal or written, is most often appropriate whenever there is a minor traffic infraction, equipment violation, or a violation for which the driver may not be aware or have inadvertently committed. See also G.O. [4042 - Warning Tickets](#).

Absent an articulable reason, officers shall notify the driver of the reason for the traffic stop as soon as reasonably possible.

## UNIFORM TRAFFIC ENFORCEMENT

Appropriate uniform enforcement action for traffic violations is important. The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations thereby enhancing public safety. To achieve this goal, policies and procedures to be followed include:

- *Driving While Impaired:* Officers will generally arrest any driver found to be under the influence of alcohol and/or drugs. Arrests will be in accordance with G.O. 4043 - *Driving While Impaired Procedures & Guidelines*.
- *Other hazardous violations:* Consider the degree of the hazard, place, and previous accident history of location.
- *Equipment violations:* Consider the continued safe operation of the vehicle and the general condition of the equipment, as well as the type of equipment defect. Most equipment violations should be handled by issuing a written warning ticket.
- *Off-road vehicle:* Generally, off-road vehicles (e.g., dirt bikes, mini-bikes, ATV's) are held to the same legal standards as other motor vehicles. Specifically, registration, financial responsibility and equipment violation are quite common when these vehicles are operated on any roadway, and further, two and three wheel off-road vehicles have additional eye protection and helmet use requirements.
- *Pedestrians:* Prior to any substantial increase in enforcement directed toward pedestrian traffic, sufficient publicity will be conducted by the Department's administration. Officers will concentrate their efforts in areas where pedestrian accidents have been frequent and/or severe.
- *Bicycles:* The use of bicycles is governed by many of the same laws that govern vehicles. In areas where congestion and frequency of traffic accidents involving bicycles is predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced.
- *Public carrier/commercial vehicle violations:* These should be handled in the same manner as private passenger vehicles, with the exception of enforcing those laws which apply only to these specialized vehicles (for example, standard of .04 versus .08 for DWI offense).
- *Other non-hazardous violations:* Consider warning unless repetitive or flagrant.
- *Multiple violations:* May cite all, if deemed necessary, but normally charge the most serious violation and warn on others.
- *Newly enacted laws:* A grace period may be established by law, the Department, or other governmental entities during which only warnings shall be given. Following any imposed grace period, the officer will use discretion in accordance with this and any other applicable policies.
- *Parking violations:* When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct the violation. The owner should be contacted if the vehicle is parked close to the owner's residence. If, after reasonably attempting to contact the owner, compliance is not achieved, a citation and/or warning ticket should then be issued. If an immediate hazard is caused by the violator, a citation should be considered and a concerted effort to contact the owner of the vehicle should be attempted before the vehicle is towed. Blocking a roadway is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner. See G.O. [4038 - Parking Tickets](#) and G.O. [4044 - Towed and Stored Vehicles](#).

## VISIBLE TRAFFIC PATROL

Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties. There are four (4) types of traffic patrol which can be utilized:

- *Area Patrol:* This involves traffic enforcement within the officer's assigned area of responsibility.
- *Line Patrol:* This involves traffic enforcement on a particular section of roadway.
- *Directed Patrol:* Supervisors can specify enforcement efforts in an area, on a line patrol, or at a specific location, at a specific time for a specific violation, depending on the nature of the hazard/violation being enforced.
- *Stationary Observances:* Either covert or overt, stationary observance may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where the presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws. District and Watch Commanders may consider, if sufficient vehicles are available, the parking of a "ghost" car at an appropriate location. Enforcement which requires the use of an unmarked vehicle or covert location may be the most expedient way to handle a particular problem.

## JUVENILE OFFENDERS

If the driver of the vehicle is a juvenile under 16 years of age, he/she should not be issued a citation, but should be dealt with according to normal juvenile procedures. If the driver is operating with a Limited Learner Permit and is accompanied by a licensed driver, then the licensed driver may be cited for allowing the driver with a Limited Learner Permit to violate traffic laws.

## INFORMATION ON CITATIONS

At the time a motorist is charged with a violation, the officer will provide the motorist with a copy of the citation, which will include:

- The date, time, and location of the scheduled court appearance. Juvenile offenders will be advised that the Juvenile Court will initiate the contact with them at a later date.
- Information relative to the specific charge.

Officers will indicate on the citation whether or not a court appearance in response to the charge is [mandatory](#) or if the appearance may be [waived](#). Prior to giving the citation to the violator, the officer will verify that the instructions regarding appearance and, if applicable, waiver instructions are legible on the citation.

Questions regarding the citation will be answered to the best of the officer's ability and the motorist should be referred to the courts for questions regarding court appearances, scheduling or payment.

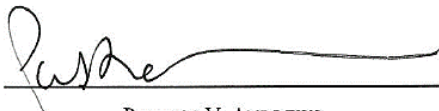
## DRIVING RECORDS OF CERTAIN TRAFFIC OFFENDERS

All officers who arrest or cite a suspect for any violation involving impaired driving or driving while license revoked shall properly complete a [DMV DL-49 form](#) and turn it in to the Records Unit so that the suspect's

driver history information is obtained from the DMV. DMV will send this information to the Court Liaison, who will make this information available to the court during any proceedings involving the violation(s) charged.

## VEHICLE STOP FORMS

All officers who make a qualifying vehicle stop must accurately complete and submit the SBI-122 form ([Traffic Stop Report](#)) to Records by the end of their shift. See also G.O. [4028 - Report Writing](#).



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