


ELIZABETH POLICE DEPARTMENT GENERAL ORDERS			
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BY THE ORDER OF: Chief Giacomo Sacca			
BY AUTHORITY OF: Police Director Earl J. Graves			
SUPERSEDES ORDER #:			

PURPOSE: To establish guidelines for stopping and contacting traffic law violators that ensures the safety of both the violator and the police officer. The purpose of this policy is to establish uniform guidelines for officers to follow regarding traffic direction, control, and enforcement action(s) incidental to a violation.

POLICY: It is the policy of this department to enforce traffic laws for the purpose of reducing the number of traffic accidents and related injuries and deaths. Therefore, officers' enforcement actions, and their decisions about the type of enforcement action to take in any given situation, should include careful consideration of the nature and seriousness of the violation, the intent of the driver, and the effect of the violation on the violator other motorists and/or pedestrians.

Officers will initiate enforcement action based on a combination of training, experience, and common sense. In the absence of specific direction elsewhere, officers should operate on the premise that deliberate violations of traffic laws, and hazardous violations, deserve a more vigorous enforcement effort than do inadvertent violations or nonhazardous violations.

Further, the department places greater emphasis on the quality of an officer's traffic law enforcement efforts, rather than the quantity. All uniformed officers share responsibility for traffic law enforcement. Supervisors will consider these factors in evaluating the traffic enforcement work of subordinates. The department expects all uniformed officers to contribute to the traffic enforcement effort, but does not establish quantitative objectives for individual officers, such as ticket quotas.

PROCEDURES:

I. Reference Material

- A. [N.J.S.A. 2C: 40-26](#): Operating motor vehicle during period of license suspension.
- B. [N.J.S.A. 39:3-40.3](#): Impoundment of motor vehicles.
- C. [American National Standard for High Visibility Safety Apparel](#).
- D. [Manual on Uniform Traffic Control Devices \(MUTCD\)](#).
- E. [New Jersey Constitution, Article IV, Section IV, Paragraph 9](#).
- F. [New Jersey Motor Vehicle Commission \(NJMVC\) MR-5 Driver Examination and/or Medical Evaluation Request form](#).
- G. [State v. Pierce](#).
- H. [Uniform Traffic Ticket](#).
- I. [U.S. Constitution, Article I, Section VI](#).
- J. [U. S. State Department – Diplomatic and Consular Immunities](#).

II. Procedures for Traffic Enforcement Action

- A. The role of the officer is to observe and prevent violations of traffic laws and to take appropriate enforcement action when violations are observed. Enforcement policies cannot and should not supplant the officer's discretion, based on professional judgment, training, and experience. All officers shall take appropriate enforcement action for each violation witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner, and may encompass the following: a verbal warning, a traffic citation, or actual physical arrest. Officers have the discretionary authority as to which form of enforcement is to be taken by them. These include but are not limited to the following:
 - 1. Warnings: This is to be used by the officer when it is obvious that the violation was unintentional, and that the violator will now comply with the law due to the officer's warning. Officers shall explain the violation to the violator but shall not lecture them.
 - 2. Traffic Summons: The following procedures shall be used when issuing a traffic summons:
 - a. All traffic summonses will be issued in compliance with this policy.
 - b. All summonses shall be completed in detail in its entirety.

- c. Officers shall only use the court dates and times published by the court.
- d. All summonses shall be carefully reviewed for accuracy prior to issuance.
- e. When issuing citations, officers shall explain the procedure the violator needs to follow in order to handle the citation and educate the driver about the violation. Officer shall not lecture the violator.

B. Arrest

- a. Addressing "N.J.S.A. 39:5-25."
 - 1). Officers shall not use N.J.S.A. 39:5-25 for guidance when deciding if an arrest for a traffic law offense is lawful.
 - 2). State v. Pierce, 257 N.J. Super. 483 (1992) determined:
 - a). "Although N.J.S.A. 39:5-25 imposes no limitations on an officer's power to arrest for traffic offenses, other sources of the law suggest standards that should inform police officers in the exercise of their statutory authority."
 - b). An arrest of a driver for a traffic offense using N.J.S.A. 39:5-25 runs a serious risk of being considered "unlawful" in a New Jersey court.
- b. What State of New Jersey v. Pierce, 257 N.J. Super. 483 (1992) authorizes:
 - 1). An arrest for a traffic offense is only authorized under the following two conditions:
 - a). **Protect public safety** (i.e., "serious" traffic violations). A serious traffic violation is one that poses a "grave danger" to the public (e.g., N.J.S.A. 39:4-50 - Driving while intoxicated) **and** includes a provision for license suspension, or
 - b). If the officer has an **articulable reasonable belief that the driver will not respond to a summons**

- C. Officers should strive to make each traffic contact educational. It is the department's intent to leave violators with the feeling that officers have performed a necessary task in a professional and friendly manner.

III. **Traffic Law Violations by Special Classes of Violators**

- A. The procedures outlined in Section II of this policy shall also be used in performing traffic enforcement related activities with any of the following special classes of drivers/violators. Listed below are additional "special" considerations an officer should take into account.
- B. Non-Residents: Residents and non-residents will be treated the same, fairly and impartially, in regards to motor vehicle enforcement. Officers may consider use of warnings for non-residents who commit a minor non-hazardous violation. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances.
 - 1. In accordance with New Jersey Court Rule 7:2-2(b) a traffic summons shall be issued for all traffic violations, rather than an arrest made, unless authorized by the municipal court judge or duly authorized municipal court administrator or deputy court administrator.
 - 2. Officers may make field decisions to arrest for motor vehicle violations based upon the criteria set in N.J.S.A. 39:5-25 (Insert hyperlink), if necessary. It is mandatory that a supervisor be called to any scene where an arrest will occur for a motor vehicle violation, with the exception of N.J.S.A. 39:4-50 and related violations.
- C. Juveniles: Juveniles may be issued a warning instead of a traffic summons. Officers should consider use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings may include advice to parents. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances. The officer may make contact with the parent or guardian of a juvenile (person under the age of 18) to inform them of the incident and the enforcement action taken.
- D. Request for Driver's Re-Examination.
 - 1. If a police officer encounters a driver who appears to be physically and/or mentally incapable of operating a motor vehicle, the officer will notify the New Jersey Motor Vehicle Commission (NJMVC) using the [MR-5 Driver Examination and/or Medical Evaluation Request](#) form provided by the NJMVC.
 - 2. Reexamination may be required of drivers in the categories below. Please check any on the NJMVC form that apply to this driver:
 - a. Persons having mental or physical disorders which may affect their ability to safely operate a motor vehicle,
 - b. Persons involved in a traffic accident resulting in a fatality where a violation of any of the provisions of N.J.S.A. 39:4-1 et seq. is established,

- c. Persons who have accumulated 12 or more points as provided in N.J.A.C. 13:19-10.1, or
 - d. Persons convicted of violating any of the provisions of N.J.S.A. 39:4-1 et seq., where the judge determines that the offense was of such a careless, reckless or indifferent nature as to require reexamination.
- 3. All of the information boxes on the form must be completed in detail. The officer will submit the form to his or her supervisor for review and approval. The supervisor will be responsible for submitting the form to the NJMVC. A copy of the form will be retained by the agency in Services.
- 4. If the driver's condition is such that continued operation of the motor vehicle will imminently endanger the motoring public, or the driver himself, further operation will not be allowed. The vehicle should be safely secured by parking it legally, if possible, or by impoundment and arrangements made for the operator. If a medical condition is present and requires the need of emergency attention an ambulance will be dispatched to the location.
- E. Government Officials: Members of the United States Congress going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (U.S. Constitution, Article I, Section VI). Members of the State Senate and Assembly going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (N.J. Constitution, Article IV, Section IV, Paragraph 9). For enforcement purposes, members of the U.S. Congress and the State Senate and Assembly will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.
- F. Foreign Diplomats and Consular Officials: Diplomatic immunity is granted by the United States government under provisions of the Vienna Convention on diplomatic relations. Generally, these provisions apply to two (2) classes of immunity: Foreign Diplomats and Consular Officials. Any of the following contacts with a Foreign Diplomat and Consular Official will require notification to the [United States Department of State](#) at 202-647-4000 (main switchboard).
 - 1. Traffic Summons: Foreign Diplomats and Consular Officials may be given a verbal warning or issued a traffic summons for motor vehicle violations. For enforcement purposes, Foreign Diplomats and Consular Officials will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.
 - 2. Physical Arrest: Foreign Diplomats (Diplomatic agents and members of administrative and technical staff) may not be arrested or detained. Reasonable restraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts. Career Consular Officers may be arrested and detained only for an indictable offence pursuant to a warrant. Honorary Consular Officer and Consular Employees may be detained and arrested.

- G. Military Personnel: Military Personnel who are passing through our service area may be treated as non-residents or if from our service area, as residents. However, if any active member of the United States Armed Forces commits a serious offense necessitating an arrest, the appropriate Provost Marshal's Office will be notified by the Chief of Police or his designee. Military personnel, who are passing through our service area, while operating military vehicles, are exempt from certain moving violations in accordance with N.J.S.A. 39:4-103.
- H. Physicians Speeding an Emergency (N.J.S.A. 39:4-102): If a physician's motor vehicle is stopped for exceeding the speed limit while in the act of responding to an emergency call, the registration number of the vehicle and the driver's license number may be inspected and noted, and the physician shall then be allowed to proceed in the vehicle to his destination. Such proceedings may be taken subsequently as would have been proper had the person not been a physician.

IV. Uniform Enforcement Policies

- A. Driving Under the Influence of Alcohol/Drugs (DWI): During every traffic stop, and while investigating every traffic accident, officer(s) shall check drivers for signs of impairment due to alcohol and/or drugs and make arrests when appropriate. Officers shall aggressively enforce laws relating to alcohol/drug use by all motorists.
- B. Driving/Registration Privilege Suspended or Revoked: A traffic summons may be issued when an officer has stopped a vehicle and identified the driver as operating with a revoked or suspended license or a suspended registration. In certain circumstances an arrest may be warranted:
 - 1. Operating motor vehicle during period of license suspension, fourth degree crime as follows (2C:40-26):
 - a. It shall be a crime of the fourth degree to operate a motor vehicle during the period of license suspension in violation of R.S.39:3-40, if the actor's license was suspended or revoked for a first violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and the actor had previously been convicted of violating R.S.39:3-40 while under suspension for that first offense.
 - b. It shall be a crime of the fourth degree to operate a motor vehicle during the period of license suspension in violation of R.S.39:3-40, if the actor's license was suspended or revoked for a second or subsequent violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a).
 - 2. Should the prosecuting attorney determine the suspension fits the criteria of 2C:40-26, the violator can be charged accordingly and processed as an arrest.

- C. Speed Violations: Excessive speed is the second greatest cause of death and injury on the American highways. Uniform methods of enforcement of speed laws should be applied by all officers and range from a warning for minor violation to a traffic summons for serious violations. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.
 - 1. Radar: Radar may be utilized whenever possible for speed enforcement with concentration on specific known problem areas.
 - 2. LIDAR: LIDAR may be utilized whenever possible for speed enforcement with concentration on specific known problem areas.
- D. Hazardous Moving Violations: When handling a situation involving other hazardous violations, officers should consider the degree of the hazard, place, previous accident history of location, and the current directed patrol emphasis when making an enforcement decision.
- E. Off-Road or Off-Road Vehicle Violations: Off-road recreational vehicles include snowmobiles, dirt-bikes, mini-bikes, and all-terrain vehicles.
 - 1. Any off-road recreational vehicle driven upon a public roadway is subject to traffic laws as specified in the New Jersey motor vehicle code or equivalent ordinance.
 - 2. Officers will take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed or reported.
- F. Equipment and Inspection Violations: When deciding between issuing a warning or a summons, the following factors should be considered.
 - 1. Circumstances are clear that driver would have not been aware of the equipment or inspection violation.
 - 2. Multiple violations versus a singular violation.
 - 3. Obvious indications that equipment was deliberately removed, altered or neglected.
 - 4. Obvious indications of disregard for inspection laws.
- G. Public Carrier / Commercial Vehicle Violations: Officers should use their discretion in enforcing any public carrier or commercial motor vehicle violations. If the violation is serious, a traffic summons should be issued. If the violation or violations are non-serious but of a repetitive nature, a summons should be issued. In all other cases a warning should be considered.
- H. Licensing, Registration, or Insurance Violations: When deciding between issuing a warning or a summons, the following factors should be considered.

1. Circumstances are clear that driver would have not been aware of the Licensing, Registration, or Insurance violation.
2. Multiple violations versus a singular violation.
3. Obvious indications that document(s) was deliberately removed, altered or neglected.
4. If an operator is found to be driving a vehicle without possession of a valid insurance card or without liability insurance he/she may take enforcement action in one of the following ways.
 - a. Issue the driver a summons or warning for N.J.S.A. 39:3-29.
 - b. Issue the driver a summons for N.J.S.A. 39:3-29 and require them to produce proof of insurance within 24 hours or have a warrant issued for the impoundment of their vehicle in accordance with N.J.S.A. 39:3-29.1a.
 - 1). N.J.S.A. 39:3-29.1a states that upon the issuance of a summons for failing to possess or exhibit an insurance identification card in violation of R.S.39:3-29, the violator or registrant shall have 24 hours from the time of the citation to provide the issuing law enforcement agency with the insurance identification card, or other satisfactory proof of insurance. Failure to provide the insurance identification card or other satisfactory proof of insurance within the 24-hour time frame shall result in the issuance of a warrant for the immediate impoundment of the vehicle that was being operated when the summons was issued. A motor vehicle impounded pursuant to the provisions of this subsection shall be removed to a storage space or garage. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.
 - c. There is no specific statute or case law in the State of New Jersey that authorizes or prohibits the impoundment of a motor vehicle for being operated on a highway without liability insurance. If an officer chooses to impound a motor vehicle at the time of a stop for not having liability insurance, it must be articulated in a report as to why the vehicle could not be parked safely and why it was critical that it be impounded. Failure to do so opens both the officer and the agency to liability for improperly impounding a motor vehicle.
5. Impoundment of motor vehicles (N.J.S.A. 39:3-40.3).
 - a. A motor vehicle may be impounded by any law enforcement officer if the registrant:

- 1). Knowingly permits an unlicensed driver to operate that motor vehicle,
 - 2). Operates or permits the operation of that motor vehicle without a valid temporary registration or valid temporary registration plates as authorized under section 3 of P.L.1995, c.286 (C.39:3-40.2), or
 - 3). Fails to surrender a registration certificate and registration plates in accordance with the provisions of subsection b. or c. of section 2 of P.L.1995, c.286 (C.39:3-40.1).
- b. A motor vehicle impounded under the provisions of this subsection shall be removed to storage space or garage and its registration certificate and registration plates seized. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.
- c. Proof of valid motor vehicle insurance before release of impounded vehicle (N.J.S.A. 39:3-40.6).
- 1). No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the State or local law enforcement authority which impounded the vehicle unless proof of valid motor vehicle insurance for that vehicle is presented to the law enforcement authority. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.
- I. Parking Enforcement: Non-emergency parking regulations, including tow away zones, time controlled zones, and handicapped parking will be enforced with reasonableness and impartiality in all areas our jurisdiction. Vehicles parked in fire lanes, and vehicles parked illegally presenting an immediate hazard to traffic, will be ticketed and towed immediately.
- J. Newly Enacted Laws or Regulations: The Chief of Police or designee will announce grace periods for newly-enacted laws, during which only warnings are given. After the expiration of the grace period, the officer will use discretion according to the circumstances.
- K. Violations Resulting in Traffic Collisions: When an officer is reasonably certain, based upon their knowledge, training, and experience that (reasonable suspicion/probable cause) exists for the issuance of a traffic summons, it is suggested that Officers should issue a traffic summons as a result of all motor vehicle collisions involving personal injury, property damage, leaving the scene of the crash and other related violations. All other collisions an officer should use their discretion in deciding to issue a summons to the driver of the vehicle deemed to have caused the collision due to the violation of a traffic law.

- L. Pedestrian Violations: Officers shall use their discretion when dealing with pedestrians. Depending on the seriousness of the pedestrian's action, warnings may be used as well as summonses when enforcing State laws regarding pedestrians.
1. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the department.
 2. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and/or severe.
 3. With regard to pedestrian traffic laws, the spirit of the law will supersede the letter of the law and application will be made accordingly.
 4. When an officer is reasonably certain, based upon their knowledge, training, and experience that (reasonable suspicion/ probable cause) exists for the issuance of a traffic summons, pedestrian violations resulting in traffic accidents should be cited.
- M. Bicycle and Motorized Bicycle Violations: The use of bicycles (muscle and engine powered) as a major means of transportation, both for business and recreation, has resulted in an increase in traffic accidents involving bicycles and an attendant increase in traffic fatality and personal injury accidents. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying those laws. The following procedures are guidelines to discretion that should result in a more uniform and consistent application of the law:
1. In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced.
 2. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience low, officers will exercise discretion in the application of those laws regarding safe operation of bicycles.
 3. Officers should be less tolerant with older offenders, age 15 and older, who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, under age 15, who may not be fully aware of their responsibility in the safe operation of bicycles. Summonses will not be issued to bicyclists under age 15.
 4. When an officer is reasonably certain, based upon their knowledge, training, and experience that (reasonable suspicion/ probable cause) exists for the issuance of a traffic summons, a summons should be issued to bicyclists for violations resulting in traffic accidents except as noted above.

- N. Non-Hazardous Violations: Generally, a violator may receive a summons or a warning for non-hazardous violations. Where in the opinion of the officer the violation is intentional, flagrant, or hazardous the officer should issue the violator a summons for the violation.
- O. Multiple Violations: When encountering a traffic stop where multiple violations are identified, the officer should use their discretion, training and experience, and the violator's demeanor in formulating a decision on enforcement action. Generally, a violator may receive a summons or a warning for each type of violation observed in an incident for non-hazardous violations stemming from the same operation. For instances where, in the opinion of the officer, multiple violations are intentional, flagrant or hazardous, officers may charge violators for each violation. When issuing charges for multiple violations, only one violation may be charged on each traffic citation. Officer will cross reference each related citations.

V. Procedures for Motor Vehicle Stops

- A. In preparing to stop a motorist, officers will consider the existing conditions, including, but not limited to, the roadway design, the road conditions, weather, lighting, and the current traffic flow, in order to create the safest possible environment for the traffic stop.
- B. Once a violator has been selected to be stopped, officers will use the patrol car's emergency lights and other necessary equipment to make the stop. Upon stopping, the patrol vehicle will be positioned in a way to afford maximal protection to the officer and to the violator's vehicle during the stop. At all times, officer safety will be considered.
- C. In most instances, the violator will be directed to pull to the far right side of the roadway to stop. However, officers will be prepared to deal with the driver who stops elsewhere, possibly creating a hazard.
- D. Upon initiating the traffic stop, officers will notify the dispatch center of their location, number of occupants in the vehicle and a description of the vehicle being stopped, including its registration state and number. The dispatcher will acknowledge the message prior to the officer's approaching the violator's vehicle.
- E. When walking to the violator's vehicle, officers will approach with caution and position themselves in a safe location to communicate effectively with the driver and still view any other occupants of the car. Officers will be aware that any traffic stop can elevate to a high-risk situation at any time.
- F. In greeting the violator, officers will present a professional image and treat the motorist with respect and courtesy. This will include giving a greeting, identifying them-selves by "Elizabeth Police Department", providing the reason(s) for the stop, and requesting the motorist's papers. During the course of the contact, officers will remain cognizant that criminal activity unrelated to the traffic stop may be present and as a result may warrant additional enforcement action.

- G. The contact will be closed once appropriate law enforcement action has been undertaken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.
- H. If a consent search is requested, the officer must first have a reasonable articulable suspicion that a crime is being committed. The motorist will be informed of his/her right to re-fuse to permit the search. Although not a legal requirement, the officer should make every attempt to get the consent to search in writing.
- I. Upon closure of the contact, officers will thank the motorist for his/her cooperation, if appropriate, will provide the violator with information as to how to respond to the chosen enforcement action(s), and will assist the violator in pulling safely back into traffic.
- J. In the event the violator encounter is an unknown or high risk motor vehicle stop, officers will take additional pre-cautions by keeping the dispatch center informed, by utilizing the public address system to instruct the occupant(s) of the vehicle, by requesting backup officers, by having firearm and other law enforcement tools at the ready, by affording protection to nearby innocent citizens, and by keeping themselves in a safe position while accomplishing the stop.
 - 1. Unknown Risk: Unknown risk vehicle stop involves the action of an officer contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the officer. All vehicle stops should be considered to have some type of risk. Officers should use heightened awareness when approaching all vehicles and should also keep in mind the dangers that are posed by other vehicles in the area.
 - 2. High Risk: The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:
 - a. When planning to stop the suspect vehicle, the officer shall notify the communications center, describe the nature or reason for the stop, provide information on the vehicle, license plate number and number of occupants, and request appropriate assistance to make the stop.
 - b. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
 - c. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop.
 - d. Officers should position their vehicles a safe reactionary distance behind the suspect vehicle (depending upon the circumstances), in positions that will maximize opportunities for cover versus concealment and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage in low light situations.

- e. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system, if available. Only one officer shall issue commands.
- f. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.
- g. The officer in charge shall first identify himself by agency. Unless the officer reasonably believes it will be a useless gesture, the officer should notify the occupants that they are considered to be armed and dangerous and that all instructions are to be followed without hesitation or suspicious movements.
- h. The operator of the suspect vehicle should be ordered in separate commands to do the following: lower his window, remove the ignition keys with his left hand, drop them on the ground, open the door from the outside, step out of the vehicle, turn completely around, face away from the officers, walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides. Subsequent occupants should be similarly commanded until all are in position to be handcuffed and searched.
- i. With appropriate cover, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

K. Off-Duty Motor Vehicle/ Traffic Enforcement Stops.

- 1. The purpose of this Order is to eliminate the many citizen complaints and legal suits made by citizens who claimed they did not believe a police officer was involved in their off-duty motor vehicle or traffic stop.
 - a. Effective immediately, all members of the Elizabeth Police Department are not to make any Motor Vehicle/Traffic Enforcement Stops while they are in an off-duty status.
 - b. The only authorized exceptions to this order are in the cases of:
 - a) Hit and Run vehicles involved in MV-Pedestrian accidents witnessed by the officer:
 - b) A Crime, witnessed by the off-duty officer in which the suspect is using a motor vehicle to escape.
 - c. An off-duty officer observing a motor vehicle violation should try to:
 - a) Secure the violator's car registration number,

- b) Try to observe the driver of the vehicle, for identification purposes only,
- c) Issue a summons and mail it to the owner of the vehicle involved on his/her next on-duty tour.
- d. This Order will not apply to on-duty officers in civilian clothes so long as they are in a Police Department vehicle equipped with an adequate means of identification and are in communication with headquarters.

VI. Procedures for Traffic Direction

- A. Manual Traffic Direction and Control: Posture serves to communicate the fact that the officer is in command of the situation. The officer must therefore assume a military bearing, with his/her weight evenly distributed on both feet. When not engaged in signaling motorists, the officer must stand at ease facing the traffic and with hands at their side. When directing traffic, the officer's shoulders must be in line with the flow of traffic and their attention must be directed to the vehicular movements.
 - 1. Hand Signals: Prompt compliance to hand signals are dependent upon the officer's ability to use uniform, clearly defined and understandable gestures.
 - a. Stopping Traffic: Two clearly defined motions are required to stop traffic. First, the officer selects the vehicle to be stopped. Looking directly at the driver, the officer points at the driver with the arm fully extended. The position is retained until the officer is observed by the driver. The officer then raises their hand so that the palm is toward the driver and the arm is slightly bent at the elbow. The officer maintains this position until the oncoming traffic has stopped. With the one arm still raised, the officer turns their head and repeats the procedure with their other hand to stop the traffic moving in the opposite direction. The arms are not lowered until all traffic has been stopped.
 - b. Starting Traffic: To start vehicular movement on the cross street, the officer pivots a quarter of a turn to place his/her shoulders parallel with the vehicles waiting to move. When the intersection is cleared, the officer turns their head to one side facing the waiting traffic. The officer attracts attention by pointing to the lead car. Then, turning the palm inward, the hand is brought up and over to the chin, bending the arm at the elbow. If the driver's attention has been properly obtained, it will be necessary to make only a few motions. After traffic begins to move, the arm is dropped to the side. The opposing traffic is then started in the same manner, but with the other arm.
 - c. Turning Traffic: Point towards driver, motion to start, other hand pointing in the direction of turn.

- d. Dangerous Condition: Stop all traffic and address the condition with all traffic stopped.
- e. Flashlight signals during darkness.
 - 1). Due to reduced visibility officers should be extra cautious when directing traffic at night. The emergency lights and flares should be utilized to warn approaching motorists of the officer's presence. Also, officers should be aware that being back lit by bright lights may reduce the ability of approaching motorists to see them.
 - 2). The beam of the flashlight may be aimed at and across the pavement in front of approaching cars as a signal to stop.
 - 3). The beam may be rapidly flashed in the direction of the approaching vehicle to get the driver's attention.
 - 4). The beam should be moved along the roadway in a small come-along arc to indicate the path the vehicle should precede.
- f. Use of Whistle.
 - 1). The use of a whistle during traffic control or direction is optional.
 - 2). Stop Signal - Use one blast of the whistle and the manual "stop" signal while standing sideways to the flow of traffic.
 - 3). Go Signal - Use two blasts of the whistle with hand signal.
 - 4). Use short, rapid blasts of the whistle to warn of unusual or hazardous conditions or for person's not responding to a hand signal.
- B. Scenes of Traffic Collisions: Officers directing traffic at scene of an accident will route traffic safely around wrecked vehicles and debris. Wearing high visibility vests or rain coats, officers will maintain an orderly flow of traffic until wreckage is cleared. Maximum use of emergency lights and flares/cones is strongly encouraged at accident scenes.
- C. Scenes of Critical Incidents: The primary task of personnel engaged in traffic direction services at critical incidents (such as fires, utility emergencies, or other events) is to stop unauthorized vehicles and pedestrians from entering the area and maintain access avenues for emergency vehicles. This agency will coordinate its efforts with other emergency service organizations at emergency scenes to provide crowd control and adequate safety measures for vehicular and pedestrian traffic. In

performing traffic control personnel shall use temporary traffic control devices as needed and shall manually direct and control the flow of all traffic in accordance with this policy. If additional assistance is needed at a location for any reason, personnel shall contact their supervisor and advise them of the situation and what is needed.

- D. **Adverse Road and Weather Conditions:** The shift supervisor will notify the appropriate public works (local, county, state) of adverse road conditions that will affect the motoring public. The shift supervisor may close a street if, in his opinion, the surface conditions and terrain creates an unusually hazardous condition. The supervisor should request assistance from the appropriate public works in alleviating the problem. The shift supervisor shall request dispatchers to notify the proper utility company and assign officers to direct traffic and safeguard movement at the scene of all downed power lines, broken gas or water mains when the situation endangers the movement of traffic through the area. Officers performing traffic control during these conditions must deploy flares and use extreme caution. If weather conditions become too dangerous to direct traffic, the officer shall contact their supervisor. The supervisor shall decide what course of action to take.
- E. **Manual Operation of Traffic Control Signal/Signal Device:** This department does not authorize the manual operation of a traffic control signal/signal device. Officers and civilian personnel shall not manually operate a traffic control signal/signal device (see [N.J.A.C. 39:1-1](#) for definition of traffic control signal).
- F. **Temporary Traffic Control Devices:** Normally, temporary traffic control devices (such as flares, cones, barricades or other temporary traffic control devices) will only be used with the approval of the shift supervisor for control of traffic during peak rush hours, special events or in the event a key signal light malfunctions. Signs may be requested from public works. Shift supervisors will ensure the return of all signs as soon as no longer required. Use of temporary stop signs will be limited to those key intersections at which a traffic signal has failed completely. If the traffic signal can be placed on a four-way blink or flash, this is preferred over use of the temporary stop sign. Temporary traffic control devices shall be deployed in compliance with manufacturers' recommendations.
- G. **High-Visibility Safety Apparel:** In accordance with the [Manual on Uniform Traffic Control Devices](#) (MUTCD) and applicable accreditation standards, all officers shall wear high-visibility safety apparel during any of the following activities:
 - 1. Whenever they are exposed to moving traffic, work vehicles or construction equipment,
 - 2. When they are directing motor vehicle traffic, or
 - 3. When they are in a roadway controlling motor vehicle traffic.

The apparel must meet the requirements of the standards promulgated by the [American National Standards Institute](#) through the [American National Standard for High-Visibility Safety Apparel and Accessories](#).

VII. Traffic Enforcement Goals, Objectives, and Activities

- A. The goal of the traffic enforcement function is to improve motoring safety in the community by reducing the likelihood of injury-producing crashes through voluntary compliance with traffic laws. This goal will be accomplished through a multi-faceted approach that minimally entails the use of selective enforcement, education, and engineering.
1. **Selective Enforcement:** The objective of selective enforcement is to foster an environment in which the motoring public complies with traffic laws to avoid enforcement action. This is accomplished by creating an environment where motorists believe if they commit a traffic violation, enforcement action is likely. While all violations of motor vehicle laws are subject to enforcement, personnel should target the majority of their efforts on violations that are likely to result in motor vehicle crashes. During their tour of duty, officers should continually monitor traffic conditions and take appropriate enforcement action when traffic violations are observed. These activities can be both self-initiated or directed as part of an officer's overall workday. Traffic enforcement activities may include but are not necessarily limited to the following.
 - a. Monitoring traffic conditions in areas particularly prone to accidents or accident producing violations and taking appropriate enforcement action when violations are observed.
 - b. Routinely observing traffic during regular patrol activities and taking enforcement action when required.
 - c. Conducting directed details that target specific violations, including parking, speeding, DWI, disregard of traffic control devices, etc.
 - d. Studying crash data to determine where injury-producing accidents occur and directing traffic enforcement efforts to those areas.
 - e. Evaluating citizen complaints concerning areas prone to traffic violations and directing enforcement efforts accordingly.
 - f. Concentrating monitoring and enforcement activities in areas and / or during times increased safety is desirable (School zones, playgrounds, etc.)
 2. **Education:** The objective of education is to gain compliance with traffic laws by making the public aware of conditions and behaviors that may contribute to injury-producing accidents so they can avoid them. Educational efforts may be spontaneous and short term as in the case of a warning for a traffic violation or may be extensively planned and managed as in the case of participation in Statewide or national enforcement campaigns (e.g., Click it or Ticket, Drive Sober or Get Pulled over, etc.). Educational activities may include, but are not necessarily limited to, the following:

- a. Issuing warnings for traffic violations when appropriate.
 - b. Making motorists aware of vehicle conditions that could be potentially unsafe (vehicle lights out, worn tires, etc.)
 - c. Using technology such as signboards, speed trailers, etc. to advise the motoring public of conditions or behaviors that contribute to unsafe road conditions.
 - d. Participating in Statewide or national enforcement campaigns that combine concerted enforcement activities with publicity efforts to apprehend offenders and make the general motoring public aware of conditions or behaviors that contribute to unsafe road conditions.
 - e. Making police personnel available to attend driver safety speaking engagements at the local high school.
 - f. Utilizing social media to make the public aware of adverse road conditions.
3. **Engineering:** The objective of traffic enforcement through engineering is to evaluate environmental factors that may contribute to traffic violations and implement design changes that will foster compliance with traffic laws. Personnel are encouraged to monitor conditions in their area of responsibility and make recommendations regarding changes that could enhance voluntary compliance and motoring safety. Additionally, design modification shall be considered when addressing complaints from the public about adverse traffic conditions. The Chief of Police shall assign personnel to evaluate suggestions and to work with the municipal engineer to conduct feasibility studies and implementation strategies when appropriate. Engineering design activities may include, but are not necessarily limited to, the following:
- a. Installation of traffic calming tables.
 - b. Traffic control device installation or reconfiguration.
 - c. Installation or improvement of physical roadway channelization.
 - d. Improvement of signage or lane markings.
- B. The Chief of Police and/or his/her designee(s) should periodically review and evaluate vehicular, pedestrian, and bicycle traffic within the municipality to identify dangerous trends or safety issues that need remediation. This review should include a determination of whether the goals and objectives of this directive are being met along with any corrective recommendations, which may include redirecting resources to accomplish stated traffic enforcement activities, additional training of personnel in the traffic enforcement strategies, equipment modifications, discipline or policy modifications.

VIII. Correcting Hazardous Highway Conditions

- A. In many traffic collisions, roadway and roadside hazards are often significant contributing factors to the accident. It is the policy of the Elizabeth Police Department to take all reasonable steps to ensure the safe and orderly flow of motor vehicle traffic by promptly correcting or reporting hazardous conditions of the roadway.
- B. Officers of the Elizabeth Police Department shall have the responsibility to report and, when possible, correct hazardous conditions. Conditions and situations considered roadway and roadside hazards include, but are not limited to, the following:
 - 1. Debris in the roadway,
 - 2. Defects in the roadway,
 - 3. Lack of, or defects, in roadway safety features (Stop signs down, traffic signals malfunctioning or inoperative, etc.),
 - 4. Vehicles abandoned or parked on or near the roadway, or
 - 5. Any other situation or condition that may hamper, restrict, or endanger the flow of traffic.
- C. Officers should utilize the following guidelines when identifying, reporting, and correcting road conditions:
 - 1. An officer encountering a potential hazard that can be easily and safely corrected should take the necessary action to correct the situation.
 - 2. When an officer determines that a hazard requires immediate correction and is beyond the scope of his/her capabilities, he/she shall notify the City of Elizabeth Department of Public Works (local roads), Union County Department of Public Works (County roads), or the New Jersey State Department of Transportation (State roads) depending on the type of roadway. The officer should then establish a traffic control point and provide traffic direction and control as necessary until the hazard is corrected unless unable to do so. If that is the case, they shall notify their shift supervisor for further direction.
 - 3. When an officer determines that a potential hazard exists, but does not require immediate attention, the officer should notify the City of Elizabeth Department of Public Works (local roads), Union County Department of Public Works (County roads), or the New Jersey State Department of Transportation (State roads) of the nature and location of the potential hazard.

IX. Providing Motorist Assistance

- A. Elizabeth Police Department officers shall be alert for and, whenever possible, stop and provide assistance to motorists who are in need of help. Should an officer observe a motorist in need of assistance, but is unable to stop, the officer should notify communications of the motorist's location so that another officer may be dispatched to render assistance.
- B. Examples of the types of general assistance to motorists that officers of the Elizabeth Police Department can expect to provide include, but are not limited to the following:
 - 1. Providing information or directions to lost motorists,
 - 2. Providing protection to stranded motorists from other traffic or hazards,
 - 3. Contacting someone through Communications to assist the stranded motorist,
 - 4. Transporting stranded motorists to another location, provided approval has been obtained from an on-duty supervisor, and
 - 5. Pushing vehicles off of the roadway.
- C. Under normal circumstances, officers shall not provide the following types of assistance unless specifically authorized by a supervisor:
 - 1. Providing mechanical repairs,
 - 2. Transporting gasoline or other petroleum products, and
 - 3. Unlocking vehicles unless conditions exist that jeopardize an individual's safety or welfare.
- D. If requested, officers shall provide assistance to disabled motorists in obtaining roadside repairs or towing services. The officer shall consider the following:
 - 1. Determine if the motorist requests a specific towing service and, if so, have communications contact that service.
 - 2. If the owner has no preference, or, if the vehicle is located in a dangerous location and/or the time needed to remove the vehicle requires an expedited response, the officer should request Communications notify a towing company.
- E. Protection to stranded motorists:

1. Officers are responsible for the safety of stranded motorists that they encounter. Officers shall either standby on-scene with stranded motorists as they await assistance or shall transport them to a safe location.
2. Stranded motorists must not be abandoned when exposed to hazardous conditions. Officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service, when providing assistance to stranded motorists. Officers should activate their emergency lights and position their vehicle in a manner that both alerts the oncoming traffic and protects the stranded motorist from the oncoming traffic.

F. Emergency assistance:

1. Officers shall render all practical assistance to motorists who are involved in any of the following emergency situation:
2. Vehicle Fires: The officer should immediately notify communications to request fire personnel be dispatched. The officer should identify his location, the type of vehicle and cargo, and any other pertinent information. The officer, if possible, should then make reasonable attempts to extinguish the fire prior to the fire department's arrival.
3. Medical Emergencies: The officer should attempt to determine the nature of the emergency, provide all pertinent information to communications and request that EMS personnel be dispatched. The officer may render first aid in accordance with the officer's level of training.

X. Providing Traffic Escort Services

- A. It is the policy of the Elizabeth Police Department to provide service to the community in a safe and balanced manner. This service may include limited law enforcement escorts for the purpose of providing safe passage to the escorted party while also providing for the safety of all other motorists and in compliance with applicable law.
- B. Definitions:
 1. Funeral Procession: Two or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible to approaching traffic.
 2. Oversized Vehicle Escorts: A request of law enforcement to assist in the movement of an oversized vehicle or oversized item being transported through a confined area for the protection of other motorists.
 3. Civic Event Escorts: A request by a group to escort two or more vehicles that will be expressing spirit or gathering the public's attention during a specified

route of travel. This includes but is not limited to parades, athletic celebrations, celebrity/dignitary escorts.

4. Motorcade: A procession of cars or other vehicles which includes funeral processions and civic event escorts.

C. Procedures:

1. All escorts shall be approved by the Chief of Police or his designee.
2. Escorts may only be conducted with marked vehicles equipped with emergency lighting equipment and siren.
3. Officers shall use due regard to the safety of the public at all times during an escort.
4. Officer Responsibility During Escorts:
 - a. Officers have authority to refuse to start any escort where the officer determines that the motorcade will pose a hazard to the officer, the participants in the motorcade, or the public.
 - b. In such cases the officer shall immediately notify a supervisor of the decision and inform the sponsor that the motorcade cannot go forward until the supervisor reviews the circumstances of the motorcade.
 - c. An officer may withdraw from an escort in cases where they are needed for an emergency call involving a threat to human life, or when authorized by a supervisor. In such cases:
 - 1). The officer shall notify the person responsible for the motorcade of the need to withdraw.
 - 2). The officer shall make it clear to the lead vehicle of his intent to withdraw and inform the operator not to attempt to follow.
 - 3). The officer shall consider the safety of the motorcade participants as a factor in determining whether to withdraw, a safe location to withdraw, and shall withdraw using due regard to the safety of others.
5. Civic Events: New Jersey statutes do not provide exemptions for escorts of a civic nature (parades, athletic celebrations, celebrity/dignitary escorts). The Elizabeth Police Department will only escort in these situations when the requesting party has provided advance notice and obtained a valid parade permit or other exemption as authorized by local ordinance. Said permit/exemption shall be in writing and will specify the following:

- a. Date and approximate times of the anticipated escort; and
- b. The approximate number of participants (vehicles, floats, pedestrians etc.); and
- c. Staging area where the escort is to begin; and
- d. Designated route of the escort; and
- e. List of all intersections along the route and the responsible parties to staff each intersection; and
- f. The ending location.

NOTE: All Intersections along the route must be closed/blocked off all cross traffic during the escort. All intersections must be staffed by appropriate personnel.

- 6. Escorting Emergency Vehicles: Agency vehicles shall not escort an emergency vehicle which has its own emergency operating equipment unless the escort is necessary for protection of life and authorized by the supervisor under the following circumstances:

- a. An operator of an ambulance or other necessary emergency vehicle is unfamiliar with the route to the destination; or
- b. The emergency equipment of the ambulance or other necessary emergency vehicle is inoperative.

NOTE: Officers may take a stationary position at intersections and control traffic to expedite the movement of an emergency vehicle.

- 7. Escorting Private Vehicles in an Emergency: Private vehicles shall not be escorted in an emergency circumstance such as a private individual attempting to get another to the hospital:

- a. The officer shall notify emergency medical services to respond to the scene and render aid until the arrival of EMS.
- b. If the subject can be safely moved to a police vehicle, and it would be dangerous to the life of the person to wait for EMS, the individual may be transported in the agency vehicle.

- 8. Funeral Procession: New Jersey statutes do not create a specific exemption for funeral processions with respect to obedience to traffic control devices. In accordance with N.J.S.A. 39:4-93 if any procession takes longer than five minutes to pass a given point, it must be interrupted every five (5) minutes for waiting traffic. The following shall also be followed:

- a. The escort of a funeral procession must be authorized by a supervisor.
- b. The funeral director shall be informed of applicable law regarding funeral processions.
 - 1). Officers will not escort funeral processions beyond their jurisdictional authority. If there are jurisdictional issues, they become the responsibility of the funeral director.
- c. Escorts will generally not be authorized in cases where the funeral director has not given the agency proper prior notice (amount of notice determined by the Chief).
- d. Prior to the start of the procession, the officer shall:
 - 1). Meet with the funeral director to determine: the approximate number of vehicles in the procession; the most appropriate route taking into account the law enforcement resources
 - 2). available; the weather; traffic conditions; time of day; and existing road hazards.
 - 3). Request the funeral director to direct all participants of the procession to illuminate their headlights.
 - 4). Escort officers should request other officers' assistance in handling critical intersections when a large number of vehicles are involved.
 - 5). An officer may refuse the escort where the route or some other condition posed by the procession will pose a danger to the public. In such a case the officer shall immediately notify the supervisor.
- e. During the procession:
 - 1). An officer escorting a funeral procession shall activate emergency lighting and turn on headlights.
 - 2). An officer may utilize siren intermittently where necessary to warn motorists of the procession.
 - 3). An officer escorting a funeral shall come to a complete stop at all red lights or stop signs and ensure that the intersection is clear before proceeding.

- 4). The officer shall not assume the right of way granted to funeral processions without exercising due caution with regard to crossing traffic.
9. Oversized Vehicle Escorts: All requests for an escort of an oversized vehicle within this jurisdiction shall be approved by the Chief of Police or designee:
 - a. Officers assigned to conduct an escort of an oversized vehicle shall adhere to all traffic regulations during the movement of the oversized vehicle.
 - b. Prior to the escort, officers shall determine if the escort will meet with any special conditions impacting traffic (i.e., movement of overhead wires.)
 - c. If necessary, the Elizabeth Police Department may provide additional officers to control traffic at intersections etc. in order to keep the oversized vehicle moving during the escort.