



# Herndon Police Department

## GENERAL ORDERS

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## TRAFFIC SAFETY AND ENFORCEMENT OPERATIONS

### I. POLICY

The department will uniformly enforce applicable traffic laws to promote safety on the roadways, regulate the proper flow of traffic, deter unsafe or illegal driving practices, and reduce or prevent accidents and hazardous traffic situations.

### II. TRAFFIC ENFORCEMENT OPERATIONS

- A. Traffic enforcement will be performed in marked and unmarked vehicles properly equipped with emergency lights and siren during routine patrol operations, special enforcement initiatives, or during pre-planned safety campaigns.
- B. While conducting traffic enforcement activities, officers shall be in uniform displaying their badge of authority, as required by Virginia Code § 46.2-102.
- C. Officers initiating a traffic stop shall follow established safety procedures, including, but not limited to:
  - 1. Ensuring that the observation of a violation has met or surpassed the legal standard for reasonable suspicion.
  - 2. Contacting Communications regarding the location, vehicle description, registration, and occupant information prior to the stop.
  - 3. Activating emergency lights and siren when necessary, and when stopped, positioning the police vehicle to maximize safety.
  - 4. Being alert for the unexpected and calling for backup when warranted.
  - 5. Approaching the vehicle and interacting with the occupant(s) in accordance with approved procedures.
  - 6. Presenting a professional image and manner and greeting the violator in a courteous manner.



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7. Informing the violator of the infraction that was observed, as soon as practical, and the intended enforcement action.
  8. Determining the appropriate enforcement action based upon the violation and circumstances.
  9. Requesting valid documents such as driver's license, registration, proof of insurance, and/or other appropriate identification.
  10. Allowing the violator to discuss the violation reasonably and briefly.
  11. Explaining the options, rights, or responsibilities that the violator may have with the enforcement action.
  12. If an arrest is warranted, take appropriate steps to assume custody.
- E. Traffic stops may result in the issuance of a warning, a Virginia Uniform Summons, or an arrest, based on the violation.
- F. Officers shall complete the data collection requirement for all motor vehicle stops, stops and frisks of persons based on reasonable suspicion, and investigative detentions. The data collected will be based on observation or information provided, pursuant to Virginia Code § 52-30.2, regardless of the result of the encounter.
- G. In circumstances where a vehicle stop is made due to suspicion of criminal activity, the officer shall additionally document such information as a field contact if no enforcement action is taken, or as a supplement to the incident report.
- H. All traffic stops are unique and pose unknown risks due to officers' limited information about the vehicle and/or its occupants, their intentions, or capabilities. Officers must exercise considerable caution in initiating stops and should be vigilant to recognize any developing threat that requires differing tactics. High risk stops pose a significant risk to officers and typically involve specific information about the vehicle or its occupants that would elevate the risk. Special tactics must be employed to effectively complete the stop, communicate information and instructions, and safely assume control. **<61.1.7a,b>**



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### III. ENFORCEMENT ACTIONS

Officers shall take appropriate enforcement action for traffic law violations.

#### A. Warnings <61.1.2c>

Officers may, at their discretion, issue a verbal or a written warning to a violator for traffic infractions. Warnings serve as a non-punitive alternative to a written citation.

#### B. Uniform Summons <61.1.2b, 61.1.4a,b,c,d>

Summonses (citations) should be issued when it is appropriate for the violation, utilizing electronic summons devices or the pre-printed Virginia Uniform Summons form. The violation or charge, along with rights and requirements imposed on the motorist should be explained, to include the following:

1. Court appearance date, time, location, and procedure, including whether mandatory or optional,
2. Notice of whether the violator may enter a plea and pre-pay the fine,
3. The consequences of failure to pay or contest the charge,
4. Any other information that must be provided prior to release.

The issuance and subsequent release on a summons for traffic infractions are applicable with or without the violator's signature on the summons. If a violator refuses to sign, the officer shall advise of the time/place of the hearing and note the refusal on the summons.

#### C. Physical Arrests <61.1.2a>

Officers are required to make a physical arrest in certain traffic enforcement matters, as follows:

1. Pursuant to Virginia Code § 46.2-940 when the violator has committed a felony.
2. Pursuant to Virginia Code § 46.2-936 when the violator has committed a violation of Virginia Code § 46.2-301, 302 (driving on suspended/revoked license;



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restoration of license pending), and there is a prior approval by order of the General District Court to arrest the accused.

3. Pursuant to Virginia Code § 18.2-266 and § 18.2-266.1, when a person is believed to be operating a motor vehicle while under the influence of alcohol and/or impaired by narcotics or intoxicants.
4. Pursuant to Virginia Code § 18.2-36.1 (involuntary manslaughter), § 19.2-81, (driving under the influence with accident), §46.2-868 (reckless driving, resulting in death of another, with a suspended driver's license), § 46.2-894 (felony hit-and-run), as applicable.

D. Enforcement Exceptions

Special provisions may affect enforcement of violations due to certain exceptions, as follows:

1. Juveniles

Depending on the incident or offense, juveniles that commit traffic violations may be released with no further action, released to the parent/guardian, and/or issued a summons to appear for the offense. When traffic infractions are enforced, juveniles shall be issued a summons in lieu of adhering to the petition requirements for offenses outlined in Virginia Code § 16.1-260, section H, which requires the juvenile to be released to the parent/guardian.

2. Legislators

a. Members of Congress

Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States to perform their legislative duties. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, they shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and arrange to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business. Legislative privilege should be documented.



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b. Virginia General Assembly

During the session and five days before or after the session of the Virginia General Assembly, the Lieutenant Governor, members of the General Assembly, the clerks and their full-time assistants, and the sergeants-at-arms shall be privileged from custodial arrest, except for felony, treason, or breach of the peace. However, a summons may be issued for observed traffic violations. Legislative privilege should be documented.

- c. In instances of impaired driving by legislators, the safety of the public must be a consideration to take corrective action and ensure alternative transportation is sought.

3. Foreign Diplomats/Consular Officials

Foreign diplomats and consular officials will be afforded privileges, rights, and immunities as applicable. Official identification shall be requested to determine the special status, and a supervisor should be called to assist in handling the incident as privileges, rights, and immunities will vary depending on the specific circumstances. In instances of impaired driving, the safety of the public must be a consideration to take corrective action and ensure alternative transportation is sought.

IV. VIOLATIONS

The following violations are highlighted to provide general guidance and appropriate attention to certain traffic violations. Officers must determine the proper enforcement action to apply given the circumstances of the violation and applicable law.

A. Moving/Non-Moving Violations <61.1.5c,d,f,g>

The department will uniformly enforce moving and non-moving motor vehicle and traffic violations to the extent applicable and allowed by law pursuant to Code of Virginia, Title 46.2, and Town of Herndon Code of Ordinances, Chapter 42, to include newly enacted laws that may need explanation or education prior to enforcement. In the event of multiple violations, a separate summons must be issued for each charge.



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**B. Impaired Driving <61.1.10, 61.1.5a>**

Officers shall consistently detect and enforce impaired driving due to alcohol or drugs by recognizing behavioral signs, performing appropriate tests, and making arrest decisions, as authorized in Virginia Code § 18.2-266-269. Officers shall document all observations, tests, and actions taken. Detection and enforcement will include:

1. Recognition of specific driving behaviors that are consistent with alcohol and/or drug impairment.
2. Recognition of behavior observed activity, (or certain odors as allowed by law) during a traffic stop that may indicate impairment.
3. Conducting field sobriety and preliminary breath tests as required in accordance with Virginia Code § 18.2-267.
  - a. If standard field sobriety tests are conducted and probable cause cannot be substantiated, the test and actions taken shall be documented as a Traffic Miscellaneous report.
4. Concluding with an appropriate arrest decision based on the level of impairment and charge(s) pursuant to applicable laws.
  - a. If the elements of impaired driving have been satisfied, a physical arrest shall be made, and the subject informed of their rights and responsibilities, to include the provisions of implied consent pursuant to Virginia Code § 18.2-268.2.
  - b. The subject's vehicle may be released to a responsible driver with the owner's permission or impounded.
  - c. The subject can be transported to the department or to the detention center to have a certified technician conduct a breath test. If a breath test is unavailable or the subject is physically unable to submit to the test, a blood test shall be given by an authorized blood technician. Blood testing shall be performed by certified personnel only, pursuant to Virginia Code § 18.2-268.5.



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C. Suspended/Revoked Driving Privileges <61.1.5b>

When an officer determines that an individual's license to drive is suspended or revoked, the officer shall issue a summons or effect an arrest based upon criteria outlined in Virginia Code § 46.2-936.

D. Speed Enforcement

Officers will conduct speed enforcement through vehicle pacing or by electronic speed measuring devices (radar/lidar). Electronic devices will comply with Virginia Code § 2.2-1112 and § 46.2-882. Officers must be certified/recertified to utilize electronic speed measuring devices.

E. Violations that Result in Accidents <61.1.5h>

Officers shall investigate accidents on public property, and as authorized, private property, to determine the cause and any applicable violations. When evidence exists to satisfy the elements of a violation, applicable enforcement action should be taken. All enforcement action eligible for a releasable summons stemming from a vehicle crash shall be conducted either at the scene of the crash or at the hospital (if transported by medical personnel) in compliance with § 19.2-81(C).

F. Other Violations <61.1.5e,i>

The department will appropriately enforce the public carrier/commercial vehicle violations and pedestrian and bicycle violations to the extent applicable and allowed by law.

G. Parking Enforcement

Officers and the parking enforcement official will enforce parking violations, pursuant to Herndon Code of Ordinances, Chapter 42, and Virginia Code § 46.2-1220, in the normal course of their duties.

V. COLLISIONS

- A. Officers shall respond to traffic collisions, on public or private property, to assist as appropriate, aid the injured, identify the responsible party, and enforce violations.



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**B. Response to Traffic Collisions <61.3.2a>**

1. Position the police vehicle in a visible manner to protect the scene and alert ongoing traffic of law enforcement presence. Emergency lights should be activated while the police vehicle is parked on the roadway.
2. Check for injuries, fire hazards, hazardous materials, or other dangers and summon emergency services without delay, if necessary. First aid should be administered if appropriate. Injured parties complaining of back, neck, or other serious injuries should only be moved by rescue personnel unless conditions at the scene are life threatening.
3. If a fire or the potential for a fire exists at the scene, officers shall immediately summon the fire department. All persons in the immediate area should be evacuated and any injured person should be evacuated as safely as possible. Officers shall then set up a perimeter to protect the scene and preserve evidence that may be short-lived.
4. Establish traffic control around the scene and notify the Public Information Officer to issue alerts as appropriate.
5. A supervisor may request the assistance of the accident reconstruction unit for a traffic collision, if necessary. The accident reconstruction specialist shall be summoned when there is a known or expected life-threatening injury or fatality.
6. If the accident reconstruction unit is investigating the crash, all further investigative decisions shall be coordinated with the accident reconstructionist handling the crash.
7. If the crash is not expected to be life-threatening or involve fatal injuries, officers shall remove vehicles from the roadway to a safe location when practical, to alleviate the possibility of causing other collisions and relieving traffic congestion. The use of highway flares to assist motorists should be considered at all collisions.
8. Identify operators and witnesses, record statements, and ensure a proper exchange of information is conducted between operators.





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9. Request a tow truck if damage to the vehicles will not allow them to be driven safely from the scene.
10. Check to be sure all information has been obtained regarding operators' licenses, registration, and insurance information.
11. Issue citations as appropriate.
12. Investigate the scene by recording damages to vehicles, taking photographs, making sketches, and taking measurements when needed.
13. Ensure the roadway is clear of debris before clearing the scene.
14. The primary officer at the scene of a collision shall ensure that personal property belonging to a collision victim is protected from theft and is removed to a place of safekeeping if the owner is unable to secure it.
15. The primary officer shall be responsible for any follow-up investigation.

### VI. VEHICLE SEIZURES AND IMPOUNDMENTS

Pursuant to lawful authority, a vehicle can be seized or impounded at the direction of law enforcement, as outlined below. Appropriate documentation must be completed to reflect the reason for the seizure or impoundment, and the subsequent inventory of the vehicle.

#### A. Vehicle Seizure

A vehicle is subject to seizure and forfeiture to the state, pending the judicial outcome, including but not limited to the following offenses:

1. Racing - § 46.2-867
2. Illegal transportation of alcohol - § 4.1-310
3. Transporting stolen goods or property - § 19.2-386.16



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4. Illegal manufacture, sale, or distribution of controlled substances - § 19.2-386.22
5. Child Abduction – § 19.2-386.32
6. Felony DWI – § 19.2-386.34
7. Any other offense as permitted by § 19.2-386.35

**B. Vehicle Impoundment**

A vehicle is subject to lawful impoundment, pursuant to certain conditions or offenses, as outlined below. If impounded, vehicle owners are responsible for the payment of towing and storage fees, unless an exemption applies.

1. Driver of the vehicle arrested, and no other person present can lawfully assume custody of the vehicle with the owner's consent – § 19.2-80.1.
2. The vehicle constitutes evidence in and of itself and must be processed. In such cases, the owner will be exempt from towing fees.
3. Abandoned Vehicles – vehicles left for more than **48 hours** on public property in violation of state law or town ordinance, on the shoulder of the highway, or on private property (without permission) - Herndon Code of Ordinances Sec. 42-261, 42-263.
4. Immobilized and Unattended Vehicles - vehicles creating a traffic hazard, illegally parked, or stranded by weather or another emergency – Herndon Code of Ordinances Sec. 42-281, 42-282.
5. Unattended Vehicles – vehicles on private property (without permission) for more than **10 days** - Herndon Code of Ordinances Sec. 42-281, 42-282.
6. Vehicles involved in accidents - §46.2-1212.

**C. Vehicle Impoundment - Administrative Hold**

A vehicle is subject to a required administrative hold, with the exception of rented or leased vehicles, pursuant to the following offenses.



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1. Violations of driving while license, permit, or privilege to drive is suspended or revoked due to an alcohol related offense; and/or previously convicted of such offense pursuant to § 46.2-301.1 – 30-day hold.
2. Violations of driving without a valid license, and/or having been previously convicted of such an offense pursuant to § 46.2-301.1 – 3-day hold.
- D. Vehicles seized for evidence or eligible for the forfeiture process will be directed or facilitated by the Criminal Investigations Section.
- E. A vehicle will be impounded if the driver is arrested, unless the following exceptions apply:
  1. A licensed driver is present and has consent from the owner to assume custody of the vehicle.
  2. An administrative hold is required to be placed on the vehicle due to the violation.
  3. The vehicle is being seized for the furtherance of the forfeiture process after approval and consultation with the Criminal Investigations Section supervisor.
- F. A deliberate attempt should be made to notify the owner to remove a vehicle that is abandoned, immobilized, or unattended. However, if efforts to notify the owner are unsuccessful, the following steps should be taken. **<61.4.3a,b>**
  1. If a vehicle is parked on public property lacking a current license plate or valid state safety inspection sticker for more than four days without being moved, the officer shall tag the vehicle with an *Unattended Vehicle Tag* and direct that it be impounded after **four days**.
  2. If a vehicle obstructs the flow of traffic, poses a hazard, or is illegally parked, an officer may direct that it be impounded **immediately**.
  3. If a vehicle is recovered as stolen, an officer shall contact the originating agency and coordinate efforts to contact the owner. Recovered stolen vehicles will be



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processed at the scene and turned over to the originating agency, the owner, or impounded.

4. The removal of a vehicle from private property shall only be upon the **written request** of the premises' owner/occupant to include language in the request that indemnifies the town against any loss or expense incurred by reason of removal, storage, or sale. The officer may then tag the vehicle with an *Unattended Vehicle Tag* and direct that it be impounded after **ten days**.

G. Inventory and Documentation

Vehicles subject to lawful impoundment, towed at the direction of a sworn officer, shall be inventoried. Vehicles towed at an owner's request shall NOT be inventoried. The officer that remains with a vehicle to be towed will be responsible for conducting an inventory on Form 6143 – Vehicle Tow/Inventory, of the contents of the vehicle. Documenting an inventory involves the following:

1. The inventory shall occur prior to clearing the scene unless the vehicle is towed to a police facility prior to preparation of a search warrant to collect evidence.
2. The inventory shall be conducted in a manner that avoids damage to the vehicle or its contents and shall be conducted for the protection of the owner's property in the vehicle and the prevention of unjustified theft claims.
3. The inventory shall include the interior of the vehicle and areas that can be entered with the keys to the vehicle, i.e., the glove compartment, console, or trunk. All locked containers within the vehicle shall only be opened by authority of a search warrant.
4. Items of personal value or worth, to include cash, jewelry, precious metals, firearms, or handheld personal communication devices, shall be submitted to property for safe storage. All other items shall be documented in the inventory but remain with the vehicle.
5. Contraband or items with evidentiary value in a criminal investigation shall be removed and handled in accordance with evidence collection procedures.



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6. Once released for impoundment, towing vendors become responsible for the vehicle and its contents until it is released to the owner or disposed of by law.
7. Upon completion of the Vehicle Tow/Inventory (Form 6143) documenting the vehicle's contents, the officer responsible for the tow will:
  - a. Provide a copy of the inventory to the towing vendor and retain a copy.
  - b. Forward the remaining copies, prior to the end of the shift, to Records for filing and processing. Records personnel will mail a copy of the form to the registered owner detailing pertinent information and rights regarding the towed vehicle.
  - c. Complete a request to have the vehicle entered or modified in VCIN/NCIC, as applicable.
8. The department will maintain records of all vehicles removed, stored, or impounded. **<61.4.3c>**

### VII. TRAFFIC SECTION RESPONSIBILITIES

- A. Officers assigned to the Traffic Section are tasked with traffic enforcement and safety operations as their primary objective. The Traffic Section provides dedicated motorcycle and vehicle patrol to perform the following duties:
  1. Enforce traffic and parking violations,
  2. Coordinate and conduct specialized traffic enforcement operations, traffic safety campaigns, and escorts,
  3. Monitor traffic concerns and complaints,
  4. Investigate accidents,
  5. Respond to calls for service.



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**B. Traffic safety objectives include:**

1. Routine traffic enforcement that is focused on proactive measures to recognize violations and enforce compliance, as allowed by law, based on the violation.
2. Specialized enforcement and educational campaigns, including the issuance of warnings, are designed to highlight a specific traffic safety issue that serves to educate the public and encourage voluntary compliance with traffic laws.
3. Providing general assistance to motorists in need, as appropriate.
4. Seeking engineering modifications to address roadway conditions, traffic control measures, or signage that could improve identified safety issues. Roadway improvements will be pursued through the Town of Herndon's Traffic Engineering and Improvement Committee (TEIC), which meets regularly to discuss traffic problem areas and determine corrective solutions.

**C. The Traffic Section will coordinate specialized enforcement and/or educational campaigns to focus special attention on motor vehicle laws. The campaigns can be department-driven or sponsored through a national campaign. The issuance of warnings during these campaigns are intended to encourage voluntary compliance and promote safety awareness. Campaigns may focus on traffic issues, such as:**

1. Seat belts and Child restraints/seats
2. Distracted driving
3. Impaired driving
4. Speeding
5. Pedestrian and Bicycle safety



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C. The Traffic Section supervisor shall be responsible for:

1. Coordinating, scheduling, and leading all vehicle escorts. (Refer to General Order 306 – Operation of Police Vehicles, for specific guidance.)
2. Representing the department at the Traffic Engineering and Improvement Committee (TEIC) led by the Department of Public Works. Officers that wish to submit roadway safety issues to TEIC for consideration shall forward such recommendations to the Traffic Section supervisor.
3. Completing an annual analysis to highlight the overall efforts of enforcement, specialized enforcement operations, or educational campaigns, and include data on accidents to determine the effectiveness of traffic safety objectives. Upon completion, the analysis shall be submitted to the Chief of Police through the chain of command.
4. Overseeing accident reconstruction activities and ensuring that necessary training and certification is completed, and that necessary equipment is maintained. Certified accident reconstruction specialists will conduct investigations into serious and fatal collisions.
5. Ensuring all speed measurement equipment is well-maintained and calibrated on the proper schedule and serve as the custodian of records for all speed equipment calibration documentation, maintaining an operational inventory, and facilitating repairs as necessary.

### **VIII. TRAFFIC SAFETY OPERATIONS**

- A. Traffic safety is a shared responsibility of all officers during routine and specialized initiatives. Officers shall take appropriate enforcement action for each violation observed.
- B. Officers will participate in planned specialized enforcement and educational campaigns and will be briefed on the responsibilities prior to the initiation of the campaign.



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- C. Officers will aid motorists by: **<61.4.1>**
  - 1. Providing general information or directions, as requested.
  - 2. Assisting motorists with obtaining services to facilitate removal or repair of a disabled vehicle.
  - 3. Obtaining timely emergency services, such as fire and rescue services.
- D. Officers shall be alert to hazards created by disabled vehicles and take appropriate action, such as:
  - 1. Setting up flares or other safety devices around the vehicle to alert approaching traffic.
  - 2. Safely direct the flow of traffic around such vehicles.
  - 3. Survey the situation for possible criminal activity.
  - 4. Decline to perform mechanical services, such as “jump starts”, etc., but assist, if necessary, with obtaining the needed services.
- E. In the event of roadside emergencies, ensure that:
  - 1. Vehicle fires are reported immediately to the fire department. Fire suppression methods can be applied as practical.
  - 2. Rescue services are summoned immediately for medical emergencies. First aid or Narcan may be administered, pursuant to training, as appropriate.
- F. Road hazards may occur due to debris, defects, non-functioning traffic signals, adverse weather conditions, or other obstructions, and corrective actions must be taken. **<61.4.2, 61.3.2b>**
  - 1. If a road hazard poses a traffic concern, coordinate with the Department of Public Works (DPW), or other utilities to correct the hazard as soon as possible.





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2. Set up flares or other safety devices around the hazard to alert approaching traffic.
3. Safely direct the flow of traffic around the hazard until it can be corrected.
4. Ensure road hazard is appropriately resolved prior to clearing the scene.

**G. Hazardous Materials**

Hazardous materials present a danger to officers and the public and could be flammable, corrosive, explosive, or otherwise toxic. Officers on the scene where hazardous materials are detected shall take proper precautions, as well as:

1. Immediately request the fire department or Fairfax County Explosive Ordnance Disposal, as appropriate, to respond to the scene.
2. Consider initiating ICS protocol.
3. Prepare to evacuate everyone from the immediate area, staying clear of all spills, vapors, fumes, and smoke. Do not assume that gases or vapors are harmless because of lack of odor.
4. Isolate the hazard, set up a perimeter, and maintain awareness of the affected area in a position **upwind** from the hazard.
5. Notify the Public Information Officer to issue appropriate alerts and other pertinent outside notifications.
6. Regulate traffic and monitor crowd control.
7. Safely restore the scene once the hazard has been corrected.

**H. Officers shall wear a department-issued high visibility traffic vest while in the roadway directing or controlling traffic. <61.3.2e>**



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**I. Traffic Control (General)**

1. At scenes where traffic needs to be controlled, officers will utilize the police vehicle's emergency lights, traffic cones, flares, and other appropriate warning devices to protect the scene and alert approaching traffic. Once the scene is cleared, the officer shall promptly remove flares, traffic cones, and other warning devices that were used to protect the scene.
2. Officers may direct traffic by hand or whistle as appropriate pursuant to § 46.2-1309. Safety equipment such as flares to illuminate hand movements during darkness, and the police whistle for audible signaling, may be necessary.
3. With the approval of a supervisor, a traffic control signal may be manually operated or placed in "flash mode" when handling a roadway incident, road hazard, or collision. **<61.3.2c>**
4. Temporary traffic control devices, such as barricades, traffic cones, etc., may be used for prescheduled events or in emergencies. The devices will normally be placed and removed by the Department of Public Works, until the conclusion of the event. **<61.3.2d>**