P.O. 1106 Enforcement			
Effective From:	1/01/2025	Effective To:	Current

F. P.O. 1106 – <u>Enforcement</u>

1. POLICY
   i) Louisiana State Police is committed to enhancing public safety with unbiased enforcement of statutes and regulations. Our personnel will apply the laws of our state with fairness and impartiality for all residents and visitors.
2. PURPOSE
   i) The Department must enforce traffic laws, investigate traffic crashes, assist motorists, and direct traffic to facilitate the safe and expeditious movement of vehicles and pedestrians. To obtain compliance with traffic laws and to develop driver awareness of the cause of traffic crashes, the Department appropriately warns, issues written citations, and/or physically arrests traffic violators.
3. ENFORCEMENT
   i) Patrol officers shall remain aware of areas that have a high occurrence of crashes and/or other public concerns within their assigned patrol area. The officer should devote a portion of each tour of duty to enforcement activities in those areas. Highly visible patrols in these areas should be used as a deterrent.
   ii) An officer will responsibly use discretion and exercise it within the law. The principle of reasonableness will guide the officer's determination.
   iii) Louisiana Revised Statute 32:398.10 requires the Department to capture and report certain statistical information related to traffic stops, including the reason for the stop, as well as the race, gender, age, and state of residence of motorists stopped for traffic violations. The usage of eCitation devices allows for the electronic capture, compilation, and analysis of the required data necessary to comply with L.R.S. 32:398.10. Personnel will adhere to the following:
      a) Officers will issue a citation or warning violation on a departmentally-approved eCitation device for traffic violations.
      b) Officers are authorized to exercise discretion and issue verbal warnings only when it is not feasible to issue a citation or warning violation due to exigent circumstances. If an officer must issue a verbal warning, they shall note the race and gender of the driver and the reason for the traffic stop in the CAD narrative. Per L.R.S. 32:398.10, the race and gender shall be based on the observation and perception of the officer and the information shall not be required to be provided by the driver.
      c) Warning violations shall be issued for thirty (30) days after the date a new law, ordinance, or signage becomes effective.
   iv) Officers shall take appropriate enforcement action when a violation of law results in a traffic crash.
4. UNIFORM TRAFFIC SUMMONS / COMPLAINT AFFIDAVIT
   i) The Uniform Traffic Summons / Complaint Affidavit Report shall be filled out completely on a departmentally-approved eCitation device with all required information by the officer.
   ii) Executive Officer’s Responsibilities
      a) The Executive Officer, or their designee, shall issue eCitation devices and maintain a minimum number of spare devices and thermal paper.
   iii) Shift Supervisor's Responsibilities
      a) The shift supervisor shall ensure all Uniform Traffic Summons / Complaint Affidavits are completed and notarized, if applicable.

iv) Officer's Responsibilities
    a) Officers shall:
        1) Ensure all Uniform Traffic Summons / Complaint Affidavits are filled out completely and accurately (e.g., identity of the violator, vehicle information, stop location).
        2) Document all information or evidence they would like to retain for court purposes within the eCitation device.
        3) Be responsible for the eCitation device, a minimum number of spare rolls of thermal paper, and any Uniform Traffic Summons / Complaint Affidavits issued to them.
        4) Submit all citations to the appropriate Troop\Section for processing. An officer shall not void a citation after it has been issued to the violator. L.R.S. 32:398.2 restricts citation disposal to actions of district attorneys or courts.

5. STOPPING VIOLATORS

i) When conducting a traffic stop, it is imperative that precautions be taken to ensure the safety of the officer and the public.

ii) Bearing and Appearance
    a) Professional Manner
        1) Officers making enforcement contacts should be professional in appearance, speech, bearing, and demeanor.
    b) Direct Communication
        1) Enforcement action should be made through direct, personal verbal communication between enforcement personnel and violators.
        2) Gestures, signals, abnormal operation of patrol vehicles, and other forms of non-verbal communication should be avoided unless necessary due to exigent circumstances.

iii) Marked Units
    a) When an officer has determined that enforcement action is warranted, they shall activate the unit's emergency lights and/or audible warning devices, notifying the violator of the patrol officer's presence. The officer shall notify Communications and give the following information:
        1) Vehicle's registration number,
        2) Vehicle's description,
        3) Location of the stop,
        4) The direction of travel, and
        5) Any other necessary information (e.g., number of vehicle occupants).
    b) Officers should consider the age, sex, condition of the driver, weather conditions, traffic density, and roadway and shoulder conditions when stopping a violator. Officers should attempt to direct the violator to a safe location.
    c) When the violator has come to a complete stop, the officer should position their vehicle to afford the greatest degree of protection for themselves, the violator, and the approaching motorists.
        1) When appropriate, officers should attempt to illuminate the violator's vehicle as much as practical using the spotlight, headlights, and overhead takedown lights.
        2) Circumstances like traffic, road, weather, and lighting conditions may require officers to adjust their vehicle stop procedures.
    d) If the violator fails to stop immediately but does not attempt to evade or elude the officer, the officer should be mindful that the violator could be trying to locate a safe, populated, or illuminated area before stopping. This shall not be considered a pursuit as defined in P.O. 1112 Pursuit/Roadblock, and officers should be patient and

indulgent of a violator's apparent safety concerns.

e) Officers should summon the driver to exit their vehicle and stand at the front of the officer's vehicle.
   1) Officers should not use the P.A. system except with clear justification.
   2) Officers shall not walk to the violator's vehicle except when justified.

f) When speaking to the driver, the officer shall attempt to:
   1) Greet the driver courteously.
   2) Identify themselves as (rank and name) an officer of the Louisiana State Police.
   3) Inform the driver of the reason for the stop.
   4) Obtain the violator's driver's license, vehicle registration, and proof of liability insurance.
   5) Listen and consider any justification the violator offers for having committed the violation.

g) While the violator is out of their vehicle, unless there is substantial and articulable justification, the officer shall not:
   1) Sit in the patrol vehicle to complete the citation or warning violation,
   2) Allow the violator to sit in the patrol vehicle.
   3) Allow the violator to return to their vehicle without diligent supervision.
   4) Allow passengers to exit the violator's vehicle.

h) Officers must remain observant of the violator, any additional occupants of the vehicle, and traffic until the stop is completed.

iv) Unmarked Units

a) Officers who are driving an unmarked vehicle should use discretion when stopping violators. Officers should be mindful that a violator may be reluctant to stop for a vehicle that is not clearly distinguishable as a police vehicle.

b) Only unmarked vehicles authorized by the Troop Commander may be utilized to conduct traffic enforcement regularly.

c) If an officer is wearing civilian attire and operating an unmarked vehicle and observes a traffic violation that endangers public safety, the officer should contact the Troop they are traveling in and obtain assistance from a marked unit. If no marked unit is available, officers are authorized to stop the vehicle using extreme caution.

d) Officers shall comply with L.R.S. 49:121(I).

6. CITING VIOLATORS

i) Louisiana Highway Regulatory Act, L.R.S. 32:1-32:399.

a) Pursuant to L.R.S. 32:411 and L.R.S. 32:411.1, officers shall not physically arrest persons who violate the Louisiana Highway Regulatory Act, L.R.S. 32:1-32:399, unless:
   1) The violator refuses to sign the promise to appear section of the traffic summons and refuses to surrender their driver's license in lieu of bond.
   2) The violator is wanted for failure to appear in connection with other traffic citations.
   3) The violator has a warrant issued for their arrest for any other reason.
   4) The arresting officer has probable cause to believe the person charged committed a Title 14 offense.

b) A valid license acceptable for surrender in lieu of bond shall include:
   1) A valid driver's license.
   2) A license expired less than sixty (60) days.
   3) A temporary license issued by the Department of Public Safety.
   4) A temporary license issued in receipt of a license deposited in lieu of bond under L.R.S. 32:411.

ii) Driver's License Law, L.R.S. 32:401-32:429.
   a) Pursuant to L.R.S. 32:411, an officer may, at their discretion, issue a temporary license and take in lieu of bond the driver's license of a violator cited under the following circumstances:
      1) Exceeding the speed limit by 25 mph or more.
      2) Exceeding the speed limit in a school zone.
      3) Drag racing.
      4) Commission of an offense resulting in an injury crash.
      5) Commission of the same offense twice within one hour.
      6) A compulsory insurance violation cited after the expiration of the temporary license sticker.
   b) The time given to appear in court for the citation should be at least five (5) days after the arrest.
   c) Violators must be advised that a failure to appear subjects them to suspension of driving privileges and/or additional fines.
   d) Violators shall be advised to allow five (5) days for the transmittal of their licenses to the court system.
   e) Violators with licenses expired less than sixty (60) days shall be issued a Warning Violation.
   f) Persons driving during a period of suspension, revocation, or cancellation of their driver's license shall be issued a citation for a violation of L.R.S. 32:415 and shall not be allowed to drive away from the scene. The officer may allow the violator to sign the promise to appear section of the traffic citation. When a physical arrest is made, the provisions of this order shall be adhered to.
   g) Employees of this Department shall not accept appearance bonds or fines under any circumstance. Violators shall be directed to the responsible sheriff's office, traffic violation bureau, district attorney's office, or municipal court system to post bond or pay fines.
   h) Should the violator inquire as to the amount of a bond or fine, officers should direct the violator to contact the appropriate judicial authority.
   i) Any Troop Commander receiving a court order directing them to comply with a procedure concerning the disposition of a violator's driver's license shall advise the Office of Legal Affairs. Until and unless directed otherwise, all such court orders shall be obeyed.

7. OUT-OF-STATE VIOLATORS
   i) The Nonresident Violators Compact is administered in Louisiana by the Office of Motor Vehicles.
   ii) The compact requires that Louisiana give all signatory members the opportunity to sign the promise to appear section of the traffic citation or otherwise properly attend to citations received from an officer of this Department.
   iii) Violators to whom this compact applies shall be given a minimum of thirty (30) days to comply with the terms of the citation. More time may be appropriate depending on preset court dates.
   iv) Compact state violators shall retain their operator's license. An officer shall not require or permit an out-of-state violator to surrender their license in lieu of bond.
   v) An out-of-state violator refusing to give written promise to appear should be required to post bond.
      a) If the jurisdiction refuses to book and/or fingerprint violators for traffic violations, the officer shall document the reason for the refusal in the citation report.

8. DIPLOMATS AND CONSULAR REPRESENTATIVES

i) International law requires that special privileges and immunities be granted to foreign diplomats, consular representatives, and dependents under Title 22, Chapter 6 of the United States Code. Diplomatic immunity does not exempt diplomatic officials from conforming to national and local laws but requires dealing with the violation through diplomatic channels. Any person possessing diplomatic immunity may be taken into protective custody for their safety or the safety of others. When this occurs, the U.S. Department of State must be notified immediately.

ii) Traffic Enforcement

a) Officer's Responsibilities:

1) Stopping a foreign diplomat, consular representative, or dependent and issuing a summons does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the traffic citation.

2) When stopping for suspicion of impaired driving, a standardized field sobriety test should be offered, and if taken, the results should be fully documented. If the officer finds that a breath test is required to further their investigation, the subject may be taken into protective custody and offered an Intoxilyzer test. The test may not be compelled. If the officer finds the subject is too impaired to drive safely, the officer shall comply with the procedures set forth by the U.S. Department of State's Diplomatic and Consular Immunity manual. At no time should the subject be booked into a custody facility. Documents pertaining to the incident shall be processed through established Troop procedures for handling arrests.

3) In the event a foreign diplomat is stopped by an officer who has probable cause to believe that the driver has committed a violation, the officer shall record the driver's name, address, motor vehicle license number, operator license number, and all relevant information contained on the driver's license or identification card issued by the United States Department of State. If applicable, the information collected and a copy of the traffic citation shall be forwarded to the Bureau of Criminal Identification and Information (BCII-LCJIS) within seven (7) calendar days after the incident.

4) If a foreign diplomat is involved in a vehicle crash, the officer shall forward all the information collected with a copy of the written report of the crash investigation to BCII-LCJIS within forty-eight (48) hours after the completion of the crash investigation.

5) BCII-LCJIS shall receive all information, including copies of citations and crash reports, and forward such information and copies of reports and citations to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State within seven (7) calendar days following receipt of such information.

b) Supervisor's Responsibilities

1) Verify the identification and status of the individual by referring to the U.S. Department of State's Diplomatic and Consular Immunity manual maintained by each Troop.

2) Contact the U.S. Department of State immediately.

3) The narrative section of the CAD event shall indicate:

(i) Name of violator.

(ii) Country represented.

(iii) Name of U.S. Department of State representative spoken to and any instructions provided by that person.

(iv) Determine the best course of action to be taken.

9. LOST LICENSES
    i) When a violator’s license is taken by an officer, the Department becomes responsible for accounting for that license.
        a) The Troop Commander shall notify the Office of Motor Vehicles advising that the license belonging to the violator was lost while in the possession of the Department and that the violator is entitled to a replacement.
10. UTILIZATION OF LOUISIANA COURTS
    i) City Courts
        a) When a citation is issued for a violation within the corporate limits of a municipality, the violator should be charged under the Revised Statutes of the Louisiana Highway Regulatory Act, the Driver's License Law, and/or the Criminal Code.
        b) When a municipal court has its jurisdiction limited to the corporate limits of the municipality, all violators cited by commissioned officers of this Department may be directed to either the appropriate municipal court or district court with jurisdiction. The violator shall be directed to post bond with the appropriate clerk of court or designated city court custodian.
        c) When a local court has jurisdiction for a ward, which may extend beyond the boundaries of a municipality, those violators cited for violations occurring within the ward may be directed to either the ward court or the appropriate district court for disposition of the charges. The violator shall be directed to post bond with the appropriate district or ward clerk of court if necessary.
    ii) District Courts
        a) All citations issued due to violations occurring in unincorporated areas on rural highways or roadways, except as stated above, shall be filed with the district court having jurisdiction.
        b) Uniform Traffic Summons / Complaint Affidavits shall be electronically filed with the district attorney's office with jurisdiction, and the Clerk of Court in the parish where the offense was committed when required by that jurisdiction.
11. TRANSPORTATION OF ARRESTED PERSONS
    i) Officers shall thoroughly search the area used for transporting prisoners prior to the beginning of their shift. The officer shall ensure that the area is free of weapons and contraband, mechanically safe, free of damage or defect, and properly equipped for use.
    ii) If equipped, the officer shall activate the rear passenger compartment camera of the in-car camera system and record the duration of the transport.
    iii) Once a prisoner has been removed from the vehicle, a thorough search shall be conducted as soon as practicable, but in all cases, before the vehicle is reused. This will ensure that the prisoner has left nothing in the vehicle, and if items are found, link them to the prisoner in a timely manner.
    iv) To minimize the risk of injury or escape, prisoners shall be properly handcuffed, searched, and transported in the rear of a marked patrol vehicle. Additional restraint devices, including flex-cuffs, leg restraints, spit guards, and full-body restraint systems may be used when necessary. The vehicle shall be equipped with a protective screen, and the use of seatbelts on prisoners shall be mandatory unless exigent circumstances exist.
    v) The "child safety" and window lock features on patrol vehicles equipped with such equipment should be activated to help prevent prisoners from escaping during transport.
    vi) Extreme caution shall be used if circumstances are such that it is necessary to transport a prisoner in the front seat. Prisoners shall be restrained with a seatbelt in accordance with law.
    vii) Officers transporting persons of the opposite sex or juveniles shall transmit beginning and ending mileage to a Troop or local radio dispatcher. Officers may transmit the beginning and

ending mileage for persons of the same sex when they believe it would be prudent.

viii) When multiple uniform officers are transporting one or more prisoners in a patrol vehicle, the additional officer may be seated in the front passenger seat. The prisoner's location in the rear seat is at the officer's discretion.

ix) A prisoner transported in an unmarked vehicle shall be handcuffed, searched, and seated in the front passenger seat. Additional restraint devices, including flex-cuffs, leg restraints, spit guards, and full-body restraint systems may be used when necessary. The use of a seatbelt shall be mandatory.

x) When multiple plainclothes officers are transporting one or more prisoners in an unmarked vehicle, the additional officer shall be seated in the rear of the vehicle. The prisoner's location in the rear seat is at the officer's discretion. The use of a seatbelt shall be mandatory unless exigent circumstances exist.

xi) Officers should not stop while transporting prisoners from the point of arrest to the booking facility, except when third parties may be subject to a serious threat of injury and the risk to the prisoner is minimal.

xii) While in transit, prisoners will not be permitted to converse with anyone except other prisoners and custodial authorities. Prisoners will not be allowed to place phone calls.

xiii) Disabled prisoners may be transported in a patrol vehicle if the nature of their disability permits.

xiv) If a prisoner escapes during transportation, the transporting officer shall immediately notify their immediate supervisor and Communications of the situation. The Troop supervisor shall contact the local agency with jurisdiction and coordinate actions to apprehend the prisoner.

xv) If the prisoner is apprehended, the transporting officer shall ensure that additional charges are filed at the time of booking. The officer's report shall reflect the escape attempt.

xvi) If the prisoner is not apprehended at the time of the escape, the transporting officer shall file the applicable paperwork with the district attorney’s office having jurisdiction and reflect the same in their report.

xvii) Upon arrival at the booking facility, an officer shall:

a) Secure their weapon(s) as per the booking facility’s protocol.

b) Remove the restraining devices just before placing the prisoner in the holding cell or relinquishing custody of the prisoner to the booking facility custodian.

c) Provide the booking facility custodian with the applicable written documentation and ensure the booking location is noted in the arrest report.

d) Provide the booking facility custodian with any medical or security hazards known about the prisoner.

xviii) When transporting a prisoner known to be a security risk, the officer shall utilize any approved methods of securing the prisoner. If additional security is warranted, another officer shall assist with transportation. If there is heightened security and/or risk, contact with the receiving agency shall be made before transporting the prisoner.

12. TRANSPORTATION OF SICK OR INJURED PRISONERS

i) An emergency medical service (EMS) may transport prisoners who are sick or injured. The method of transportation of a sick or injured prisoner shall be based upon the severity of their condition.

ii) A patrol vehicle may be utilized for ambulatory prisoners.

iii) An emergency medical service shall transport prisoners that are not ambulatory. The totality of circumstances will determine if the accompanying officer rides in the ambulance or follows behind.

iv) It is the discretion of the officer as to whether or not sick, injured, or disabled prisoners are restrained and as to how they are restrained.

v) Caution should be exercised during times when the prisoner may not be restrained as this

poses a heightened risk for escape, suicide, and assault on hospital personnel or the transporting officer.

vi) Visitors to the prisoner are prohibited, including telephone contact with the prisoner.

vii) Only under unusual circumstances will the prisoner be allowed out of the officer's sight.

viii) Upon release, officers shall obtain a medical release for the prisoner from the hospital and present the same to the parish prison. This should include any special medical instructions required for the prisoner.

ix) Before being transported, the prisoner shall be restrained and searched.

13. DOCUMENTING ARRESTS

i) In the event of any physical arrest, it is the duty and responsibility of the arresting officer to submit a RMS Offense Incident and Arrest Report; the narrative of this report should explicitly outline the circumstances of the arrest.

ii) If a violation of the Louisiana Highway Regulatory Act, L.R.S. 32:1-32:399, has special circumstances that the officer may wish to retain for court purposes and a summons was issued, it is recommended that the arresting officer document the information or evidence they would like to retain for court purposes within the eCitation device.

iii) Officers shall complete the applicable jurisdiction arrest report when required by that judicial district.

iv) It shall be the duty of the shift supervisor to thoroughly check the arrest report following any physical arrest to ensure, within reason, the circumstances surrounding an arrest were such that the arresting officer had reason to believe that the violator committed the offense charged and that booking was required.

14. MISSING PERSONS

i) Reports of missing persons shall be referred to local agencies for investigation. It is the policy of the Louisiana State Police to assist other agencies in locating and resolving cases involving missing persons.

ii) Whenever circumstances dictate the Department to assume a missing person's investigation, the Troop personnel initiating the investigation should notify its Commander and Public Information Officer via the chain of command.

iii) The initial call taker must gather as much pertinent information as possible to correctly classify a report of a missing person and initiate a proper response. At a minimum, an attempt should be made to collect the following information:

a) Name, age, physical and clothing description of the subject, and the relationship of the reporting party to the missing person.

b) Time and place of last known location and the identity of anyone accompanying the subject.

c) The extent of any search for the subject prior to the filing of the report.

d) Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits, or plans.

e) Whether the individual has been recently involved in domestic incidents, suffered emotional trauma or life crises, is dependent on drugs or alcohol, and/or has a history of mental illness.

f) The current physical condition of the subject and whether the person is presently on or has recently had a change in prescription medication.

iv) The initial call taker may initiate a regional broadcast to surrounding agencies, providing preliminary information obtained from the person making the missing person's report.

v) An officer shall be dispatched to interview the person making the missing person's report. Upon confirmation that a person is missing, Communications personnel shall enter the appropriate information into the National Crime and Information Center.

vi) Information gathered during the initial phases of a missing person incident should be used

to broaden the scope of the investigation to include locations and patterns of search.

vii) If the missing person is a child, especially a young child missing from the home or near the home, every effort should be made by initial responding units to make a thorough search of the child's home, garage, shed, or any other structure on the premises. Additionally, it should be determined if the child:
   a) Is, or may be, with any adult who could cause them injury.
   b) May have been the subject of a parental abduction.
   c) Has previously run away from home, has threatened to do so, or has a history of explainable or unexplainable absences for extended periods of time.

viii) In the case of a person being designated as "missing critical" or any other at-risk person who may be reported missing, the shift supervisor may:
   a) Notify surrounding agencies of the missing person.
   b) Broadcast available information to on-duty officers via radio and MDT.
   c) Evaluate collected information to determine if the aviation unit should be contacted for an aerial search.
   d) Seek assistance from an agency with a canine search team.

15. TRAFFIC CONTROL

i) When directing traffic, officers shall use hand signals and gestures for manual traffic direction and control as instructed in the State Police Training Academy.

ii) During periods of low visibility, officers should use road cones (if available) or flares to clearly delineate the travel path or block the roadway.

iii) When an officer is at the scene of a fire, they shall locate themselves at such a distance from the actual fire scene to:
   a) Allow for the movement of necessary equipment and vehicles.
   b) Prevent the introduction of other traffic, particularly prohibiting vehicles from crossing fire hoses.

iv) Officers are required to wear their issued reflective vests while performing traffic direction, crash investigation, and control duties.

v) When available and practicable, traffic barricades may be used to augment or replace manual traffic control.

vi) Traffic signals may be operated manually or set to flash when the shift supervisor deems it necessary to help facilitate traffic control.

16. MOTORISTS ASSISTANCE

i) Non-emergency Assistance
   a) Officers shall stop and assist all disabled motorists regardless of duty status unless on an emergency assignment. If such an assignment prevents an officer from rendering assistance, the officer shall see that appropriate assistance is requested.
   b) Officers must first determine the type of assistance needed. If the officer can assist directly, they may do so. Officers shall use caution when performing potentially hazardous services, such as tire changes, jump starts, etc. The officer shall summon the necessary assistance. If the security of the motorist is not an issue, the officer shall summon the assistance and resume patrol.
   c) If the vehicle requires a wrecker, the driver will be given the option of obtaining their own wrecker or one from the Troop's wrecker list. The officer should remain until the wrecker has arrived unless circumstances mandate the officer to resume patrol.

ii) Emergency Assistance
   a) An officer encountering a motorist needing immediate medical assistance shall contact Communications immediately. Communications will then contact the appropriate emergency services to respond.
   b) Officers will render first aid to any injured party consistent with their level of training

and the equipment at hand.

c) Officers are prohibited from escorting civilian vehicles involved in emergency situations unless justified.

d) If possible, an officer encountering a fire shall use the fire extinguisher in their unit and attempt to put out the fire. If not possible, the fire department shall be summoned.

17. FIELD INTERVIEW (INTELLIGENCE) INCIDENT

i) When an officer in the field observes suspicious activity, their subsequent investigation might be inconclusive, causing the subject to be released. Although the subject has not been arrested and is not currently wanted, they may be of interest to another member of the Department.

ii) Field intelligence information may be collected from individuals in custody and those not in custody. When requesting information from suspects not in custody, the officer must rely on persuasion, not coercion. The individual has the right to refuse to divulge the information and to leave at any time.

iii) The Department maintains a database of all documented field interviews conducted by officers. It is essential to the continuing investigation component of the Department that all field interviews be documented. The Offence Incident Report in the RMS shall be utilized to document these contacts.

18. NOTIFICATION OF FIELD REQUEST FOR ASSISTANCE

i) When an officer learns through any means of another officer or citizen in need of assistance, they shall notify the Troop or Communications of the following as soon as practicable:

a) Nature of the assistance.

b) Location in which assistance is needed.

c) Disposition of the situation once assistance is rendered.

19. DRIVER'S LICENSE / VEHICLE REGISTRATION ENFORCEMENT

i) Drivers of vehicles whose registration has expired less than one calendar month shall be issued a Warning Violation. The officer's field notes should reflect the expiration date of the registration. In no event should the driver be issued a Uniform Traffic Summons / Complaint Affidavit.

ii) Drivers of vehicles whose registration has expired more than one calendar month should be issued a Uniform Traffic Summons / Complaint Affidavit for violating L.R.S. 47:508.

iii) Application of Title 47 to Nonresidents Working in Louisiana

a) "Nonresident" means every person who is not a resident of this state. Persons dwelling outside of this state but whose occupation or business requires them to spend one-half or more of their working hours in this state are considered residents. As defined by L.R.S. 32:851.

b) Every out-of-state person regularly employed in or carrying on business within this state for at least thirty (30) consecutive days and owning or leasing and regularly operating in such business or in connection therewith, any motor vehicle, trailer, or semi-trailer within this state, shall be required to register each vehicle and pay use taxes the same as residents, except as provided for by any reciprocal agreements between this and any other state as referenced in L.R.S. 47:513.

c) The policy will allow thirty (30) days for voluntary compliance.

d) Louisiana has a reciprocal agreement with Texas, Arkansas, and Mississippi, allowing any resident of those states that commute to Louisiana daily during their employment to avoid being considered residents of Louisiana.

e) Once an officer determines that an out-of-state person meets the requirements set forth in this order requiring registration in Louisiana,

1) The violator may be cited for a violation of L.R.S. 32:51, but warning violations may sometimes be appropriate. The officer's field notes should reflect that the

violator was advised to report to the nearest OMV to secure the proper registration for the vehicle.

iv) Driver's License Enforcement Against Military Personnel and their Dependents
   a) Nonresident military personnel and their dependents are allowed to operate vehicles in the state without obtaining a Louisiana driver's license or vehicle registration.
   b) The dependents of military personnel will not be deemed to have established residence in Louisiana if they have accepted employment in Louisiana outside a military reservation.
   c) If these persons operate a vehicle to travel to their place of employment, they will not be required to possess a Louisiana driver's license.
   d) Any vehicle used in this regard will not be required to display a Louisiana license plate.

v) Driver's License and Vehicle Registration Enforcement for New Residents
   a) Officers of this Department shall allow a new resident ninety (90) days to secure a Louisiana operator's license and thirty (30) days to secure a Louisiana Motor Vehicle Registration, as referenced in L.R.S. 47:513 and 32:404.

20. OPERATING A VEHICLE WHILE UNDER SUSPENSION ENFORCEMENT

i) An officer who determines that the driver's license of the operator of a motor vehicle registered in Louisiana is suspended or revoked at the time of a stop, involved in an accident, or otherwise subject to any investigation for any other reason, and the motor vehicle is registered in the name of the operator, shall:
   a) Complete all appropriate blanks of the Notice of Suspension (DPSSP 6714) (NOS), have the operator sign the notice, and issue the green copy to the vehicle operator.
   b) Carefully remove the license plate to prevent damage to the vehicle.
   c) Complete the Temporary Vehicle Use Authorization Sticker (DPSSP 6713) for the vehicle. It is recommended that a broad-tipped, black, permanent ink marker be used to complete this sticker. The date shall be no less than three (3) inches in height.
   d) Ensure the Temporary Vehicle Use Authorization sticker is affixed to the lower left corner of the rear window unless such placement is impractical because of vehicle construction. The sticker should only be affixed to a glass surface on the vehicle, never to a non-glass surface.
   e) Upon completion of the stop, the officer seizing a license plate shall attach the Department (white) copy of the NOS to the plate. The officer shall submit the license plate to the Troop with both the Department and law enforcement copies attached. This process shall be completed no later than the conclusion of the shift during which it was seized.
   f) The NOS Temporary Vehicle Use Authorization sticker allows an operator with a valid driver's license to operate the motor vehicle on public streets and highways for ten business days.

ii) An officer encountering a vehicle displaying an expired Temporary Vehicle Use sticker (which has been affixed to the vehicle for more than ten business days) that is being operated on a public street or highway should take immediate enforcement action. The motor vehicle shall be impounded, and the officer should issue a Uniform Traffic Summons / Complaint Affidavit to the operator for a violation of L.R.S. 32:51, Vehicle License Required, or other applicable statute.

iii) Commissioned officers shall honor any legitimate vehicle owner's request for a specific wrecker or storage service company in accordance with P.O. 1113 Storage of Vehicles. If no request is made, wreckers are to be dispatched from each Troop's rotational list.

iv) Motor Vehicle field offices throughout the state shall be responsible for providing for the release of impounded vehicles. Officers of this Department are not authorized to release vehicles impounded because the vehicle was in operation on public streets or highways with

an expired temporary use authorization sticker (in lieu of an official license plate) after the ten legal days to operate the vehicle.

v) To ensure uniformity and expedite the delivery of seized license plates to the Office of Motor Vehicles, each Troop Commander shall:
   a) Establish and maintain a repository for seized license plates within the Troop by parish.
   b) Coordinate with OMV to identify the specific Motor Vehicle Office where seized license plates will be delivered for each parish.
   c) Ensure a daily transmittal listing all plates seized and that the Motor Vehicle Office to which they are delivered is prepared.
   d) Ensure seized plates are deposited with the specified Motor Vehicle Office(s) each morning, excluding Saturdays, Sundays, and holidays.
   e) Establish and maintain a file for the daily transmittal and the law enforcement copy of each NOS to be retained for one year.

vi) Revocation and Suspension of Driver's License
   a) If a person is discovered in possession of a driver's license and is operating a vehicle that they do not own, the arresting officer will issue a Warning Violation. This violation will be sent to the Office of Motor Vehicles along with the driver's license. The officer's field notes must clearly state that the violator was instructed to report to the nearest OMV to address the suspension or revocation without delay.
   b) Officers detecting a person who appears to be incompetent, physically or mentally disabled, or suffering from disease or other conditions that could prevent them from exercising reasonable and ordinary care over a motor vehicle shall complete a Report of Driver Condition or Behavior Form and submit it to the Troop for processing.

21. LOUISIANA MOTOR VEHICLE INSPECTION STICKERS

i) Certificates expired less than one calendar month may be issued a Warning Violation. The officer's field notes should reflect the expiration date of the inspection certificate.

ii) Operators of vehicles with MVI certificates that have expired more than one month may, at the officer's discretion, be cited and/or issued a Warning Violation. The officer's field notes should reflect the expiration date of the inspection certificate.

iii) Operators of vehicles with an expired rejection certificate or a restricted rejection certificate stamped with an "X" in violation of the twenty-mile radius restriction shall be issued a citation indicating a violation of L.R.S. 32:53.

iv) Certificates with unreadable serial numbers, defaced, altered, or illegible information on the reverse side, or certificates displaying the word "VOID" on the face are invalid and should be confiscated. It shall be the practice to issue citations for these offenses, but warning violations may sometimes be appropriate. The officer's field notes should reflect the details observed on the inspection certificate.

v) Out-of-State Certificates:
   a) Acceptance as an alternate means of compliance with the program any Louisiana-registered vehicle bearing a valid certificate of inspection and approval issued in the District of Columbia or another state of the United States, provided such certificate was obtained while such vehicle was regularly assigned, garaged, or stationed outside the State of Louisiana or registered in another state when inspected by that state.
   b) Acceptance as validly inspected any vehicle registered in another state, which is exempt from obtaining a yearly inspection required by that state.
   c) Extension of time for obtaining yearly inspections shall be granted to the registered owner or operator of a Louisiana vehicle not in this state when an inspection was required. Such extension of time shall be limited to five (5) days following the return of the vehicle to Louisiana.

d) Enforcement action is generally inappropriate when a properly registered vehicle is domiciled in another state.

22. COMPULSORY INSURANCE ENFORCEMENT

i) An officer who determines that a Louisiana-registered vehicle is being operated on a public roadway without the required compulsory insurance or proof thereof shall:

a) Complete all appropriate blanks of a Notice of Violation (DPSSP 6615) (NOV), have the operator sign the notice, and issue the green copy to the vehicle operator.

b) Carefully remove the license plate to prevent damage to the vehicle. However, there may be occasions where the plate may have to be minimally damaged to fully effect its removal.

c) Summon a wrecker to the scene for vehicle impoundment except when any of the following conditions exist:

1) A passenger in the vehicle is under twelve (12) years old.
2) The driver or any passenger is disabled.
3) The officer perceives that there would be a threat to the public safety or the vehicle's occupants when considering factors such as the location and time of the stop.
4) The officer otherwise has reason to believe the vehicle is properly insured.
5) An officer should use good judgment if opting to impound a vehicle, even if none of the above conditions exist.

d) If the vehicle is not stored because one of the exceptions listed above exists, the officer shall:

1) Complete the Temporary Vehicle Use Authorization sticker (DPSSP 2000) for the vehicle. It is recommended that a broad-tipped, black, permanent ink marker be used to complete this sticker.
2) Ensure the Temporary Vehicle Use Authorization sticker is affixed to the lower left corner of the rear window unless such placement is impractical because of vehicle construction. The sticker should only be attached to a glass surface on the vehicle, never to a non-glass surface.

e) Upon completion of the stop, the officer seizing a license plate, including any temporary license plate for violating the Compulsory Insurance law, shall attach the Department (white) copy of the NOV to the plate. The officer shall submit the license plate to the Troop with both the Department and law enforcement copies attached. This process shall be completed no later than the conclusion of the shift during which it was seized.

f) An officer encountering a vehicle without a license plate where the driver is also unable to show proof of compulsory insurance should issue an NOV and impound the vehicle. The officer should issue the operator a Uniform Traffic Summons / Complaint Affidavit for violating L.R.S. 32:51, Vehicle License Required.

g) An officer should not take enforcement action for the sole purpose of determining the insurance status of a vehicle displaying a valid Temporary Vehicle Use Authorization sticker. However, a valid Temporary Vehicle Use Authorization sticker does not relieve an owner of the responsibility for possessing liability insurance on their vehicle. Therefore, should an officer otherwise encounter a vehicle that has a valid Temporary Vehicle Use Authorization sticker, and the officer determines that the vehicle has no insurance, the officer should issue an NOV and impound the vehicle.

ii) An officer encountering a vehicle displaying an expired Temporary Vehicle Use Authorization sticker should take immediate enforcement action. If the driver cannot provide

proof of insurance, the officer should issue an NOV and cite the operator for violating L.R.S. 32:51, Vehicle License Required, or another applicable statute.

iii) Commissioned officers shall honor any legitimate vehicle's owner/operator request for a specific wrecker or storage service company in accordance with P.O. 1113 Storage of Vehicles. If no request is made, wreckers are to be dispatched from each Troop's rotational list.

iv) In accordance with L.R.S. 32:863.1(I)1, the operator of a vehicle registered in another state must only provide proof of insurance when involved in a vehicle crash. Should an officer investigate a crash involving an out-of-state vehicle that is either uninsured or the operator cannot provide proof of insurance, the officer may only issue an NOV. The license plate shall not be removed from the vehicle. The vehicle shall not be impounded solely because of the insurance violation.

v) It shall be the responsibility of Motor Vehicle field offices throughout the state to verify compliance with compulsory motor vehicle liability security and to provide for the release of impounded vehicles. Officers of this Department are not authorized to release vehicles impounded solely because of an insurance violation.

vi) To ensure uniformity and expedite the delivery of seized license plates to the Office of Motor Vehicles, each Troop Commander or designee shall:

a) Establish and maintain a repository for seized license plates within their Troop.

b) Coordinate with OMV to determine the specific Motor Vehicle Office where seized license plates will be delivered.

c) Ensure a daily transmittal listing all plates seized and that the Motor Vehicle Office to which they are delivered is prepared.

d) Ensure seized plates are deposited with the specified Motor Vehicle office each morning, excluding Saturdays, Sundays, and holidays.

e) Establish and maintain a file for the daily transmittal and the law enforcement copy of each NOV to be retained for one year.

23. RADAR / LIDAR OPERATIONS – COMMAND RESPONSIBILITIES

i) Troop Executive Officers or their designee shall authorize the use of police traffic RADAR/LIDAR only when the operator is certified by the Department.

ii) Each Troop shall maintain a file on each RADAR/LIDAR unit for as long as it is in use. The file shall contain:

a) The name of the officer assigned the equipment.

b) The maintenance of each unit.

24. RADAR/LIDAR OPERATION PROCEDURES

i) Operators must comply with the following:

a) Certification by a certified Department RADAR/LIDAR instructor.

b) Re-certification every three years.

ii) Operators will perform field calibration tests as follows:

a) Officers shall adhere to manufacturer guidelines regarding RADAR/LIDAR calibration.

b) At the beginning of each shift, the operator will check each of the following, in accordance with LIDAR manufacturer's instructions, and log the results of the check on the operator's LIDAR Calibration status within CAD.

1) Sight alignment test. (LIDAR Only)

2) Known distance test. (LIDAR Only)

c) No LIDAR that fails any of the above calibration tests shall be used at any time.

iii) Once every three years, RADARs will undergo a certified electronic calibration test.

25. ELEVATED HIGHWAY ENFORCEMENT

i) Officers conducting enforcement on elevated highways should take extra care in selecting locations suitable for enforcement, considering traffic and weather conditions.

ii) Before conducting enforcement on elevated highways, all personnel engaged in patrol activities are required to attend the elevated highway enforcement training.

iii) Flagging of vehicles is prohibited on all elevated sections of roadways and all multi-lane roadways with a posted speed of 55 mph or greater. Officers may flag a vehicle over if an immediate hazard exists.

iv) Officers operating RADAR or LIDAR outside of their patrol unit on an elevated highway shall position themselves at least six feet from the nearest travel lane.

v) Officers shall not approach a vehicle during a traffic stop on an elevated highway unless justified. If it is necessary to approach the vehicle, officers should approach on the side of the vehicle furthest from the lane of travel.

vi) When conducting enforcement on elevated sections of roadways during hours of darkness, officers shall not stand outside of their patrol unit to conduct enforcement. At a minimum, the vehicle's parking lights shall remain on.

26. DWI ENFORCEMENT

i) Drug – For this section, a drug is defined as alcohol, or any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle or watercraft safely.

ii) When a person has been arrested for Driving While Impaired (DWI) and refuses or is unable to provide a toxicological sample, the person shall be charged with DWI, and the officer shall attempt to secure a search warrant for blood when the arrest involves a fatality, serious injury crash, or a felony crime (e.g., third offense DWI).

a) In situations where the arrest involves a fatality, serious injury crash, or a felony crime, and obtaining a search warrant is not practicable due to concerns regarding public safety, the officer shall obtain supervisory approval to forego the warrant requirement. The officer shall document the specific circumstances that substantiated the decision not to pursue a search warrant in the narrative section of the offense incident report. Additionally, the officer shall include the name of the supervising officer who granted authorization to forego the attempt to obtain the search warrant.

b) Nothing in this policy shall prevent an officer from obtaining a search warrant for blood on a misdemeanor DWI arrest.

iii) Any person whose blood alcohol concentration (BAC) is proven to be .30g% or greater by an alcohol breath test or who is believed to be dangerously impaired and requires medical assistance shall be transported to the nearest medical facility.

a) The officer shall attempt to obtain a physician’s order or medical clearance stating that the violator can be incarcerated. If medical personnel refuse to treat the person, the officer shall document the name of the personnel and/or the medical facility that refused to treat the violator.

iv) If the arrested person has a BAC, proven by a chemical breath test to be at or above .08g%, the person shall be charged with DWI. If the arrested person has a BAC, proven by a chemical breath test to be .079g% or below, they shall be charged based upon the level of impairment. If the impairment level displayed is inconsistent with the subject's BAC, a certified Drug Recognition Expert (DRE) should be consulted.

v) In accordance with L.R.S. 15:590(7), it shall be the duty of every officer to fingerprint any arrested person for any offense of operating a vehicle while impaired. However, there shall be no duty to record fingerprints if the fingerprint system at the local prison is unavailable. If the fingerprint system is unavailable, the officer shall document that fact in the arrest report. Officers may be authorized to issue a summons for first and second DWI offenses when necessary due to lack of jail space or if the person is injured and incapable of being

booked in accordance with the Code of Criminal Procedure or when otherwise noted with exigent circumstances and the approval of the Shift Supervisor. In all other cases, officers are encouraged to have all violators booked as soon as practicable. When an officer feels a summons is required in lieu of booking, as stated above, the officer shall ensure that the violator is released to a responsible third party.

27. BLOOD WITHDRAWAL PROCEDURES FOR ARRESTED SUSPECTS
    i) Officers shall utilize one of the following methods to obtain a blood sample from an arrested subject:
        a) Actual consent from the subject, or
        b) A search warrant for blood-based on probable cause of impairment, or
        c) Exigent circumstances which shall be considered on a case-by-case basis and approved by the Shift Supervisor or their designee.
    ii) When dealing with non-compliant persons, officers shall use only the level of force necessary to secure the suspect so that blood may be withdrawn, including physical force, handcuffs, or hospital restraining devices. Officers shall have discretion to complete the blood withdrawal with consideration given to the facts of the arrest, safety of medical staff and officers, availability of personnel to assist, and time. Additionally**,** officers shall ensure that the hospital staff does not participate in restraining the suspect. The person authorized to administer the test is immune from prosecution and civil liability insofar as the administration of the test. Their immunity is jeopardized by their involvement in law enforcement activities such as restraining suspects. The officer shall document the specific circumstances that substantiated the decision not to obtain a blood sample in the narrative section of the offense incident report.
    iii) Only a physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician may withdraw blood for a chemical test in accordance with the provisions of L.R.S. 32:664 when directed to do so by a law enforcement officer to determine the alcoholic content or presence of any drug, or combination of drugs, therein.
    iv) If verbal consent from the arrested person is given, but the person who is authorized to administer the test refuses to withdraw the blood of a suspect after being directed to do so by the officer, the officer shall obtain a court order for the blood withdrawal in accordance with the provisions of L.R.S. 32:666 (A).
    v) If required, officers shall refer to the use of force reporting requirements as outlined in P.O. 238 Use of Force.

28. COMMUNICATING WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING
    i) LSP has specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing. Whether the person is a victim, witness, or suspect, law enforcement officers are required to provide the same services that any other person would receive.
    ii) Employees shall review and have a working knowledge of the publication Communicating with People Who Are Deaf or Hard of Hearing: A.D.A. Guide for Law Enforcement Officers. This document reviews how officers should communicate effectively with individuals who are deaf or hard of hearing.
    iii) All officers shall complete online training for communicating with the deaf and hard of hearing provided by the Louisiana Commission on Law Enforcement (LCLE) Peace Officer Standards and Training Council (POST).
        a) When available, communication cards provided by the LCLE should be kept in all patrol units and made available at each Troop and field office.
    iv) The need for a sign language interpreter is generally governed by the length of time, importance, and complexity of the communication.

a) In simple enforcement situations such as traffic stops, driver's license checks, or consensual police-public encounters, a pen and notepad may provide effective communication.
b) During interrogations and arrests, a sign language interpreter is generally necessary to effectively communicate with someone who uses sign language.
c) A sign language interpreter is not required to arrest a deaf or hard-of-hearing subject if probable cause is established independent of interrogating them.
d) If probable cause to make an arrest must be established through questioning or interrogation of a deaf or hard-of-hearing person, a sign language interpreter shall be requested.

v) When a sign language interpreter is required due to the nature of the communication with a witness, suspect, or victim, officers shall contact their Regional or Troop Communications Officer to request an interpreter. The Communications Officer will contact an interpreter from the current vendor with whom the Department has an agreement.
a) Operational Development will update the vendor's contact information on PowerDMS.
b) The totality of the circumstances will dictate whether or not the interpreting services will be utilized as soon as practicable or if an appointment will be scheduled for a later date/time.

vi) Arrest situations concerning the deaf and hard of hearing.
a) Recognizing that some people need their hands free to communicate, unless absolutely necessary for the safety of the officers or others, handcuffs should be avoided when possible. If handcuffs are required, all essential communication with the suspect should be completed before the application of handcuffs.
b) Because some deaf and hard-of-hearing individuals have difficulty with equilibrium, officers should avoid administering the full battery of standardized field sobriety tests to those individuals. Horizontal Gaze Nystagmus (HGN) and Blood Alcohol (Intoxilyzer or withdrawal of blood) should be employed as alternative tests.
c) Some individuals have limited written language skills, particularly involving complex matters such as legal warnings and admonitions. Therefore, officers should not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.