

<b>Chapter: 61</b>	<b>Traffic</b>
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## Chapter 61 Traffic

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#### 61.1.1 Selective Enforcement Activities

The department will use available data to assist in the direction of selective traffic enforcement activities. The ultimate goal of selective traffic enforcement is the protection of life and property through the reduction of traffic collisions. The management of vehicular and pedestrian traffic requires an effective selective traffic enforcement program as well as the best practical response to demands for service. An effective selective traffic enforcement

program requires pre-planned uniform, sustained enforcement operations at specified locations, which have been identified and proven to be hazardous to roadway users.

All uniformed personnel share the responsibility of enforcing traffic laws and regulations. The specific functions assigned to the Traffic Enforcement Unit may vary and can be affected by department resources and identified needs.

The Traffic Enforcement Unit will have primary responsibility for planning, analysis, inspection and coordination of department traffic enforcement and education efforts. The Traffic Supervisor or designee will:

**A. Compilation and review of traffic collision data**

1. Conduct statistical analyses of crash data
2. Track, maintain and provide detailed traffic volume, hazard, safety, and enforcement analysis reports as required.

**B. Compilation and review of traffic enforcement activities**

1. Conduct statistical analyses of enforcement data and program evaluations.
2. Develop deployment plans for Traffic Enforcement Unit personnel based on an analysis of traffic crash data and calls for traffic services.

**C. Comparison of collision data and enforcement activities**

The Traffic Enforcement Unit Supervisor will review complaints and citizen input regarding traffic movement, hazards and unsafe conditions and enforcement data, to include a comparison of collision data and enforcement activities data. Based on the review and comparisons, the Traffic Enforcement Unit Supervisor will make recommendations to the Office of the Chief via their chain of command for reducing the number of traffic collisions and to increase voluntary compliance with traffic laws.

**D. Implementation of selective enforcement techniques and procedures**

The Traffic Enforcement Unit is responsible for the enforcement of traffic laws and concentrated DWI enforcement activities to include organize and supervise special traffic enforcement assignments scheduled on holidays and during other high traffic volume periods.

**E. Deployment of traffic enforcement personnel**

Selective enforcement activities will be based on an analysis of traffic collision data, citizen complaints and officer knowledge. Enforcement efforts shall be directed toward driving behavior that contributes to collisions. These selective enforcement sites shall not be limited to the enforcement of speeding violations. These sites will be utilized for the enforcement of violations in proportion to the frequency with which they occur in collisions and for responding to traffic-related needs identified in the community. The Traffic Enforcement Unit may use various enforcement techniques and procedures to include the deployment of solo or multiple unit members at high crash intersections.

**F. Evaluation of selective traffic enforcement activities**

At least annually the Traffic Enforcement Unit Supervisor will evaluate the selective traffic enforcement activities of the department to establish the effectiveness of the program and recommend changes where necessary. Upon completion, the report shall be submitted to the Chief of Police through the chain of command. The report will include:

1. Statistical data pertaining to selective enforcement
2. Statistical data pertaining to number or severity of collisions
3. Actions taken
4. A comparison of current accomplishments to past accomplishments
5. An assessment of the effectiveness of the program
6. Any recommendations for changes in the program.

### **61.1.2 Uniform Enforcement Procedures**

Officers shall take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement action shall be accomplished in a firm, fair, impartial and courteous manner using one of the following procedures. The officer will evaluate the totality of the circumstances in forming their decision to either warn, issue citation, or arrest.

#### **A. Physical arrest.**

Persons charged with criminal traffic offenses should generally be released on a citation, as opposed to being taken into custody, unless one or more of the following conditions exist, in which case the violator may be taken into custody:

1. Offense charged is DWI.
2. Violator's license is suspended or revoked for a DWI conviction, failure to submit to chemical test for intoxication, or as a habitual traffic violator.
3. Violator refuses or fails to sufficiently identify himself or supply required information.
4. Violator has no community ties to reasonably ensure a court appearance, or there is a substantial belief that the violator will fail to respond to the citation.
5. There is a reasonable suspicion that the violator is wanted in another jurisdiction.
6. The violator has previously failed to respond to a citation.

#### **B. Citation (notice to appear)**

The traffic citation should be issued to those violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.

#### **C. Warnings (if used)**

A written warning can be an appropriate alternative to physical arrest or a citation when the infraction or crime has minimal impact on others and should take into account the degree and severity of the violation committed. Written warnings may be an appropriate alternative in enforcing parking violations.

A verbal warning is appropriate when the violator commits an act which may be due to ignorance of a unique local law or an equipment violation of which the driver may not have been aware. For parking complaints reported by citizens where an offender is in violation of local law or general statute, verbal warnings should not be used as means to educate the offender.

### **61.1.3 Violator Procedures**

The following procedures are established for handling special processing requirements for traffic violations committed by:

**A. Nonresidents of the agency's service area**

1. Nonresidents with proper identification from states that have entered into a reciprocal agreement with the State of North Carolina will be processed per policy 61.1.2. Refer to North Carolina General Statute (NCGS) Chapter 20, Article 1B, Statutes 20-4.18, 20-4.19 and 20-4.20.
2. Violators from states that do not have a reciprocal agreement should be taken before a judicial official to determine conditions of release if the violation constitutes an arrest able offense under North Carolina Law.

**B. Juveniles**

1. Any juvenile less than 16 years old who commits any traffic law violation(s) will be treated in accordance with NCGS Chapter 7B and specifically Section 2501C which requires consideration for what is in the best interest of the juvenile and the community.
2. Juveniles age 16 or 17 who commit any traffic law violation(s) will be treated as adult violators.
3. NCGS 15A-505 (Notification of Minor's Parents) will be adhered to when applicable.

**C. Legislators**

1. Members of the United States Congress and the North Carolina legislature are, in all cases except treason, felonies, and breach of the peace, privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same.
2. This privilege from arrest does not prevent an officer from making an otherwise legal arrest. However, the arrested person who enjoys such privilege may have the arrest set aside. The arrest remains valid until voided.

**D. Foreign diplomats/consular officials**

Foreign Diplomats/ Consular Officials: See Directive 1.1.4

**E. Military personnel**

Military personnel committing violations of North Carolina traffic laws shall not be afforded special consideration and shall be warned, cited, or arrested as any other violator. Military personnel on active duty may be exempt from certain driver license regulations according to North Carolina law.

**61.1.4 Informing the Violator**

At the time a motorist is charged with a traffic violation, the officer shall provide the violator with a copy of the summons. Make sure the violator knows where and when to appear if the enforcement action requires a court appearance. Explain any options available to the violator. This shall include:

- A. Court appearance schedule
- B. Optional or mandatory nature of court appearance by the motorist
- C. Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau
- D. Other information that must be provided to the motorist prior to release.

### **61.1.5 Uniform Enforcement Policies**

Officers should consider the severity of the violation as it relates to public safety. Officers may arrest for any traffic law violation that is not classified as an infraction. An infraction is a noncriminal violation of law not punishable by imprisonment. A fine is imposed in accordance with NCGS 14-3.1.

This directive establishes uniform enforcement policies for traffic law violations.

#### **A. Operation of a vehicle by a driver under the influence of alcohol/drugs**

Driving-While-Impaired Violations: NCGS 20-138.1 A physical arrest shall be made in all cases which an officer develops probable cause to believe a driver is impaired. If the violator is injured in a collision and requires hospitalization, the arrest may be made upon release. Refer to [61.1.11](#) for procedures for handling persons charged with driving while impaired.

#### **B. Operation of a vehicle after driving privileges have been suspended or revoked**

Operation of a Vehicle by a Non-Licensed “Adult” Driver NCGS 20-7, or After Driving Privileges Have Been Suspended or Revoked: NCGS 20-28 The officer will evaluate the totality of the circumstances in forming a decision to either issue citation, or arrest. In the event that the violator’s identity cannot be confirmed, the officer will arrest the violator. In no such case will an officer allow a non-licensed person to further operate a motor vehicle on a public street or highway.

#### **C. Speed violations**

Speed Violations NCGS 20-141/Equipment/Multiple Violations: Officers should use discretion in determining enforcement action for speed violations, equipment or multiple violations. Considerations will include the locations and time of the violation, the continued safe operation of the vehicle, and in regard to multiple violations, officers may issue multiple citations for all violations if deemed necessary.

#### **D. Hazardous violations**

Hazardous violations are violations which expose a person or property to risk, loss or damage. Examples could include running a red light or stop sign, careless and reckless driving. Consideration of the degree of the hazardous violation, location, and previous collision history of the location should be given to officers to determine what enforcement action to take. Discretion should be used by officers in enforcing hazardous versus non-hazardous violations.

#### **E. Off-road vehicle violations**

Officers should be aware of all applicable laws pertaining to off-road recreational vehicles (i.e. dirt bikes, mini bikes, A.T.V.’s) and take the necessary enforcement action. The following options should be considered when dealing with off-road recreational vehicles:

1. Removal of unlicensed vehicles from the traffic way.
2. Preventing the misuse of public areas, parks, and trails.
3. Preventing the improper use of street and highway crossings.
4. Dealing attentively with citizen complaints of excessive noise, trespassing, and/or property damage

#### **F. Equipment violations**

Officers should consider the continued safe operation of the vehicle and the general condition of the equipment, as well as the type of equipment defect when deciding whether or not to take enforcement action.

**G. Public carrier/commercial vehicle violations**

Public carriers and commercial vehicles, including buses, taxis, limos, commercial trucks, etc., are subject to various laws and regulations not applicable to private vehicles. Officers should maintain a working knowledge of these specific laws and regulations, such as the blood alcohol concentration for commercial vehicle operators DWI charges. No special considerations should be given to public carriers and commercial vehicles in the enforcement of traffic laws.

**H. Non-hazardous violations**

Non-hazardous violations are violations which are not likely to involve or expose persons or property to risk, loss, or damage. Consider warning unless it is a repetitive or flagrant violation.

**I. Multiple violations**

Officers should exercise discretion when dealing with multiple violations and should consider citing the driver for the most serious violations and issuing warnings for lesser violations.

**J. Newly enacted laws and/or regulations**

Officers should consider issuing warnings for violations for any newly created statute or regulation when the violator appears unaware of the law or regulation. Generally, warnings should be issued during the first 30 days after the enactment of a new traffic statute or regulation.

**K. Violations resulting in traffic collisions**

Officers shall thoroughly investigate the crash to determine the driver(s) with contributing circumstances. Once the driver(s) with contributing circumstances has been determined, the Officer shall cite for the violation(s). Any discretionary decision not to charge the driver with contributing circumstances if probable cause is determined must be approved by the on-duty supervisor. Please refer to 61.2.2 for guidance.

**L. Pedestrian and bicycle violations.**

The department supports the enforcement of bicycle and pedestrian traffic laws. The following procedure should serve as a guideline in enforcement activities.

1. Violations of bicycle and pedestrian laws are chargeable on the North Carolina Uniform Traffic Citation and processed by the county district court as any other traffic citation. If a warning is to be issued it shall be documented utilizing a Written Warning.
2. Bicyclists or pedestrians who commit infractions which result in contact or non-contact collisions with a motor vehicle should be cited just as a motorist may be cited in a crash.
3. Officers encountering juvenile bicyclists may issue citations the same as an adult if the juvenile is 16 years of age or older. If the juvenile is under 16 years of age, the officer must obtain a juvenile petition. However, considering the consequences the juvenile could anticipate, and the time involved in obtaining a juvenile petition, greater latitude in the use of the Written Warning may be

warranted.

4. Pedestrian Enforcement: Officers should concentrate their enforcement efforts on locations that are prone to pedestrian collisions. Enforcement should be equally applied to both pedestrians in violation and drivers who violate pedestrian right of way.

#### **61.1.6 Enforcement Practices**

The Traffic Enforcement Unit supplements the uniform patrol operations by providing selective traffic enforcement, preventing crashes, saving lives and reducing injuries, and promoting voluntary compliance with the traffic laws of the State of North Carolina. The Traffic Enforcement Unit may use various enforcement techniques and procedures to include:

- A. Visible traffic patrol, whether area, line, or directed
  - B. Stationary observation, covert and overt
  - C. Use of unmarked or unconventional vehicles
  - D. Use of roadside safety checks
1. A Checking Station conducted for the purpose of driver license, registration, insurance or seat belt compliance shall be performed by utilizing a Checking Station Authorization form (NBPD Form #207). The checking station authorization form shall be approved by the unit's immediate supervisor or designee. The plan must follow the guidelines set forth by NCGS 20-16.3A
  2. A pre-planned DWI Checking Station, including those involving multiple jurisdictions, shall be approved by the unit's Chain of Command and the Chief of Police or designee. The plan will be in the form of a "Task Order" and must follow the guidelines set forth by NCGS 20-16.3A
  3. Checking Station Plan (Task Order or Checking Station Authorization NBPD Form #207) – A Supervisor or designee will prepare the plan for any checking station or special enforcement operation. Checking station plans shall include:
    - a. Date,
    - b. Time,
    - c. Location,
    - d. Duration, and
    - e. Officer designated to be the on-site supervisor of the checking station.
  4. Location - In accordance with General Statute 20-16.3A (d), the NBPD will avoid placing a checkpoint repeatedly in the same location or proximity. We interpret the term "repeatedly" to mean no more than 4 times in the same location in a rolling 12-month period. We deem any location within ¼ driving mile as meeting the proximity requirement of the statute. The site for a checking station shall be statistically indicated for specific highway safety threats and selected with due regard for the safety of motorists and the members operating the checking station as well as:
    - a. Roadway conditions - sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions.
    - b. Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.
    - c. Patrol vehicles must be parked to allow access to the highway for pursuit in any direction.
    - d. Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.
    - e. Lighting of roadway and testing site.
    - f. Provide an escape route for other law enforcement officers, emergency vehicles, and the public, and

- g. Any other factors which may impact officer safety or the safety of the citizens.
5. Notification to the public - The public shall be advised that an authorized checking station is being conducted by having at a minimum:
    - a. One marked law enforcement vehicle with its blue lights activated at all times during the operation of the checking station,
    - b. Signs, lights, cones and other warning devices may be used but are not required.
    - c. Marked Patrol vehicles parked in conspicuous locations, or
    - d. Other ways to ensure motorists are aware that an authorized checking station is being conducted.
  6. Manpower
    - a. Checking stations will have at least two uniformed officers present.
    - b. Officers shall wear their Department's official uniform, including reflective traffic vests, at all times while participating in the checking station.
    - c. Officers shall wear their body armor at all times while operating the checking station,
    - d. Officers must maintain radio contact with Communications.
    - e. Officers operating the checking station shall position themselves and their vehicles in a manner that will provide a tactical advantage and maximize officer safety.
  7. The on-site supervisor shall be responsible to:
    - a. Assemble the personnel and equipment necessary to establish the checking station.
    - b. Brief all participants of the checking station on
      - 1) Purpose of the checking station,
      - 2) Establishment and operation of the checking station,
      - 3) Limitations imposed, as well as
      - 4) Participant's responsibilities during its operation.
    - c. Advise Communications of the location and time the checking station will be activated and when the checking station operation is secured.
    - d. Monitor the checking station to ensure that it is fulfilling its function and is not presenting unnecessary safety risks.
    - e. Immediately discontinue the checking station operation upon accomplishing its goal or when the risks involved outweigh public safety.
  8. Pattern for stopping vehicles - The pattern for stopping vehicles shall be to stop every vehicle. The on-site supervisor of the checking station may alter this pattern in the event of unreasonable traffic delays or other factors that create a hazard. The alteration of the pattern shall consist of permitting all vehicles to pass through the checking station until the delay or hazard is abated. The altered pattern must ensure that no individual officer is given discretion as to which vehicle is stopped.
  9. Pattern for Requesting Information - The pattern for requesting documentation is that the drivers of every vehicle stopped shall be requested to produce their driver's license and vehicle registration. The on-site supervisor of the checking station may alter this pattern if unreasonable traffic delays or other hazards occur. The altered pattern must ensure that no individual officer is given discretion as to what documentation a given driver is required to produce.
  10. Reasonable Suspicion - During the course of a stop at a checking station, if an officer determines that there is reasonable suspicion to believe that a driver or other occupant has violated a provision

of Chapter 20 or other provision of law, the officer may detain that driver or occupant for a reasonable period of time in order to investigate further.

11. The operator of any vehicle may be requested to submit to an alcohol screening test under NCGS 20-16.3 if during the stop the officer determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

#### **61.1.7 Stopping/Approaching**

Officers who stop and approach vehicles will adhere to the following procedures for:

##### **A. Traffic law violators**

All enforcement actions of witnessed or reported traffic law violations shall be accomplished in a firm, fair, impartial and courteous manner.

##### **B. Unknown risk stops**

1. The officer shall notify Communications the officer is stopping a vehicle and provide the following information, preferably prior to initiating the stop:
  - a. License State, if not North Carolina;
  - b. Tag Number;
  - c. Location of the stop;
  - d. Vehicle description; make, model and color of the vehicle;
  - e. Other Important Information, i.e. number of occupants, etc.
2. The officer should signal the violator to stop, utilizing the emergency lights, hand signals, sounding the horn, and if necessary, the siren.
3. Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one half to one car length behind the violator's vehicle. Stop when the violator stops and be prepared for any action on the part of the violator. The police vehicle should be positioned at a slight angle, so the left front is offset approximately two feet to the left of the violator's vehicle and the right rear is near the curb. This position provides maximum safety to the violator, the officer, and all other traffic. Alternatively, (i.e., when maximum illumination of the violator vehicle is required) the police vehicle may be positioned straight, parallel to the curb, and offset approximately two feet to the left of the violator's vehicle.
4. The officer shall exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
5. The officer will approach from the rear of the violator's vehicle, checking the trunk lid or rear hatch of the vehicle to ensure that it is securely closed, looking into the rear seat area, and stopping at a point to the rear of the trailing edge of the left front door. This position should be maintained if the only occupants are in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position for officer safety, and at the same time keep all occupants of the vehicle in view.
6. A right-hand side approach is an acceptable option in those cases where passing traffic is so close as to constitute a danger to the officer.

##### **C. Known risk stops**

When a vehicle driven by a potentially violent or dangerous person is located by an officer, or when suspected criminal activity that is of a potentially violent nature, the officer will notify Communications

immediately, that the officer is stopping a vehicle, High Risk. The officer will provide the information listed above. The officer will keep the suspect vehicle in view and request sufficient assistance prior to making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment. **The suspect vehicle will not be stopped unless absolutely necessary until adequate back-up is available and in position.**

The following procedures will be used as in effecting a Known Risk stop:

1. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
2. The officer will signal the violator to stop, utilizing all emergency equipment to warn other traffic.
3. The violator will be stopped on the extreme right side of the road.
4. When conditions are appropriate and back-up units available, the officer's vehicle will be positioned to the left and rear of the suspect vehicle and the back-up officer will position their vehicle slightly to the right of and behind the suspect vehicle, even with the primary officer's vehicle.
5. When the suspect's vehicle begins to stop, the officer will turn off the siren and activate the public address system.
6. The officer will park the police vehicle so that it provides maximum protection and cover for the officer.
7. If possible, additional back-up officers will be used to shut down traffic near the location of the High Risk stop.
8. All lights, including spotlights, will be focused on the interior of the suspect's vehicle to the disadvantage of the violator.
9. The officer will maintain adequate cover prior to addressing the violator.
10. The officer in command will direct the driver to throw the keys from the vehicle using his/her left hand.
11. If commands are not heard, or ignored by the suspect, the officer will wait for a back-up unit prior to taking any further action. The officer should not leave a position of cover to approach a suspect's vehicle until the situation has been thoroughly assessed.
12. The officer in command should give instructions to the back-up officer, even if not needed, to assure the suspects that additional support is available.
13. The officer in command should instruct each occupant to exit the vehicle one at a time and stand facing away from the officers with the hands held in plain view of the officer. In this manner, the occupants will not be able to see or predict the movements of the officers.
14. Each occupant should be instructed to walk backward toward the sound of the officer's voice until told to stop. Once told to stop, each occupant should be put into a position of disadvantage by kneeling or lying on the ground. A back-up officer will then approach the subject and apply the handcuffs.
15. The officer making the stop should maintain cover in a position to direct the movements of the suspects and cover the back-up officer who will search and secure the suspects.
16. The back-up officer should take voice control when the suspects are near the point of arrest.
17. Extreme caution shall be exercised by officers not to get within each other's line of fire.
18. A pat down search will be conducted of all subjects after each has been handcuffed.

#### **61.1.8 Officer-Violator Relations**

Sworn personnel NOT IN UNIFORM and OPERATING an EMERGENCY VEHICLE defined as a vehicle which is equipped with emergency warning lights and a siren, should use discretion when performing traffic stops, understanding the driver's need to confirm authority. Once the vehicle is stopped personnel will immediately display the badge and identify themselves.

Once the officer has stopped the violator and approached to a point where communications begin, the following procedures will be used by the officer:

1. Be alert at all times for the unexpected, but not be obviously apprehensive.
2. Be absolutely certain, without reservation, that the observations of the traffic violation were accurate.
3. Present a professional image in dress, grooming, language, bearing and emotional stability.
4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available in the cruiser.
5. Greet the violator with an appropriate title and in a courteous manner.
6. Ask the violator for driver's license, vehicle registration and proof of insurance, and accept only these forms; obtain another document of identification if the driver has no driver license.
7. Inform the violator what traffic law he has violated; the violator should not be kept in suspense.
8. Exercise control over the violator and other occupants. However, if the officer has the violator or other occupants exit the vehicle, ensure that they stay safely off the roadway and not between the vehicles.
9. Allow the violator to discuss the violation (do not argue, berate, belittle, or otherwise verbally abuse the violator). Either before or during the interview, decide on the enforcement action to be taken.
10. Complete the forms required for the enforcement action taken, if any.
11. Explain to the violator exactly what he/she must do in response to the action taken.
12. Make sure the violator knows where and when to appear if the enforcement action requires a court appearance. Explain any options available to the violator. Do not predict the action of the court.
13. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
14. Return the violator's driver's license, registration, proof of insurance and the violator's copy of the citation.
15. Assist the violator in safely re-entering the traffic flow.

### **61.1.9 Speed-Measuring Instruments (CALEA Standard 61.1.8)**

#### **A. Equipment specifications**

The Department will only deploy speed measuring Instruments that are specified for use by the North Carolina Training and Standards Commission which is included in Title 12, Chapter 9C, Section .0601 of the North Carolina Administrative Code.

#### **B. Operational procedures**

Officers utilizing speed-measuring Instruments must first successfully complete the operator training program, and will utilize the operational procedures from that program, as outlined in title 12, Chapter 9B, Sections .0212, .0213, .0214, .0215, .0220, .0221, .0222, .0238, .0240, .0242, .0243, .0244, .0245 of the North Carolina Administrative Code.

#### **C. Proper care and upkeep**

The Traffic Enforcement Unit Supervisor or designee is responsible for the assignment and maintenance of the Department's speed-measuring Instruments. Officers who are assigned and/or utilize the speed-measuring Instruments are responsible for the care of the units and shall report any malfunctions or damage to the Traffic Enforcement Unit Supervisor.

## **D. Maintenance and calibration records**

Maintenance and calibrations records for all speed measuring Instruments utilized by the Department will be the responsibility of the Traffic Enforcement Unit Supervisor. The records will be filed by serial number, and a maintenance log will be maintained to facilitate re-certification of the Instruments as required by NCGS 8-50.2.

## **E. Operator training and/or certification**

The scheduling of training and re-certification of operators of speed-measuring Instruments will be the responsibility of the Training Unit and will keep records of operators' training record and certifications following North Carolina Administrative Code, Title 12, Chapter 9C, Section .0308

### **61.1.10 Alcohol Enforcement Program (CALEA Standard 61.1.9)**

The New Bern Police Department recognizes that many traffic crashes, particularly those involving fatalities and personal injury, are directly attributable to persons driving impaired. It shall be the policy of the New Bern Police Department to deter persons impaired from driving; and to vigorously enforce the applicable laws of the State of North Carolina 20-138.1 regarding driving impaired. A concentrated Traffic Enforcement Unit effort may be used to detect and apprehend impaired drivers through the use of DWI check points and saturation patrol.

The New Bern Police Department regularly participates in the North Carolina Governor's Highway Safety Program: "Booze It and Loose It" campaign as well as conducting checking stations at other times and locations. The "Booze It and Loose It" campaign is a multi-jurisdictional team that conducts periodic traffic enforcement activities to include checking stations in an attempt to reduce the number of DWI incidents. These activities involve officers from different jurisdictions working under mutual aid agreements.

The Traffic Enforcement Unit Supervisor will be responsible to monitor the condition and maintenance of department breath testing equipment and related materials and ensures that required maintenance is scheduled and performed.

### **61.1.11 DWI Procedures (CALEA Standard 61.1.10)**

After an officer makes a traffic stop on a vehicle the officer suspects is being operated by a DWI driver, the officer shall notify Communications of the possibility of a DWI driver. The officer investigating the driver for DWI shall conduct the investigation at the scene and make an arrest, if necessary.

The purpose of field sobriety testing is to detect and document evidence of impairment. All persons suspected of DWI will be asked to perform standard field sobriety tests as established by National Highway Traffic Safety Administration (NHTSA) unless the physical condition of the suspect would preclude performing the test safely.

A person stopped or questioned by a law enforcement officer who is investigating whether the person may have committed an implied consent offense may request the administration of a chemical analysis before any arrest or other charge is made for the offense. Officers should follow the procedures stated in NCGS 20-16.2(i).

A preliminary breath test may be used to determine if the impairment is a result of alcohol or of other impairing substances as referenced in NCGS 20-16.3. The suspect has the right, prior to arrest or being charged with an implied consent offense, to request a chemical analysis of his/her breath NCGS 20-16.2(1).

The New Bern Police Department will provide 24-hour access to the chemical analysis room to any law enforcement personnel for the purpose of conducting an implied consent breath test. Furthermore, 24-hour access

to the chemical analysis room shall be provided to staff of the Department of Health and Human Services for conducting periodic inspections and preventive maintenance on the instruments.

Any arrestee requesting an attorney or witness pursuant to G.S. 20-16.2 (a)(6) shall be instructed to have their party report to location of the testing procedure.

Pursuant to G.S. 20-38.5(b), signs shall be posted explaining to the public the procedures for obtaining access to the room where the chemical analysis of the breath is administered and to any person arrested for implied consent offenses. These signs shall be posted at the public entrance(s) of the New Bern Police Department.

All witnesses or attorneys shall be searched prior to entering the secure testing facility. Witnesses and attorneys shall be escorted at all times while inside of the testing facility. No other persons should be inside the facility unless authorized by a member of the arresting agency.

When a breath test cannot be administered because of injuries, hospitalization, etc., a blood specimen shall be obtained. The charging officer or the chemical analyst must inspect the blood kit to ensure that the integrity seal has not been broken and witness the blood being drawn by a qualified person.

#### **61.1.12 License Reexamination Referrals (CALEA Standard 61.1.11)**

Routine enforcement, crash reporting, and investigating activities may lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. NCGS 20-29.1 provides for a re-examination of North Carolina drivers. A recommendation for re-examination must be based on an observed, obvious physical or mental condition. A person's age or lack of knowledge of traffic laws alone is insufficient grounds to justify re-examination.

#### **61.1.13 Parking Enforcement (CALEA Standard 61.1.12)**

Patrol officers shall be alert for parking violations within their assigned area, to include posted no-parking zones, overtime parking, improper parking (left side to curb, too far from curb, etc.), unauthorized parking in posted spaces provided for disabled persons, and parking in a fire lane. Emphasis should be placed on enforcing those violations which impede the flow of traffic, or which prevent fair access to parking (i.e. metered spaces; spaces reserved for disabled persons). Parking violations may be enforced in one of the following manners:

1. Issue a municipal parking citation to the driver or, if the vehicle is unattended, attach the parking citation to the vehicle in a conspicuous place; **or**
2. If the vehicle is attended and parked in violation of state statutes, issue the driver a North Carolina Uniform Traffic Citation; **or**
3. If the violator vehicle is attended, the officer has the option of issuing the driver a Written Warning.

#### **61.2.1 Reporting and Investigation**

Officers will respond to, report, and investigate (except as noted) the following types of traffic collisions in accordance with the NCGS 20-166 and 20-166.1 to include the following:

##### **A. Death or injury**

Results in a fatality, or in any party being transported to the hospital

##### **B. Property damage**

1. Combined property damage of \$1,000 or greater or
2. Property damage of any amount to a seized vehicle or
3. Property damage when the vehicles cannot be removed from the roadway.

**C. Hit and run**

1. Hit and run with injuries
2. Hit and run property damage with suspect information

**D. Impairment due to alcohol or drugs**

Crash involves DWI or other alcohol related charge

**E. Hazardous materials**

Vehicles carrying hazardous materials

**F. Occurrences on private property**

The New Bern Police Department will investigate and report vehicle crashes on private property that involve the reporting criteria identified in General Order 61.2.1 (A-D).

**61.2.2 Collision Scene Responses**

All officers, when assigned to investigate a traffic collision, will make every effort to bring such investigation to a reasonable conclusion. This includes, identifying the person or persons responsible for the crash and then taking appropriate enforcement action based on the results of their investigation. If the investigating officer is unable to determine contributing circumstances, the officer will confer with their immediate supervisor and if deemed necessary, request assistance from the Traffic Enforcement Unit.

At the conclusion of the crash investigation, if the facts identified establish probable cause, the investigating officer(s) will issue the appropriate charges on a citation, or in the event it is deemed necessary, by physical arrest. Additional charges shall be issued if associated traffic violations can be determined, such as hit and run and/or DWI.

If, in the opinion of the investigating officer, charges are not warranted, despite establishing probable cause, an on-duty supervisor shall be notified to evaluate the fact patterns. Supervisors should respond to the crash scene if available to do so. If the supervisor agrees that charges are not warranted, this will be included in a CAD update. The supervisor will be responsible to ensure the CAD update articulates why charges were not issued, including any mitigating factors.

Employees must report immediately to the on-duty supervisor all vehicle crashes involving the employee while on-duty, or while off-duty in a department vehicle.

All crash investigations involving motor vehicles owned or leased by the City of New Bern shall be completed on a DMV-349 or electronic equivalent. In the event a complainant alleges that a city vehicle struck another vehicle, object, or person but there is no visible damage or injury to justify a crash report, the incident should be documented on an offense report in case future claims arise. This report should be titled "Damage to Property".

Motor vehicle crashes with vehicles still in the roadway will be dispatched as priority two (2) calls. This type of response will be used for the following unless otherwise noted:

**A. Hazardous materials**

In the case of potential fire, explosion, or hazardous material spill, the officer in charge of the scene should ascertain the type and amount of the hazard or material involved and its potential effects, notify the on-duty patrol supervisor, and request additional law enforcement, fire department or HAZMAT assistance as necessary to control the scene. In addition, the officer in charge should evacuate the scene as necessary and avoid contact with or inhalation of gases, fumes or smoke.

One (1) officer will be dispatched to priority three (3) calls for service when fire department equipment is responding to a call for service such as the placement of oil absorbent material where the officer on-scene has determined the response to be routine.

**B. Disturbances between principals**

**C. Major traffic congestion as a result of the collision**

**D. Damage to vehicles to the extent towing is required**

Vehicles will be towed by the next rotation towing service unless circumstances dictate otherwise. Requests by the owner/operator for a specific towing service may be honored with consideration given to existing conditions and the proximity of the desired towing service not to exceed the 30 minutes response time.

**61.2.3 Collision Scene Duties (CALEA Standard 61.2.2)**

The first arriving officer at the scene of a crash shall be responsible for the following:

**A. Determining the officer or investigator who is in charge at the scene**

When the Traffic Enforcement Unit is assigned to the crash, they shall take charge of the investigation or provide support as needed by the first responding officer.

**B. Identifying and dealing with injured persons**

Ascertain if any persons are injured and call for appropriate medical assistance. Notify the on-duty supervisor to respond to the scene if injuries appear to be life threatening or obviously fatal.

**C. Identifying and dealing with fire hazards and/or hazardous materials**

Locate and isolate potential hazards (fire, fuel spills, hazardous materials, downed electrical wires, etc.)

**D. Collecting information**

Locate, secure and isolate principals and witnesses.

**E. Protecting the collision scene**

Secure and protect the scene and evidence, ensure that roadway debris or other items of evidence are not disturbed or moved. Do not mark the roadway in any way until the scene has been photographed.

#### **F. Controlling property belonging to collision victims**

The assigned investigating officer at the scene of a crash shall ensure that property belonging to crash victims is protected from theft and is removed to a place of safekeeping if the owner or owner's designee (relative, friend, etc.) at the scene is unable to care for it.

1. If the owner is still at the scene and able to communicate, the officer will inquire as to whether there is any property in the vehicle that must be removed for safekeeping. If so, the officer will remove the property from the vehicle and deliver it to the owner or the owner's designee or place same into property as per current department procedures.
2. If the owner is not at the scene or is unable to communicate, the officer will conduct an inventory of the vehicle's contents. If any personal property of immediate value to the vehicle owner, driver, or occupants (i.e., wallets, purses, cash, etc.) is found, it should be removed from the vehicle and delivered to the owner or the owner's designee or placed into property as per current procedures.

#### **61.2.4 Follow-Up Investigations (CALEA Standard 61.2.1)**

An officer assigned to investigate a traffic crash shall be responsible for completing the following investigative steps:

1. Interview all parties involved and witnesses in the crash and reflect the statements in the crash report. Supplemental reports may be attached, as necessary.
2. Examine all vehicles for any damage and record same in the appropriate section of the crash report.
3. Examine and record the effects of the crash on the roadway and surrounding area (oil spills, signs knocked down, etc.).
4. Obtain all necessary measurements using a Roll-A-Tape or other reliable means and indicate same on the diagram and/or report.
5. Ensure that photographs are taken if they are essential to the investigation or are needed as evidence. Photographs are generally not necessary for most crash investigations which are completed at the scene or immediately thereafter.
6. Collect, record and preserve all essential evidence, using the services of an Evidence Technician or the Forensic Unit if necessary.
7. Complete the Drivers Exchange form and ensure that all drivers involved in the crash are supplied with the following information:
  - a. Name and address of the owner and driver of each vehicle involved.
  - b. License number of each vehicle involved.
  - c. Name of the liability carrier of each vehicle involved.
  - d. Police department's report number and the name and ID number of the investigating officer.
8. Officers should request a wanted person check on the drivers and the vehicles prior to allowing them to leave the scene.

#### **61.3.1 Traffic Engineering**

##### **A. Handling or referring complaints or suggestions concerning traffic engineering deficiencies**

The Traffic Enforcement Unit Supervisor will maintain liaison with other City Departments such as Public Works, Planning and Zoning, Engineering, and NC DOT regarding traffic related matters. He or she will refer via Chain of Command complaints or suggestions concerning traffic engineering deficiencies to the Public Works Department regarding local streets or the NC DOT regarding state roads.

**B. Procedures for transmitting collision and enforcement data to local or regional traffic engineering authorities**

The eCrash and citation database system provides for a seamless flow of crash and citation information from the patrol cars to NCDOT and the courthouse. Utilizing mobile data computers, information is entered electronically to complete crashes reports and citations. Crash reports are transferred from the officer through a review process and to NCDOT, our traffic engineering authority. Data from the citation database is transferred to NCAOC's Automated Criminal Infraction system and a paper citation is printed from the patrol car for the offender. This system captures data at the point of contact and entry then electronically passes it throughout the criminal justice system without reentry of data.

**61.3.2 Direction/Control Procedures**

The purpose of traffic direction is to improve the traffic conditions in a particular location. The safety of the officer, the motoring public, and the event for which you are directing traffic should remain paramount in the officer's mind. Situations requiring traffic direction and control include but are not limited to traffic collision scenes, critical incident scenes, adverse road and weather conditions or any event requiring the rerouting of the normal traffic flow. Procedures for traffic direction and control include:

**A. Procedures applicable at the scenes of traffic collision**

1. Position the police cruiser in such a manner so as to provide maximum visibility to oncoming traffic, and provide safety for persons, vehicles, the scene, and evidence.
2. When a roadblock is necessary to protect a crash, crime scene, or other emergency situation when pre-planning is not possible, the following procedure should be followed:
  - a. Police vehicles should be utilized to block traffic lanes with emergency lights activated. Traffic cones and/or barricades should be utilized if available. The assigned officer should remain at the site of the roadblock for traffic direction.
  - b. Roadblock should allow for access by emergency and other authorized vehicles.
  - c. Communications should be notified of the location of the roadblock; the situation should be relayed to the media if the roadway will be blocked for an extended period of time.
  - d. Roadway should be re-opened as soon as the situation allows.
3. Summon additional assistance as needed (additional officers for traffic direction and control, rescue squad, tow truck, etc.)
4. Place temporary warning devices as needed (e.g., flares, reflectors, barricades, traffic cones, etc.) to protect the scene and for the temporary detour of traffic.
5. Direct assisting officers to provide traffic control, if needed, and restore the normal traffic flow as soon as possible.

**B. Uniform hand signals and gestures for manual traffic direction and control**

If manual control of traffic must be performed, existing automated signals should be turned off, whenever possible. Officers should use the following hand signals:

1. Stop Signal: Arm extended, hand up and palm outward pointed at approaching traffic.
2. Proceed Signal: Point at the driver or pedestrian you want to move and establish eye contact. Bend arm at the elbow indicating "proceed" in the direction intended.
3. Left Turn: Ensure conflicting traffic is stopped. Point at the driver you want to move and establish eye contact. Indicate the turn by exhibiting a proceed signal and point to the left turn direction.
4. Right Turn: Ensure that the turn can be made safely. Point at the driver you want to move and establish eye contact. Exhibit the proceed signal and point to the right turn direction.

**C. Procedures applicable at the scenes of critical incidents**

The primary duty of police officers at a critical incident scene is to provide traffic and crowd control and ensure that emergency vehicles can get into the scene. Police personnel will coordinate enforcement, traffic control, and activities with the person designated as the Incident Commander.

**D. Procedures applicable during periods of adverse road and weather conditions**

Upon discovery of adverse road or weather conditions which could affect the safe movement of traffic, the officer shall summon the necessary equipment, personnel, or other assistance to restore the safe movement of traffic and correct the condition. Other agencies, such as Public Works, Utilities, or Engineering should be summoned to assist as the situation dictates. The officer on the scene shall provide necessary traffic direction and control by manual traffic direction or the use of warning devices if traffic flow is impaired.

**E. Circumstances warranting manual operation of traffic control devices**

The decision to initiate manual traffic control where a traffic control signal is in operation should be based upon traffic conditions and the limitations of the signaling device. Some circumstances warranting manual operation include:

1. Malfunctioning of the signal.
2. Facilitating vehicle and pedestrian movement at traffic crashes or other emergencies.
3. Providing a thoroughfare for motorcades.
4. Alleviating congestion resulting from the use of automatic controls.

**F. Use of temporary traffic control devices**

The use of temporary traffic control devices such as portable signs, barricades, flashing lights, flares, and cones may be used to expedite the flow of traffic during special events and emergency situations. Barricades may be obtained from the Public Works Department. Officers utilizing barricades, flares, or cones shall be responsible for removal from the roadway upon completion of the detail. Flares shall not be used in proximity to a spill or potential spill of flammable fluids.

**G. A requirement that any personnel directing traffic, or in the roadway controlling traffic, wear reflective clothing at all times.**

All officers and other traffic control personnel shall be issued a reflective traffic safety vest. Whenever an officer or other traffic control personnel are engaged in the manual direction of traffic, they shall wear the reflective traffic safety vest and, if weather dictates, the high visibility rain gear.

**61.3.3 Escorts**

It will be the policy of the New Bern Police Department to provide escorts in accordance with the following procedures:

**A. Law enforcement escort services**

1. The Special Response Team Commander shall coordinate all escorts involving dignitaries and public officials.
2. Requests for escorts of oversize vehicles, hazardous or unusual cargo shall be forwarded to the appropriate patrol lieutenant who shall coordinate escort assistance. The Lieutenant shall ensure that the party requesting the escort has obtained the proper permits as required by law or ordinance. Police escorts should not be approved in situations when private escort services would be adequate.
3. The police department routinely provides escorts for funeral processions. The escort of funeral processions will be the primary responsibility of the Traffic Enforcement Unit and must, whenever possible, be coordinated through the Unit Supervisor.
4. The escort of emergency vehicles is rarely necessary and should be avoided.
5. Escorts that will leave the city limits must be approved, in advance, by the Chief of Police. The Chief of Police will notify the City Manager's Office of these escorts.

**B. Escorts of civilian vehicles in medical emergencies**

The escort of civilian vehicles in emergency circumstances is prohibited.

**61.3.4 Adult School Crossing Guards – N/A by Function**

**61.3.5 Student Safety Patrol Program – N/A by Function**

**61.3.6 Local/Region Planning Committees**

It shall be the policy of the New Bern Police Department to participate in all criminal justice coordinating and local transportation management committees within the agency's jurisdiction, as deemed appropriate by the Chief of Police. Specialized meetings will be attended by personnel as assigned by the agency Administration.

**61.4.1 Assistance, Highway Users**

The following directive governs the provisions of assistance to highway users:

**A. General assistance**

Officers of the New Bern Police Department shall offer reasonable assistance at all times to motorists who appear in need of aid. General assistance might include providing directions to a specific location or to find a particular street. Officers shall be particularly alert to motorists in need of assistance during nighttime hours when hazards are significantly increased. Whenever possible, officers shall stop and offer assistance to motorists who appear in need of assistance.

**B. Mechanical assistance and towing service**

In assisting motorists with mechanical problems such as obtaining fuel, changing tires, making minor repairs, etc., officers shall first offer to call a service truck or wrecker from the company of the motorist's choice. Officers shall not use a police vehicle to jump-start a disabled vehicle, unless the disabled vehicle is owned by a governmental agency.

Vehicles will be towed by the next rotation towing service unless circumstances dictate otherwise. Requests by the owner/operator for a specific towing service may be honored with consideration given to existing conditions and the proximity of the desired towing service not to exceed the 30 minutes response time.

The use of a "slim jim" or other similar tool which engages the internal door locking mechanisms to gain entry into a vehicle is not permitted except in emergency situations.

### **C. Protection to stranded persons**

The safety of the motorist should be a major consideration of the assisting officer. If the disabled vehicle is a traffic hazard, the officer should stay with the motorist. If the vehicle is not a traffic hazard and help is en route, the officer should not leave the motorist alone unless it is reasonable to assume that the motorist will be safe at that location. The officer should take into consideration the sex, age, and physical and mental condition, of the motorist, the location, weather conditions, and time of day. If necessary, the officer shall offer to transport the motorist to the nearest safe, lighted, location with a telephone.

### **D. Emergency assistance**

Officers shall provide all reasonable assistance to citizens in emergency situations. Officers may provide whatever first aid assistance is required if the officer is qualified to provide that level of assistance. Officers shall not use the patrol vehicle to push or pull any vehicle unless the patrol vehicle has been specifically modified for that purpose.

## **61.4.2 Hazardous Highway Conditions**

Officers should be alert to adverse weather and road conditions which may include such hazards as debris in the roadway, downed power lines, engineering hazards, fog, or rain. Information pertaining to hazards requiring prompt attention will be reported immediately by the observing officer via radio to Communications. Considering the degree of hazard, information regarding the situation will be relayed promptly to the appropriate community policing district officer or other personnel capable of handling the matter. When appropriate, information regarding hazards will be furnished to other patrol teams for dissemination at patrol briefings.

Traffic hazards or potential hazards which do not require emergency corrective action (i.e. pot holes, overgrown shrubbery or weeds, burned out street lights, traffic engineering deficiencies) should be reported to Communications so the appropriate department or agency can take corrective action.

### **61.4.3 Towing - If the owner/operator is not present when the vehicle is towed, the officer will:**

1. Conduct a complete inventory of all property in the vehicle
2. If the vehicle has a NC registration, and is a hazard or impeding traffic, an attempt to notify the owner must be given within twenty-four hours after the towing. If the vehicle has an out of state registration an attempt to notify the owner must be made within seventy-two hours as directed by **North Carolina General Statute 20-29.11**.
3. Ensure the owner/operator is advised of:
  - a. A description of the vehicle.
  - b. The place where the vehicle is stored.
  - c. The violation with which the owner is charged, if any;
  - d. The procedure the owner must follow to have the vehicle returned to him; and
  - e. The procedure the owner must follow to request a probable cause hearing on the towing

## A. Handling of abandoned vehicles

1. An officer locating or receiving a complaint of an abandoned vehicle will attempt to have the matter corrected before towing the vehicle. The officer shall determine that there is no wanted or stolen status on the vehicle, identify the owner if possible, and attempt to have the vehicle removed by the owner.
2. Impounding of motor vehicles in accordance with applicable law must be adhered to. There are differences between impounded vehicles and seized vehicles. Impounded vehicles are vehicles which are being towed for investigation purposes and can be released back to the owner, *or* for safe keeping until the owner can retrieve the vehicle. A seized vehicle is a vehicle that will be turned over to the state due to a violation of the law or forfeited for use by the seizing agency.
3. Officers may only take custody of a vehicle if the vehicle:
  1. Interferes with the flow of traffic, *or*
  2. Is itself evidence (used as a weapon; contains biological specimens in the vehicle), *or*
  3. May contain evidence and a search warrant will be issued to search the vehicle, *or*
  4. The vehicle is going to be seized under North Carolina General Statutes **14-86.1; 20-28.3; 20-141.5; 18B-504; and 90-112.**

## B. Abandoned or Disabled Vehicles- The employee ordering the removal of an abandoned or disabled vehicle that is causing a hazard, impeding traffic, or has had a seven-day sticker placed upon it and the time has reached seven days will do the following:

1. Notify Communications to contact the next rotation wrecker that is on the rotation schedule to come and retrieve the vehicle.
2. If feasible, the employee will conduct an inventory of the vehicle prior to releasing the vehicle to the wrecker service.
3. Upon the arrival of the rotation wrecker service, complete a property disposition sheet showing that the wrecker service has taken custody of the vehicle for safekeeping and that it is in the wrecker service's custody.
4. Complete an Aegis entry showing that the vehicle has been released to the wrecker service and that it is no longer in the custody of the New Bern Police Department.
5. Make an attempt to contact the owner of the vehicle to advise them where his/her vehicle is located. Notifications for in-state registrations must be made within twenty-four hours of towing the vehicle. Notifications for out-of-state registrations, must be made within seventy-two hours.
6. Abandoned vehicles that are not posing a hazard in the roadway shall be towed during business hours only. If an abandoned vehicle reaches the seven-day mark, the requesting officer shall wait until the next business day. Abandoned vehicles will not be requested for tow at night, weekends or holidays.
7. Illegally parked vehicles in city owned parking lots will be towed by the responding employee. The requesting employee will adhere to guidelines set forth in **North Carolina General Statute 20-219.2**
8. In the event that a vehicle is in the roadway or right of way and cannot be removed after the seizure of a registration plate and the driver is still on scene or in custody:
  - a. The operator of the vehicle will be given the option of having a towing company of their choosing remove the vehicle within 30 minutes or

- b. Having a rotation towing service remove the vehicle for them.
- c. If the operator of the vehicle cannot have the vehicle removed from the roadway within 30 minutes, officers are to place a seven-day sticker on the vehicle.
- d. Any vehicle that is impounded, officers must complete a vehicle inventory as addressed in General Order 1.2.4.

**C. Removal and towing of vehicles from public and private property**

Officers shall not suggest specific towing or service firms to motorists.

1. If an officer orders the towing of any vehicle having valid registration, the registered owner of the vehicle must be notified of the following:
  - a. A description of the vehicle (including make, model, color, year, registration and VIN.)
  - b. Place where the vehicle is stored
  - c. Violation, if any, with which the owner is charged
  - d. Procedure the owner must follow to have the vehicle returned.
2. Generally, officers will not authorize the towing of abandoned vehicles from private property. Exceptions include, but are not limited to the following:
  - a. Vehicle is stolen
  - b. Vehicle is otherwise involved in a crime.
  - c. Vehicle or its contents constitutes evidence of a crime.
3. When a vehicle is found to be stolen, the officer should contact the owner and or reporting agency to determine if the vehicle can be claimed within a short period of time at the location of discovery.
  - a. If the vehicle is reported from another agency the officer must notify the other agency for instructions.
  - b. Consideration shall be given to processing the vehicle at the scene or other appropriate location by an evidence technician prior to releasing the vehicle to the owner or owner designee.
  - c. Vehicle shall be released once all evidence has been collected in accordance with policy and the investigating officer has completed his/her investigation.
  - d. If unable to contact the owner, the City Contracted Wrecker Service shall be called to have the vehicle towed to the NBPB secure storage area.

**D. Maintaining records of all vehicles removed, stored, or towed at the direction of an officer**

1. FEU personnel will maintain a file of all vehicles impounded or seized by the New Bern Police Department and will track the status of each vehicle.
2. A monthly report will be provided to FEU, by the City Contracted Wrecker Service, accounting for all vehicles impounded or seized during the previous month.
3. The officer responsible for the seizure/impounding of vehicles will complete a DCI IR 205 Property Sheet (Green Sheet) that will include:
  - a. Description of the vehicle, to include VIN # and
  - b. Complete inventory of all items of value found in the vehicle.
4. The towing service driver will sign the Green Sheet indicating when he/she takes custody of the vehicle and all the contents left in the vehicle.

5. Green Sheet will be completed in triplicate with:
  - a. Original - To Forensic Evidence Unit (FEU) with the disposition of vehicle and/or property and evidence included in the remarks section.
  - b. One Copy - To the owner/operator or if not present placed in the vehicle.
  - c. Second Copy - To the towing service driver except when vehicle is evidence.
6. Officers will input the seized/impounded property data into the Aegis Property Module. If multiple Green Sheets are used, do not assign the evidence/property an item number while in the field. The item number can be added to the Green Sheet when the officer enters the evidence/property into Aegis.
7. If a hold is desired on the vehicle, or there are any other instructions pertaining to disposition, a notation should be made on the Green Sheet and Chain of Custody remarks section of AEGIS. The towing service will not release a vehicle marked **HOLD** without an authorization to release signed by a member of FEU or the seizing/impounding officer.
8. On or about June 15th and December 15th of each year, the FEU Supervisor shall prepare a report to the Chief of Police pertaining to all vehicles seized or held. The report shall at minimum contain year, make and model of vehicle, date vehicle seized or placed on hold, reason for seizure or hold, confirmation of U.S. Attorney, DA or Supervisor review authorizing and an update of vehicle status.

**E. Rotation Towing Service** - The towing service will forfeit a call and move to the bottom of the list if the towing service's driver/employee responds to a call in such a condition that the officer on the scene reasonably believes that the driver/employee is incapable of safely removing the vehicle. Such conditions shall include, but are not limited to, impairment due to consumption of alcohol or any chemical or controlled substance. Circumstances such as these will be investigated by the Traffic Enforcement Unit to determine if the towing service should be removed or suspended from the rotation list.

A towing service participating on the rotation list, responding to an owner's request will not be rotated and will maintain their place on the list. The Department may cancel a request for services of a participating towing service at any time. In the event of cancellation or response without rendering service, the towing service will not be rotated but will maintain its position on the list.

#### **61.4.4 Traffic Safety Materials**

In order to support the goal of voluntary compliance with traffic laws and regulations, the New Bern Police Department will make available to the public traffic safety educational materials. These educational materials will be disseminated at public talks and displays and will be available in the lobby of the Police Department and Police substation. Educational materials may be obtained through the [NCDOT: Governor's Highway Safety Program](#).