



I. TRAFFIC ENFORCEMENT

A. Agency as a whole:

1. The New Castle County Police will promote the safe movement of traffic and pedestrians through and within New Castle County.
2. Agency personnel will enforce vehicular laws, reduce the risk of automobile collisions, and as a result, reduce the risk of injury to residents of and visitors to New Castle County.
3. Agency priorities are to reduce fatal and personal injury collisions and to keep those rates as low as possible.

B. Personnel Deployment:

1. Patrol Units

a. Patrol Units shall respond to locations based on:

- 1) Citizens' calls for additional traffic enforcement.
- 2) Concentration of collisions.

2. Traffic Services Unit:

a. The Special Operations Section Commander is responsible for the delegation of tactical enforcement assignments to the Traffic Services Unit.

b. The Traffic Services Unit shall be assigned to locations based on:

- 1) Citizens' calls for additional traffic enforcement.
- 2) Concentration of collisions. (61.1.1.e)

c. The supervisor assigned to the Traffic Services Unit:

- 1) Is responsible for the traffic function of the agency.
 - 2) Will implement traffic enforcement in compliance with highway safety grants.
- d. Responsibilities of the Traffic Services Unit function include:
- 1) Compilation and review of collision reports and records. (61.1.1.a)
 - 2) Compilation and review of traffic enforcement activities data. (61.1.1.b)
 - 3) Comparison of collision data and traffic enforcement activities data. (61.1.1.c)
 - 4) Technical and specialized collision investigation.
 - 5) Development, coordination, and evaluation of the agency's selective enforcement program to include specialized "driving under the influence" and "speed enforcement" efforts.
 - a) Only equipment approved by the Delaware courts and the Delaware Department of Transportation (DelDot) may be utilized for traffic enforcement.
 - b) Equipment will only be used in accordance with manufacturer's design specifications and agency policies.
 - 6) Traffic safety education and public information.
 - 7) Traffic analysis:
 - a) Shall be based upon information obtained from the Records Unit and other unit files.
 - (1) Analysis of traffic collisions shall include:
 - (a) Geographic locations.
 - (b) Hour of day, day of week.

(c) Causative factors.

e. Administrative function:

- 1) Planning, monitoring, analyzing, and coordinating traffic activities.
- 2) Coordination of activities with other agency components and outside agencies, including:
 - a) National Highway Traffic Safety Administration
 - b) Delaware Department of Transportation (DelDot).
 - c) Delmarva Power Company.
 - d) Private Companies.

C. Selective Traffic Enforcement functions:

1. Selective enforcement shall be based on analysis of traffic collision investigations.
2. These activities shall be reviewed annually by the Traffic Services Unit. (61.1.1f)
3. Selective enforcement deployment techniques may include, but are not limited to:
 - a. Traffic Services Unit assignments.
 - b. Extra duty job assignments.
 - c. Single or multiple officer assignments per shift.
 - d. Geographic, temporal and mobile preventive patrols.
 - e. Joint agency operations. (61.1.1.d)

E. Traffic Law Enforcement:

1. Enforcement Action Incidental to Traffic Law Violations

a. Physical Arrest:

- 1) Physical arrest is the full custodial denial of a person's freedom of movement.
- 2) Officers may make physical arrest(s) in compliance with the Delaware Motor Vehicle Code when:
 - a) A felony has been committed.
 - b) The violation relates to traffic laws involving driving under the influence of alcohol/drugs or both. reason to believe that the violator will not respond to the citation(s).
 - c) The violator is from out-of-state and the officer has reason to believe that the violator will not respond the citation(s).
 - d) The violator is from Delaware and the officer has reason to believe that the violator will not respond to the citation(s).
 - e) The violator is uncooperative, and arraignment is reasonable. (61.1.2.a)

b. Citations:

- 1) Traffic citations should be issued to a violator who jeopardizes safe and efficient flow of traffic.
 - a) This will include hazardous moving violations, unsafe operation, and improperly equipped vehicles.
- 2) Road, weather, traffic conditions, and safety concerns dictate the threshold of tolerance for traffic enforcement.
 - a) Depending upon location and circumstances, the recommended tolerance for speeding is 10 mph above the posted limit.

- 3) As per Justice of the Peace Policy Directive 99-172, if an officer does not issue a traffic summons for a Title 21 offense at the scene of the accident, or if the traffic offense otherwise occurred outside of the officer's presence, the officer should use / request an automated traffic warrant.
 - a) An automated traffic warrant must be used so that there is an affidavit of probable cause with sufficient information for a judicial officer to determine whether there is probable cause to believe that an offense has been committed and the defendant committed it. (61.1.2.b)

c. Warnings:

- 1) May be issued within a reasonable latitude.
- 2) Depending upon the location and circumstances, the tolerance for warnings issued for speeding violations is 1-9 MPH above the posted limit.
 - a) Road, weather, and traffic conditions may dictate otherwise.
 - b) Officer discretion is always subject to review. (61.1.2.c)

F. Report Review:

1. Traffic citations:

- a. Citations generated via E-Ticket are edited via a built-in system within the program.

2. Collision reports:

- a. All collision reports will be completed via the E-Crash System. Reports will be reviewed by supervision for deficiencies and returned to the submitting officer for correction.
- b. The E-Crash collision reports are further reviewed by the Traffic Section of the Delaware State Police. This review occurs following formal submittal of the completed report.

G. Traffic Violator Protocol:

1. Non-Residents:

- a. Non-residents may be issued warnings or citations as criteria dictates.
- b. Delaware does not have reciprocal agreements with the following states:
 - 1) Alaska
 - 2) California
 - 3) Michigan
 - 4) Montana
 - 5) Oregon
 - 6) Virginia
 - 7) Wisconsin

As a result, non-residents from these five states may not be issued voluntary assessment citations. (61.1.3.a)

2. Juveniles:

- a. Juveniles (under 18) may be issued warnings or citations as criteria dictate.
- b. Those juveniles who are issued citations must be issued mandatory appearances and will be instructed to have a parent or guardian accompany them at court. (61.1.3.b)

3. Legislators:

- a. Senators and representatives shall, in all cases, except treason, felony and breach of peace, be privileged from arrest during their attendance at the session of their respective house, as well as in going to and coming from session.
- b. The scope of immunity depends upon the interpretation of the phrase "Breach of Peace," which is defined as being an invasion of the security and protection which the law affords every citizen.
 - 1) Narrow interpretation:
 - a) Includes an offense which disturbs or threatens to disturb the tranquility enjoyed by citizens.
 - 2) Broad interpretation:

- a) Includes any public offense.
- c. State law provides the same protection as in 3.a above for:
 - 1) State Senators.
 - 2) State Representatives.
 - 3) Electoral college voters.
 - 4) Persons en route to vote.
 - 5) Judges.
 - 6) Attorneys.
 - 7) Jurors.
 - 8) Witnesses.
 - 9) Principals of Schools.
 - 10) Court officials.
 - 11) Governor.
 - 12) Lt. Governor.
 - 13) U.S. Senators
 - 14) U.S. Representatives. (61.1.3.c)
- 4. Foreign Diplomats, Consular Officials:
 - a. Refer to Directive 74, Directive 1 and Appendix 1-I for information involving foreign diplomats and consular officials. (61.1.3.d)
- 5. Military Personnel:
 - a. While those citizens who choose to honor their country through military service shall be treated with the utmost respect, their military employment however does not exclude them from complying with Delaware traffic law.
 - b. Officers should remember that regular, full-time military

personnel stationed within Delaware may elect to maintain their home state license while in residence in Delaware.
(61.1.3.e)

H. Officers shall provide the following information to violators:

1. The date and time of court appearance if any:
 - a. Magistrate Courts handle forthwith traffic arraignments any time they are open.
 - b. Magistrate Courts handle scheduled traffic arraignments on the following days:
 - 1) Wednesdays.
 - 2) Arraignments for Spanish speaking individuals will be conducted at the Justice of the Peace Court 11 on Spanish arraignments are held on Tuesdays 1700-1800 hrs. (61.1.4.a)
2. The following guidelines apply for determining the necessity of a court appearance:
 - a. A court appearance is not necessary when the Voluntary Assessment is utilized.
 - b. A Voluntary Assessment may not be utilized for the following offenses:
 - 1) The motorist is from a Non-Compact Agreement state.
 - 2) The motorist wishes to contest the charge.
 - 3) The motorist is a juvenile.
 - 4) The offense is of such a nature that Voluntary Assessment does not apply by law. A list of these offenses is provided in the following section.
 - c. Violations of the following sections of Title 21 of the Delaware Code require a court appearance:
 - 1) 2118 No Proof of Insurance.
 - 2) 2118A Unlawful possession or manufacture of proof of insurance.

- 3) 2701 Driving without a license.
 - 4) 2751 Operation of a vehicle by an unlicensed minor.
 - 5) 2752 False statements.
 - 6) 2756 Driving while suspended or revoked. (61.1.5.b)
 - 7) 4103 Failure to stop at the command of a police officer.
 - 8) 4175 Reckless Driving.
 - 9) 4175A Aggressive Driving.
 - 10) 4177 Driving under the influence of alcohol or drugs.
 - 11) 4177L Driving by persons under the age of 21 after consumption of alcohol.
 - 12) 4201 Leaving the scene of an accident.
 - 13) 4202 Failure to report an accident.
 - 14) Any violation of Chapter 67 of Title 21.
 - 15) Any second offense that occurs within 36 months. The only exception to this is the time limit for speeding violations (4169) which is 24 months. (61.1.4.b)
3. Instances whereby a motorist may be allowed to enter a plea and/or pay a fine by mail or at a traffic violations bureau:
- a. Motorists may initially enter a guilty plea by their acceptance and affixing their signature to the summons indicating that the provisions for voluntary assessment are in order.
 - 1) Voluntary assessments are mailed by the motorist to:

Voluntary Assessment Center
P.O. Box 7039
Dover, Delaware 19903
 - 2) Motorists may also change their plea to not guilty by contacting the Voluntary Assessment Center (V.A.C.)

any time prior to the due date of the citation and inform V.A.C. of the change in plea.

- a) The charge will then be scheduled for an arraignment at a local Magistrate Court. (61.1.4.c)

4. Other information that must be provided to the motorist prior to release includes:

- a. A full explanation of the charge shall be presented to the motorist by the officer issuing the citation. (61.1.4.d)

I. Uniform enforcement policies for traffic law violations shall include policies for:

1. Driving Impaired (drunk/drugged):

- a. If the officer suspects the violator of driving impaired, a request should be made for the violator to submit to field sobriety tests.

- 1) If the field tests are failed and other probable cause factors are present, a chemical test should be given and depending on the outcome of that test, an arrest made. If the test is a breath test, upon receiving immediate results indicating impairment, an arrest should be made. If the chemical test is a blood test, the arrest can await the results of the toxicology report.

- 2) If drugs are suspected, a Drug Recognition Expert (DRE) can be notified for further testing and a blood sample can be requested by the DRE or arresting officer if the officer can articulate probable cause for the draw.

- 3) If the field tests are refused, the officer should consider whether there are sufficient probable cause factors to warrant a chemical test and an arrest.

- b. Refer to Appendix 61-C for further information concerning policies and procedures related to driving impaired investigations. (61.1.5.a)

2. Driving with expired, suspended or revoked license:

- a. No person whose license is expired, suspended, or revoked is allowed to operate a motor vehicle upon a public street or highway.
 - b. Proper endorsements are required for every class of vehicle that a properly licensed driver chooses to operate, e.g., motorcycle, school bus. (61.1.5.b)
3. Moving and other Hazardous Violations:
- a. The officer should consider the degree of the hazard, location, collision history, and current enforcement history relevant to the area of the violation.
 - b. Refer to section L for further information concerning speed enforcement. (61.1.5.c.)
4. Off-Road Vehicles:
- a. Any officer observing an unlicensed off-road vehicle that cannot be legally operated on the public highway, being operated on the highway shall:
 - 1) Order the vehicle removed.
 - 2) Take appropriate enforcement action to ensure compliance with vehicle registration laws as they pertain to off-road vehicles.
 - b. Officers will enforce laws, ordinances, rules and regulations concerning the operation of off-road vehicles on:
 - 1) Public land.
 - 2) Parks.
 - 3) Private property.
 - 4) Other areas when appropriate.
5. Non-moving Violations:
- a. The officer should consider the issuance of citations for essential equipment defects.
 - b. A written warning and re-inspection notice may be issued

allowing the violator five days to have the defect corrected.

- 1) If the violation has not been corrected within five days, a citation may be issued. (61.1.5.d)

6. Public Carrier/Commercial Vehicle Violations:

- a. The officer should consider the area, lack of parking, and need for deliveries. Citations or parking tickets should be issued for repeat violations.
- b. The legal alcohol concentration for someone who drives, operates, or has physical control of a commercial vehicle is .04. (61.1.5.e)

7. Other Non-Hazardous Violations:

- a. The use of warnings (written or verbal) should be considered unless the violation is flagrant. (61.1.5.c,d)

8. Multiple Violations:

- a. The officer may write one or all of the violations. Discretion should be utilized. (61.1.5.f)

9. Newly Enacted Laws and/or Regulations:

- a. Normally, a grace period is established by the legislature during which time officers may issue warnings.
- b. After the grace period, officers should utilize the same discretion as with other like violations. (61.1.5.g)

10. Violations resulting in traffic collisions:

- a. Investigations at collision scenes will normally result in the detection of evidence necessary to support appropriate enforcement; i.e., warning, citation, criminal arrest.
 - 1) Traffic summons issued for violations associated with a collision will be so noted on the front of the summons.
- b. When presented with a collision investigation involving a fatality, fatality while DUI, or the likelihood of a serious injury or fatality, the investigating officer will contact the

Office of the Attorney General for consultation. (61.1.5.h)

11. Pedestrian and Bicycle Safety:

- a. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the Delaware Motor Vehicle Code (Title 21).
 - 1) This applies, except as to special regulations stated in this title,
 - 2) And except to those provisions of law which by their nature can have no application.
- b. Pedestrians shall be afforded the privileges and shall be subject to all restrictions stated in the Delaware Motor Vehicle Code. (61.1.5.i)
- c. The Community Services Unit shall provide a bicycle safety program to those citizens requesting such a program.

J. Traffic Law Enforcement Practices:

- 1. Normal traffic law enforcement involves visible patrol by officers who observe and handle traffic violations:
 - a. Enforcement Patrol: Involves enforcement within the officer's area of patrol but may extend to other areas of the County.
 - b. Selective Patrol: Involves areas that are designated as high collision areas or hazardous violation areas.
 - c. Tactical Patrol: Instructions will specify enforcement efforts in a given area or in an area of concern generated by complaints of violations. (61.1.6.a)
- 2. Stationary Observation:
 - a. Covert and overt stationary observation may be utilized. The officer must be able to completely view the violation from a covert position. (61.1.6.b)

3. The use of unmarked patrol vehicles may be permitted for the enforcement of traffic laws. (61.1.6.c)
4. The use of roadside safety checks is permitted and shall be conducted in accordance with the Traffic Services Unit's Internal Operating Procedure. (61.1.6.d)

K. Motor Vehicle Stops:

1. General Procedure:

a. Emergency communications:

The officer shall relay the following information to RECOM prior to, during and after the vehicle stop:

1) Prior to:

- a) Call sign.
- b) Location.
- c) Repeat state of registration and registration number itself.
- d) Vehicle description (color, make, model, etc.).
- e) Any pertinent information concerning the occupants, e.g., number and description.

2) During:

- a) The officer shall provide an update to RECOM reference the status of the stop, e.g., 10-1.

3) After:

- a) The officer shall again provide RECOM with a status of the stop including the clearance, e.g., NP, 1C, 1P, etc.

b. Emergency Lights:

- 1) When stopping an operator for a traffic violation, the officer will activate all emergency equipment,

including:

- a) Bar lights (if equipped).
- b) Grille lights (if equipped).
- c) Dash lights (if equipped).
- d) Rear deck lights (if equipped).
- e) Front headliner lights (if equipped).
- f) Corner marker strobes (if equipped).
- g) Utilization of only four-way hazard flashers does not constitute an activation of emergency equipment.

c. Positioning:

- 1) The patrol vehicle should be behind that of the violators.
- 2) The police vehicle should be stopped about 10-12 feet behind and about 2 1/2 – 3 feet to the left of the violator's vehicle.
- 3) The front wheels should be cut hard to the left.
- 4) Officers must be attentive to the occupant(s) of the stopped vehicle for unusual movements or changes in seating positions throughout the entire process.

d. The siren may be used to gain the attention of the violator.

e. Spotlights and High Beams:

- 1) At night, the spotlight, take down light, and/or high beams (unmarked vehicles) should be used to illuminate the interior of the violator's vehicle.
- 2) Offsetting of the patrol vehicle can aid in directing the aforementioned lights into the side and rearview mirror of the vehicle being stopped, thus preventing the motorist from utilizing these mirrors to view the approach of the officer.

- f. The public address system may be used to give instructions to the operator without the officer leaving the patrol car.
- g. Approach of the officer(s):
 - 1) A driver's side approach has typically been the preferred method of approach for officers. This approach over the years however has been learned and anticipated by motorists. Officers are encouraged to utilize a passenger side approach at times in order to break the usual pattern. This approach will often surprise motorists thus allowing officers the opportunity to view actions in the vehicle often before the motorist becomes aware of the officers presence.
 - 2) Check that the trunk and any passenger doors are not ajar.
 - 3) Any windows that are tinted should be lowered and the gas door latch on any minivans with sliding doors should be opened.
 - a) The rear doors to minivans will not slide to the rear while the gas door latch is in the open position.
 - 4) At night, violators should be instructed to turn on the interior dome light.
 - 5) While speaking to the violator, stand about one (1) foot away from the vehicle in line with the back edge of the driver or front passenger door, facing the violator. This permits an unobstructed field of vision of the inside of the vehicle and prevents the officer from being struck by the door if opened suddenly.
 - 6) The officer should have occasional eye contact with the stopped vehicle during the approach back toward the patrol vehicle. (61.1.7.a)
- h. Officer Conduct with Traffic Violators:
 - 1) The officer should be certain of the alleged violation.
 - 2) The officer should have all the necessary equipment and forms available.

- 3) When contacting the traffic violator, all officers shall be polite and courteous.
- 4) Upon initial contact, the officer should:
 - a) Identify themselves
 - b) Advise the motorist of the violation.
 - c) Request to see the motorist's driver's license, vehicle registration, and proof of insurance
 - d) Examples of an acceptable exchange would be:

Good morning / afternoon / evening sir / ma'am.

I am officer _____ of the New Castle County Police.

The reason I stopped you is _____.

May I please see your driver's license, vehicle registration on and proof of insurance.

Or

Good morning / afternoon / evening sir / ma'am.

I am officer _____ of the New Castle County Police.

The reason I stopped you is _____.

I am going to need to see your driver's license, vehicle registration and proof of insurance.

Where do you keep those documents?

The two listed sample greetings are for illustrative purposes only. It is recognized that each vehicle stop is unique and certain circumstance may require an officer to deviate from a standard cordial greeting and be directive with the operator and or passengers.

- 5) Officers shall attempt to leave the violator with a favorable impression.
- 6) Lengthy verbal confrontations are to be avoided whenever possible.

- 7) Generally, occupants of stopped vehicles should be instructed to remain in the vehicle.
- 8) When an officer requests an occupant to exit their vehicle, the officer shall:
 - a) Monitor oncoming traffic.
 - b) Be alert to possible safety hazards.
 - c) Perform a limited pat down for officer safety, under the following conditions:
 - (1) The officer has reasonable belief to believe that the violator is armed, or
 - (2) The violator has consented to the pat down.
- 9) The officer should assist the violator in reentering the traffic flow safely. (61.1.8)
- i. When a computer check determines a motorist's license to be suspended/revoked, expired, or that the motorist does not possess a license, the following procedures should be followed:
 - 1) The appropriate citation(s) may be issued.
 - 2) If the motorist has a suspended license in their possession, the officer will confiscate the license and send it to the Department of Motor Vehicles.
 - 3) When the violator is ready to be released:
 - a) The officer will instruct the violator not to drive from the location of the stop.
 - b) The officer may offer to make a telephone call for someone to respond to transport the violator.
 - c) If nearby, the officer may transport the violator home or to a safe location.
 - d) If the violator refuses assistance, the violator will be advised again not to drive and if he/she does and is observed, appropriate action will be taken.

- e) If the violator has a history of this violation, the officer should take the violator forthwith to the appropriate court.

2. Unknown Risk Vehicle Stops:

- a. Certain risks can never be predicted, especially when an officer takes into account the unique factors involved in stopping a motorist. The time of day, the type of roadway, the type of vehicle and the number of occupants likely will change with every stop.
- b. Officer safety is paramount at all times. Officers shall adhere to agency policy during all vehicle stops and shall exercise due care when it comes to the roadside interaction between an officer and the occupant(s) of a stopped vehicle.
- c. A request for assistance shall be made if a single officer approach to a vehicle is deemed to place the officer at risk. (61.1.7.b)

3. High Risk Vehicle Stops:

- a. A single officer approach in any high risk stop scenario should be avoided at all times. Whenever practical, high risk vehicle stops should be conducted with a minimum of two patrol units.
- b. Officers should utilize resources available to them to achieve a tactical advantage, thus increasing the chances for a safe and successful conclusion to this interaction.
 - 1) Officers can increase their tactical advantage by slowing down and not rushing into any situation. Whenever available, the timing and location of the stop should be carefully chosen. The correct timing of the stop can allow for the arrival of supporting officers.
 - 2) The number 1 patrol vehicle should be positioned about 15 to 20 feet behind and offset about 1½ to 3 feet to the left of the stopped vehicle.

The number 2 patrol vehicle should park at an offset of approximately 45 degrees, approximately 15 to 20 feet from the stopped vehicle.

- 3) The number 3 patrol vehicle (if available) should park

behind patrol vehicle 1 or 2 depending on the location of the stop.

- 4) Any additional assisting patrol vehicles should position in a manner that protects officers from vehicular and pedestrian traffic. Assisting patrol officers should use discretion and ensure that they do not position themselves or vehicles in a manner that would create a crossfire situation. Assisting officers should also supplement the arrest team.
- c. Unless unavoidable, there should be minimal contact with the suspect vehicle during the early stages of the stop. The patrol vehicle's public address system can greatly aid in this area. The system can be used to issue commands to the motorist, thereby limiting the intimate contact most often associated vehicle stops.
- 1) The initial officer issues the verbal commands. The following procedures are provided as a guideline for officers involved in a high risk (felony) stop.
 - a) Officers should consider the best option for utilizing cover. The optimal area for cover is to the rear of the patrol vehicle, stacking the A, B and C pillars. However, other options may be utilized based on the circumstances of the stop and the discretion of the officers on scene.
 - b) The violator should place the vehicle's transmission into park and turn off the ignition.
 - c) All passengers should look forward and clearly display hands by placing them onto the dashboard and/or windshield for front seat passengers. Back seat passengers should be instructed to place their hands onto the rear window or onto the back of the front seats at the top near the headrest.
 - d) The driver should place both his/her arms outside the driver's window.
 - e) The driver should remove the keys from the ignition using his/her left hand and deposit the keys outside the driver's window.

- f) The driver should use his/her right hand to open the driver's door from the outside.
 - g) The driver should exit the driver's door and face forward with hands clearly displayed.
 - h) The driver should walk back toward the sound of the officer's voice and stop at the officer's command.
 - i) The driver should go down to his/her knees then lie prone on the ground with ankles crossed and arms spread outward.
 - j) Subjects are directed to look in the opposite direction from which the contact officer is approaching from.
 - k) Once the driver is in the prone position, the arrest/contact team will move into position and affect the arrest.
 - l) Each occupant of the vehicle should be ordered out in a similar fashion with everyone exiting the car on the same side.
 - m) The vehicle needs to be cleared once all of the known occupants are out and in custody.
 - n) All subjects removed from the vehicle should be cuffed, searched, debriefed and secured into separate patrol vehicles.
- 2) Instructions should only be given by one officer and should be delivered in a fashion that is clear for all to understand.
 - 3) Contact and cover roles should be used once the occupant(s) are out of the car and prone onto the ground.
 - a) Back up officers assist with the arrest of each occupant and provide overall protection of the scene. (61.1.7.c)

L. Speed Measuring Devices in Traffic Enforcement:

1. Equipment Specifications:

a. Speedometers:

- 1) All officers may utilize the police vehicle's speedometer to gauge the rate of speed of any vehicle being followed.
 - a) The minimum distance of 2/10 of a mile is necessary for an accurate measurement by pace.
 - b) The same distance must be maintained between the police vehicle and the violator during the pace. If the distance between the vehicles increases, the officer can testify to the patrol vehicle's speed and that the violator was traveling faster.

1. All certified officers may utilize the agency approved Stalker radar units or the Stalker handheld radar units to assist with speed enforcement.
2. Any other speed measuring device that may be obtained by the agency to assist in speed enforcement. (61.1.9.a)

2. Operational Procedures:

- a. All operators shall perform the necessary calibration tests in accordance with the guidelines set forth by Superior Court and the recommendations specified by the radar manufacturer.
- b. A Radar Log shall be maintained by the radar operator and kept in the vehicle in which the unit is installed. (61.1.9.b)

3. Proper Care and Upkeep:

- a. Radar equipment shall be maintained by the Traffic Services Unit (TSU).
 - 1) The Fleet Manager shall coordinate the regular maintenance, calibration, and repair of all agency radar units.

- a) All agency radar units and tuning forks shall be certified annually by the designated agency or vendor.
 - b) Radar tuning forks will be kept with the radar unit to which they were assigned.
 - c) Radar units assigned to a particular vehicle shall remain in the assigned vehicle unless authorized for reassignment. (61.1.9.c, d)
- b. Police vehicle speedometers shall be certified by the Traffic Services Unit through the use of radar.
- 1) The radar unit will be placed in service for this purpose in the same manner as is consistent with current training and court decisions regarding the use of radar as a speed measuring device. (61.1.9.d)
4. Operator Training and Certifications:
- a. Personnel operating radar will be certified as radar operators after successful completion the National Highway Traffic Safety Association (NHTSA) course.
 - b. Training for radar usage shall be the responsibility of the TSU.
 - 1) A master list of certified operators shall be maintained by the Professional Development Unit which shall include certification and expiration dates. (61.1.9.e)

M. Vehicular Assault:

- 1. The vehicular assault statutes were drafted and sponsored by the office of the Attorney General.
 - a. Vehicular Assault 1st is a felony, prosecuted in Superior Court, Vehicular Assault 2nd is a misdemeanor, prosecuted in Court of Common Pleas.
- 2. When a vehicular assault charge is appropriate and an officer of this agency anticipates or makes an arrest under this statute, the investigating officer will treat the case as if it were a felony charge.

- a. The officer will schedule an intake interview with the Attorney General's Office for purposes of indictment.
3. If an arrest is to be made for vehicular assault on the date of the offense, the investigating/arresting officer shall:
 - a. Obtain an arrest warrant from the appropriate Justice of the Peace Court.
 - b. If D.U.I. is an element of the charge:
 - 1) Take the defendant's driver's license or permit (Delaware license only).
 - 2) Issue a Notice of Revocation and Temporary License Form.
 - a) The probable cause block of the form should be checked on the form indicating that the defendant was arrested for vehicular assault.
 - b) In addition to the normal evidence required to determine the cause of the collision and to successfully prosecute any charge resulting from the investigation, it is necessary that in cases where DUI is an element of the charge, that the investigation be able to support a conviction for DUI through:
 - (1) Coordination tests.
 - (2) Interviews.
 - (3) Chemical test.
 - (4) Other normal and appropriate tests. (61.1.11)
 - c. Arraign the defendant.
4. The aforementioned procedure would also be followed if the defendant is an out-of-state operator and probable cause exists for the arrest but the investigation is incomplete.
5. If an arrest is delayed due to investigation and cannot be made on the date of the offense, the investigator/arresting officer shall:

- a. Schedule an intake for the purpose of indictment.
 - b. At the time of arrest on the Rule 9 Warrant and if DUI is an element of the charge:
 - 1) Take the defendant's driver's license or permit
(Delaware license only).
 - 2) Issue a Notice of Revocation and Temporary license form.
 - a) The probable cause block of the form should be checked and a notation should be made on the form that the defendant was arrested for vehicular assault.
6. It is not the intent of this directive to require officers to place a charge of vehicular assault in very minor personal injury collisions.
- a. Every case should be reviewed on its own facts and circumstances.
 - b. In those cases, however, where an innocent victim is admitted to a hospital for other than minor injuries and observation, or the victim suffers broken bones and more severe injuries, then a vehicular assault charge is most appropriate.
 - c. When there is a doubt, the Attorney General's Office should be contacted for clarification.

N. Re-examination for Driver's License:

- 1. During the course of routine enforcement and collision investigations, patrol officers may feel the need to have some operators retested.
 - a. The officer may suspect:
 - 1) Incompetency.
 - 2) A physical or mental disability.
 - 3) A disease.
 - 4) Other conditions which would prevent the driver's safe

operation of a motor vehicle.

2. In such a situation, the officer may (if the officer feels the situation warrants it) take the suspect's license and complete a retesting form.
 - a. Both the license and retesting form will be sent to the revocation officer of the Department of Motor Vehicles via the Records Unit.
3. A crime or incident report will be written pertaining to the reasons for the action taken. (61.1.12)

O. Parking Enforcement:

1. Parking violations will be generated via E-Ticket.
2. Patrol officers should be familiar with any parking problems in their sectors.
 - a. Problems may include but are not limited to:
 - 1) Handicapped spaces.
 - 2) Fire Zones.
 - 3) Permit Parking Only.
 - 4) Where signs prohibit parking.
 - 5) Parking against traffic flow.
 - 6) Tow-Away Zones.
 - 7) Parking too close to intersections or traffic control devices.
3. Appropriate enforcement action should be taken to alleviate any and all parking problems. (61.1.13)

II. TRAFFIC COLLISION INVESTIGATION

A. Collision Reporting and Investigation:

1. In Delaware, a reportable collision is an unforeseen event that occurs while a motor vehicle is in transit that:

- a. Results in injury or death to any person;
 - b. Occurs on a public highway and results in property damage which exceeds \$1500; or
 - c. Involves a driver whose physical ability is impaired as a result of alcohol or drugs, or any combination thereof.
2. The resulting documentation of a collision accident investigation is the State of Delaware Uniform Traffic Collision Report, along with any supplemental forms, measurements, diagrams, statements, and photographs.
- a. Officers shall utilize the Delaware Uniform Collision Report, via the E-Crash System for recording initial information concerning collisions.
 - b. The Uniform Collision Supplement, via the E-Crash System shall be utilized for the recording of additional information.
 - c. Officers shall utilize an Exchange of Information Form (DPS#14051282) to distribute needed information to the operators or owners of involved vehicles.
 - d. This information is used to establish culpability or to objectively indicate the events of the collision where appropriate, pending criminal action or charges under Title 21.
 - e. Classification System:
 - 1) The agency's Collision Classification System will be in conformance with the Manual on Classification of Motor Vehicle Traffic Collision.
3. Upon notification of a collision, a police officer may be assigned to investigate the occurrence.
4. A collision report will be completed for the following incidents:
- a. Fatal and/or personal injury collisions. (61.2.1.a)
 - b. Property damage collisions resulting in total damage in excess of \$1500. (61.2.1.b)
 - c. All hit and run collisions. (61.2.1.c)

- d. Impairment due to alcohol and drugs. (61.2.1.d)
- e. Hazardous materials. (61.2.1.e)
- f. Collisions involving county owned or county leased vehicles.
- g. Collisions involving county property.
- h. All personal injury collisions involving volunteer fire company equipment.
- i. Private Property Collisions:
 - 1) A collision report will be completed for the following incidents occurring on private property:
 - a) Fatal Collisions.
 - b) Personal Injury Collisions.
 - c) Property damage collisions resulting in excess of \$1500.00 damage.
 - d) Hit and run collisions resulting in damage.
 - e) Impairment due to alcohol or drugs.
 - f) Hazardous materials. (61.2.1.f)

B. Officer Response:

- 1. Officers will respond to the scene of collisions involving any of the following:
 - a. Injury or death. (61.2.2.a)
 - b. Hit and run. (61.2.2.b)
 - c. Impairment due to alcohol or drugs. (61.2.2.c)
 - d. Damage to public vehicles or property. (61.2.2.d)
 - e. Hazardous materials. (61.2.2.e)
 - f. Disturbances between principals. (61.2.2.f)
 - 1) Operators, property owners, etc.

- g. Major traffic congestion due to the collision. (61.2.2.g)
 - h. Vehicle damage to the extent that towing is required.
(61.2.2.h)
- 2. Whenever possible, more than one officer will respond to the scene of a serious, complex collision.
 - 3. The Traffic Services Unit shall complete the investigation of the following:
 - a. All fatal or serious injury collisions.
 - b. All collisions involving injury or extensive property damage within Delaware involving Department of Public Safety vehicles.
 - c. All hazardous material collisions.
 - d. Acts of legal intervention by agency personnel.
 - e. Suspected intentional collisions of motor vehicles.
 - f. Serious personal injury hit and run collisions.
(61.2.3.a, b, c)
 - 4. Late Reported Traffic Collisions:
 - a. When a citizen reports a traffic collision and the collision's chain of events are broken:
 - 1) An officer must inspect the damaged vehicle or damaged property before a report is filed.
 - 2) Except for a hit and run collision, all parties involved must be present for an officer to take a report of a reportable collision.
 - b. Leaving the scene of a collision to seek medical help shall not be considered a break in the chain of events.
- C. Collision scene responsibilities for the first responding officer:
- 1. The first officer to arrive at a collision scene will be in charge of the scene until the arrival of a supervisor or Traffic Services

Unit personnel. (61.2.3.a)

2. Identifying and dealing with injured persons:
 - a. For collisions accompanied by injuries, the area fire company will be notified to respond.
 - b. On unknown collisions, officers will be dispatched to the scene to determine what, if any, emergency medical response is needed.
 - c. Initial officers on the scene shall administer first aid to injured persons until paramedics or ambulance personnel arrive. (61.2.3.b)
3. Summoning additional assistance.
4. Preserving short-lived evidence.
5. Establishing a safe traffic pattern around the scene.
6. Identifying and dealing with fire hazards and/or hazardous materials:
 - a. Fire Hazards:
 - 1) On collisions involving any fire hazard or actual fire, initial officer(s) on the scene prior to fire personnel will be responsible for initial fire suppression efforts.
 - 2) The initial officer shall ensure that RECOM is made aware of the need for fire personnel at the scene.
 - b. Hazardous Materials:
 - 1) On collisions involving hazardous materials, the initial officer(s) shall
 - a) Always approach the collision scene from an upwind direction.
 - b) Notify RECOM that the collision involves hazardous materials.
 - c) Make every effort to secure the safety of those involved in the collision. However, given the deadly

nature of many hazardous materials, officers may need to wait for properly trained and equipped personnel to arrive before attempting the rescue of others.

- d) Isolate the hazard area and evacuate non-essential personnel.
 - e) Provide first aid assistance if needed.
 - f) Coordinate traffic and crowd control. As large an area as possible should be isolated until the hazard danger is fully known.
- 2) Procedures for dealing with hazardous materials are outlined in Directive 46.
- c. Explosives:
- 1) With the exception of trained Explosive Ordnance Disposal Technicians (EODT), under no circumstances, are to transport, handle or distribute any explosives or suspected explosive materials, military ordnance or devices.
 - d. Refer to Directive 46 for additional details concerning the handling of explosives, toxic, flammable and radioactive substances. (61.2.3.c)

7. Locating witnesses and recording information.

- a. Information to be collected at the scene may include, but is not limited to the following:
 - 1) Interviewing principals and witnesses.
 - 2) Examining and recording vehicle damage.
 - 3) Examining and recording effects of the collision on the roadway.
 - 4) Taking measurements as appropriate.
 - 5) Taking photographs as appropriate.
 - 6) Collecting and preserving evidence.

- 7) Exchanging information among principals. (61.2.3.d)
8. Protecting the scene from compounding or involving others.
 - a. Traffic direction and control will be determined by the investigating officer.
 - b. Flares, traffic cones, and portable signs will be deployed as needed.
 - c. Additional officers will respond and assist as needed.
 - d. Delaware Department of Transportation (DelDot) will be notified for additional cones or barricades as needed (61.2.3.e) (61.3.2.a)
9. Controlling property belonging to collision victims.
 - a. Initial officers at the collision scene shall safeguard victim's property from theft or pilferage.
 - 1) A listing of any items removed from or left with the vehicle should be documented on the tow slip or in the body of the collision report.
 - 2) Property that may have to be removed from the vehicle for the purpose of safeguarding will be turned into evidence with a property receipt. This property may also be turned over to the victim or a designee thereof. (61.2.3.f)
10. Expediting the removal from the roadway of vehicles, persons and debris.

D. Collision Investigation Follow-Up Activities:

1. Follow-up activities may include:
 - a. Collecting off-scene data.
 - b. Obtaining/recording formal statements from witnesses.
 - c. Reconstruction of the collision.
 - d. Preparing formal reports to support any criminal or

vehicular charges arising from the collision. (61.2.4)

E. Use of expert and technical assistance in collision investigations:

1. The Traffic Services Unit shall be utilized as outlined.
2. The agency may, on occasion, utilize the services of the following:
 - a. Mechanics
 - 1) Utilized for the inspection of motor vehicles to determine mechanical failures.
 - b. Physicians
 - 1) Utilized most often during personal injury or fatal collisions.
 - 2) Utilized in determining medical status of person(s) involved in collisions.

F. Collision Investigation Equipment & Medical Supplies:

1. The following items are supplied for use in all agency patrol vehicles:
 - a. First Aid Kit.
 - b. Fire Extinguisher.
 - c. Flares. Officers should maintain a minimum count of 12.
2. The following items are authorized for use in all patrol vehicles but are not supplied:
 - a. Blankets, in a suitable container.
 - b. Wrecking bars or other extraction device.
 - c. A knife with a blade no longer than 4", as referenced in directive 41.
 - d. Measuring tape (preferably 100').
 - e. Marking crayon.

3. Traffic Services Unit vehicles will additionally carry the following:
 - a. Measuring tapes.
 - b. Still cameras.
 - c. Video cameras.
 - d. Templates.

III. TRAFFIC DIRECTION AND CONTROL

A. Traffic Engineering:

1. Traffic engineering functions for the State of Delaware (although provided with information and assistance from the New Castle County Police) are handled by the Traffic Engineer, Delaware Department of Transportation. These functions include:
 - a. Collection and compilation of traffic data.
 - b. Traffic surveys and studies.
 - c. Analysis of collision and enforcement data.
 - d. Reports and recommendations for efficient use of traffic control devices.
 - e. Reports for engineering improvements.
 - f. Participation in local and regional transportation system management planning.
2. The Traffic Services Unit and the Traffic Engineer will utilize the available collision/enforcement data to identify high collision locations. Appropriate studies and/or action will be taken by both parties.
 - a. The Traffic Services Unit Supervisor or designee shall attend meetings related to traffic engineering that impact the agency. (61.3.6)
3. Upon request from the agency or citizens, the DelDot Traffic Engineer will conduct a study of a high collision location for

any possible engineering improvements. The Traffic Engineer receives data from the New Castle County Police and other agencies and conducts independent studies of high collision locations as identified by that data in order to make recommendations for improvements.

- a. Complaints and suggestions are forwarded, through the use of an incident report or via RECOM, along with any officer-initiated items or opinions, to the Bureau of Traffic and the Delaware Department of Transportation.
 - b. Officers may be assigned to attempt to isolate the exact location and nature of the request and may go to the area and check on the validity of the action requested.
 - c. Upon completion of the study of the complaint, the Traffic Bureau of DelDot will notify the concerned party of the findings and what action may be taken. (61.3.1.a)
4. The New Castle County Police will continue to work in concert with the Traffic Engineering Department, DelDot, and the Delaware Legislature to:
- a. Collect and compile traffic-related data.
 - b. Conduct surveys and studies to investigate problems.
 - c. Prepare special reports and make recommendations concerning traffic control devices, new laws or ordinances, or engineering solutions or improvements. (61.3.1.b)
5. The New Castle County Police Records Unit and Traffic Services Unit identify high collision locations by use of collision reports and statistical data from those reports.
- a. The Traffic Services Unit shall analyze this data to determine if future collisions may be reduced through enforcement or engineering/design. Expert analysis will be handled by the Traffic Engineer, Delaware Department of Transportation.
 - c. If the study indicates that a collision area is violation-related, a priority effort will be initiated to address said violations.
 - d. If the study indicates that an engineering problem is the

reason for the increased collision rate, the police findings and recommendations will be forwarded to the Delaware Department of Transportation by Records Unit personnel. (61.1.1.a) (61.3.1.b)

6. The Statewide Traffic Reporting System forwards to this agency a statistical summary of collision/enforcement data and locations.

B. Direction and Control:

1. The need for traffic direction and control is regulated by several circumstances:
 - a. Location – Some locations inherently require traffic direction and control such as factory or shopping center entrances and exits.
 - b. Time of Day – Traffic direction and control may only be necessary during specific periods of a day such as rush hours.
 - c. Special events or abnormal occurrences:
 - 1) Special events which may or may not take place at pre-determined times usually require some form of traffic direction and control.
 - 2) Abnormal occurrences such as collisions or disasters usually require similar measures.
2. Procedures:
 - a. This agency will carry out its responsibilities for traffic direction and control in concert with the other agencies within the State which are also assigned the function.
 - b. The Traffic Services Unit will maintain a close working relationship with traffic engineering authorities and other cognizant officials to assist in traffic direction and control.
 - c. The Manual on Uniform Traffic Control Devices is the primary resource to be used in New Castle County to promote uniformity in the design and application of traffic control devices. (61.3.2.a) (61.3.2.b)
3. Traffic Control Survey:

- a. The Traffic Services Unit or a designee thereof shall conduct an annual survey to determine the necessity of fixed point traffic control in areas of this agency's jurisdiction.
 - b. The survey will be conducted in cooperation with local traffic engineering authorities.
 - c. The results of the survey will be distributed to both the Operations Branch Commander and the Administrative Branch Commander for implementation and enforcement.
4. Location Determination Criteria:
- a. The following situations may result in the need for manual traffic control:
 - 1) Traffic collision scenes.
 - 2) Rush hour traffic.
 - 3) Special events (parades, bicycle races, etc.).
 - 4) Emergency conditions.
 - 5) Signal light malfunctions.
 - 6) Inclement weather.
 - 7) Disabled vehicles.
 - 8) Any other circumstance that lends itself to manual traffic control.
 - b. When assigned to manual traffic control, officers will utilize uniform traffic control signals and gestures.
 - 1) The signals may be either hand or whistle signals or a combination of both.
 - 2) Hand Signals:
 - a) Stop – Basic signal to stop is an upraised hand at the end of an extended arm raised to well above shoulder level with the palm of the hand clearly facing the approaching driver for whom the signal

is intended.

- b) Start – The signal for a stopped vehicle to start moving begins at shoulder level with the officer extending the arm toward the stopped vehicle (pointing) and waving the car onward by bending the arm at the elbow and drawing the hand toward the chest. Once traffic in one direction starts to move, the officer turns and faces opposing traffic and delivers the same signal.

- c) Pull Up – The signal to pull up to a position, indicated by the officer directing traffic at an

intersection, is usually reserved for turning traffic facing opposing vehicular or pedestrian traffic. It is started by the officer pointing to the position at which the driver should pull their stopped or slowly approaching vehicle. It is completed by motioning the driver forward to the selected position. If possible, keep the pointing hand and arm in position to hold the turning vehicle until conditions are safe for the turning movement.

- d) Turning Traffic – Once it is safe for the motorist to complete the turn, opposing traffic should be stopped using the standard stop signal, and motion the left turning vehicle to complete its turn by making a come-along signal with the other hand.

- (1) Right turning traffic requires little direction unless the turning movement is crossing a heavily traveled crosswalk or has to merge into heavy vehicular traffic. Natural gaps are best used for turning vehicles, when available.

3) Whistle Signals:

- a) Stop – A single long blast.
- b) Start – Two short blasts.
- c) Emergency Stop – Three or more short blasts.
(61.3.2.b)

5. Fire Scenes:

- a. Officers assigned to traffic control at fire scenes will be responsible for assuring that roadways in the area are accessible to all emergency vehicles.
 - 1) This duty shall continue until the officer is released by other agency members, fire police, or the incident is concluded. (61.3.2.c)
- 6. Adverse road and weather conditions:
 - a. Whenever necessary, officers will direct traffic in emergency situations created by adverse road and weather conditions.
 - b. The officer shall remain at the scene until temporary traffic controls are put in place or the situation is resolved.
 - c. The first officer at the scene shall advise RECOM of the situation and request the assistance of any other agency necessary to control the situation. (61.3.2.d)
- 7. Manual Operation of Traffic Control Signals:
 - a. Officers who are properly trained in the operation of traffic control signals may manually operate signal lights under certain conditions and circumstances.
 - 1) Access to the traffic control signal box is gained through the use of a key which is issued to each officer.
 - 2) Any manual operation requires the officer to notify RECOM of the location and circumstances of the occurrence.
 - b. Some examples of such circumstances are:
 - 1) Malfunctioning of the signal.
 - 2) Facilitating movement at traffic signals.
 - 3) Special events.
 - (a) Traffic Control – Special Events:
 - (1) The Uniform Operations Branch Commander or

a designee thereof will be responsible for traffic control at special events. This officer will coordinate the services of other agencies such as DelDot and fire departments and ensure that all adequate services and personnel are provided.

- (2) Any group or organization holding events such as parades, bicycle races, block parties, etc., which requires the use of a roadway, shall notify this agency well in advance with necessary information concerning the event. If applicable, the plan should include ingress and egress of pedestrians, provisions for parking, spectator control, and provisions for

relief of officers. (61.3.2.e)

8. Temporary Traffic Control Devices:

- a. Temporary traffic control devices may be utilized when traffic signals are inoperable, during special events, or during situations deemed necessary by the patrol platoon commander or designee.
- b. Special signs and traffic cones are available from DelDot and may be requested at anytime.
- c. RECOM shall be notified when temporary devices are put in place and when they are removed. (61.3.2.f)

9. Clothing and Equipment:

- a. While engaged in manual traffic control, especially during inclement weather or darkness, officers will utilize the following equipment and clothing.
 - 1) Flashlights.
 - 2) Flares.
 - 3) Emergency lights.
 - 4) Personnel Protective Apparel.
 - a) As per Chief's memorandum #09-007, Officers are required to wear the agency issued ANSI Compliant

Class II vest or the ANSI Public Safety Vest at all times whenever the nature of the incident requires them to be in or around moving traffic

- b) If officers choose to wear an agency issued coat/jacket due to inclement weather, i.e. rain, cold, etc., the agency issued ANSI vest must be donned over the coat/jacket. (61.3.2.g)

Note: Refer to Appendix 61-E for the Standard Operating Procedure regarding Safety Apparel While Working In or Near Moving Traffic.

C. Escort Services:

1. Legitimate requests for scheduled police escort services include, but are not limited to:
 - a. Funerals.
 - b. Motorcades.
 - c. Public officials.
 - d. Oversized vehicles.
 - e. Highway construction.
 - f. Hazardous or unusual cargo.
2. All such requests must be approved by a supervisor.
3. When a request is honored, the following criteria will be discussed:
 - a. The trip route will be established in advance.
 - b. The maximum speed to be maintained will be established and will not be exceeded.
 - c. Point traffic control will be established at locations along the scheduled route.
 - d. Tactical control of the escort will be assigned to a specific commander, supervisor or officer, according to the

complexity of the escort.

- 1). The tactical controller will terminate the escort when conditions are such that continuation of the escort would constitute unacceptable risk to the public.
(61.3.3.a)
4. Only under extreme circumstances should another emergency vehicle be escorted by a New Castle County Police vehicle.
(61.3.3.b)
5. In no case shall a member transport an injured motorist or escort a private vehicle transporting an injured person. Members may:
 - a. Assist with traffic when requested by emergency medical services.
 - b. Give direction to private vehicles transporting injured motorists.
 - c. Alert the hospital that such vehicles are en route.
6. Relay services:
 - a. Relay services for persons and property should not create unacceptable risks to the public or officers.
 - 1) The officer may do a limited search to ensure that the person transported has no weapons.
 - 2) All relays should be approved by a supervisor.
 - 3) Relays may include:
 - a) Police documents or equipment.
 - b) Persons.
 - c) Suspects.
 - d) Stranded motorists.
 - e) Other officers.
 - f) Prisoners.

- a) Refer to Directive 70 (Detainee Transportation) for further details.
- g) Visiting dignitaries.
- 4) At a minimum, the following information must be provided to the RECOM:
 - a) "On" mileage, recorded at the start of the relay.
 - b) The intended destination.
 - c) The sex of the person(s) being transported.
 - d) The number of persons being transported.
 - e) Whether the subject is an adult or a juvenile.
 - f) "Off" mileage, recorded when the subject(s) has been dropped off at the intended destination.

D. Non-Sworn Traffic Direction and Control Personnel:

1. School Crossing Guards:

- a. As necessary, adult non-sworn personnel will be authorized and provided as school crossing guards.
- b. The sole function of these school crossing guards is to expedite the movement of children to and from school by creating safe gaps in vehicular traffic. Children will be directed to safely cross roadways during these gaps when appropriate. (61.3.4.a)
- c. School crossing guards will not direct vehicular traffic in the usual regulatory sense.
- d. Such non-sworn personnel will be screened and selected on the basis of their mental and physical attributes and abilities consistent with the knowledge and skills required for manual traffic direction and control. (61.3.4.b)
- e. While on duty, school crossing guards will wear the full uniform as prescribed by the agency.
 - 1) These uniforms shall be distinctly different from the

uniforms of sworn personnel.

- 2) These uniforms will be readily identifiable to motorists and pedestrians.
- 3) The uniform will be worn as outlined in the Crossing Guards Manual of Rules, Regulations, and Procedures. (61.3.4.c)

f. Location of Assignment:

- 1) The Department will conduct an annual documented review of crossing guard assignments based on requests from the Delaware Department of Education and any input from DelDoT.
- 2) Factors considered will include:
 - a) Traffic volume and speed.
 - b) Number of turning movements.
 - c) Width of intersections.
 - d) Physical terrain.
 - e) Presence and types of traffic control devices.
 - f) Number and ages of children using the crossing.
 - g) Other pertinent factors. (61.3.4.d)

- (1) Analysis data will provide uniform application of crossing guard personnel, thus allowing motorists and pedestrians better recognition of school crossings. (61.3.4.e)

2. Student Safety Patrol Program:

- a. If requested by the Delaware Department of Education and their respective school districts, this agency will work with school authorities in organizing, supervising, and instructing student safety patrols.
- b. Student safety patrols will not be authorized to direct or control vehicular traffic in any way. (61.3.5)

IV. ANCILLARY SERVICES:

A. Assistance to Highway Users:

1. Each member of the New Castle County Police shall render general and emergency assistance and provide information and direction to motorists in need.
2. Each member shall be responsible for:
 - a. Reporting potential traffic and pedestrian hazards.
 - b. Identifying and processing abandoned motor vehicles.
 - c. Assisting disabled motorists with such basic services as:
 - 1) Obtaining fuel.
 - 2) Changing tires.
 - 3) Obtaining road service and towing. (61.4.1.a)
3. The Special Operations Section Commander or designee shall annually review the list of tow service companies and road service companies to ensure that the system is functioning properly.
4. All arrangements for towing will be made with the company which the motorist requests.
 - a. If this is not possible, the tow service contractually responsible for that geographical area will be requested to respond.
 - b. The citizen is responsible for payment of tow services.
 - c. Officers shall report to the Special Operations Section Commander any person or agency that provides poor service. (61.4.1.b)
5. Members of this agency shall provide direction and transportation for stranded motorists and shall help arrange for emergency lodging, if necessary.
 - a. Information regarding direction or locations not immediately known to the officer should be obtained through other sources.

- b. If no other alternative exists, the officer will provide transportation for the stranded motorist. (61.4.1.c)
- 6. Members of this agency shall provide emergency medical assistance to motorists as required and arrange for ambulance service. Members will remain with the motorist and render emergency care (within their qualifications) until ambulance or paramedic services arrive. Members shall render firefighting aid and summon firefighting services whenever appropriate. (61.4.1.d)
- 7. As per Chief's Memorandum #08-111, officers will not use any type of vehicle unlocking devices, i.e. Slim Jim, to unlock vehicle doors. These devices have the potential to cause damage to the door locking mechanisms. Therefore, the Division will not put itself in a position to reimburse vehicle owners for damage caused to their vehicle.
 - a) This policy remains regardless of any waiver of liability by the vehicle/operator owner.
 - b) If exigent circumstances exist that require an officer to immediately access the interior of a locked vehicle to render aid to a subject, the officer shall use the most direct method to access the locked vehicle. In such cases, the officer will break the window on the opposite side of the vehicle from where the subject is observed.
 - c) Absent any exigent circumstances, the owner/operator shall be directed to a locksmith to gain access to their vehicle.

B. Hazardous roadway conditions:

- 1. Members of this agency shall attempt to identify and if feasible remove all conditions either on the roadway or roadside which may constitute a physical hazard, including:
 - a. Debris on or defects with the roadway.
 - b. Damaged, absent or ineffective traffic control devices.
 - c. Damaged or missing highway safety features.
 - d. Missing or damaged lighting.

- e. Roadside hazards.
 - f. Hazardous utility construction.
 - g. Dangerous intersections or traffic patterns.
 - h. Peak traffic problem locations.
- 2. Officers shall attempt to remove objects creating hazardous conditions or place emergency flares or reflection cones so as to minimize the hazard.
 - 3. These conditions shall be reported to DelDot using at least one of the following methods:
 - a. LEISS reports
 - 1) The report will be classified as a “Traffic Service”.
 - 2) Copies of the report will be submitted to the appropriate supervisor who will notify DelDOT or the appropriate agency.
 - b. RECOM
 - 1) Officers will notify RECOM of the hazard and request that DelDot or other appropriate agency be notified.
 - 2) RECOM will make a note on the CAD that the appropriate agency was notified.
 - c. Officers may choose to contact DelDot or other appropriate agency directly.
 - 1) Officers will note the name of the person contacted in LEISS report/CPC.
 - 4. If any immediately hazardous condition exists, any officer may close the roadway for the protection of the public. The appropriate agency shall be notified immediately via RECOM and a request will be made to have someone from that agency respond to the scene. (61.4.2)

C. Traffic Safety and Education Materials:

1. The Community Services Unit, in association with the Office of Highway Safety for the State of Delaware, distributes traffic safety and educational materials during the course of their duties. Displays are set up at shopping malls, schools, civic association meetings, and other activities. Topics discussed and materials presented include seatbelt safety, school bus safety, nighttime driving, child safety seats, safe driving, and drinking while impaired. Officers are encouraged to contact the Community Services Unit for any of the above material. (61.4.4)

=====

REFERENCES:

Appendix 61-A
E-Tow System

Appendix 61-B
Abandoned Motor Vehicle Towing and Impound Procedures

Appendix 61-C
D.U.I. Procedures

Appendix 61-E
Safety Apparel While Working In or Near Moving Traffic

Traffic Services Unit, Internal Operating Procedure

Manual on Classification of Motor Vehicle Accidents

Public Information Center, Internal Operating Procedure

Statewide Emergency Response Team Plan

Delaware Criminal and Traffic Law Manual, Title 21