


**The Pennsylvania State University  
Police & Public Safety Department**

**Policy and Procedural Order**

SUBJECT 5.28 Traffic Enforcement		
CALEA REF. 61.1.1, 61.1.2, 61.1.3, 61.1.5, 61.1.6, 61.4.4, 82.3.4	EFFECTIVE DATE 9/19/19	REVISED DATE 9/28/23
APPROVED BY Chief of Police and Public Safety, Wesley Sheets 		ASSIGNED TO GROUP(s): 6

**I. PURPOSE**

The purpose of this policy is to provide direction and guidance for The Pennsylvania State University Police and Public Safety (UPPS) Department employees in the enforcement of the Pennsylvania Vehicle Code, and practices associated with maintaining safe and efficient movement of traffic.

**II. POLICY**

It is the policy of UPPS to promote the safety of the public through equitable enforcement of traffic laws. The goal of enforcement is to generate voluntary compliance with those laws and in so doing to prevent traffic related deaths, injuries and property losses, as well as to facilitate the efficient and orderly movement of traffic.

**III. TRAFFIC ANALYSIS / SELECTIVE ENFORCEMENT**

- A. The goal of selective traffic enforcement is to reduce traffic collisions. This will be achieved through the geographic assignment of personnel and the establishment of preventive patrols to deal with targeted driving behavior.
- B. Selective enforcement efforts will be based on collision data, enforcement activity records, traffic volume and traffic conditions.
- C. Selective enforcement activity first requires a careful analysis of vehicle crashes. The analysis determines the violations that mostly contribute to crashes and the locations where these violations occur. Armed with this information, patrols can direct their enforcement efforts to the violations that mostly contribute to crashes.
- D. The Executive Deputy Chief or designee will compile and perform a review of calendar year statistics of vehicle collisions and selective enforcement activities (61.1.1 a, b). The review will include location, time and violation factors as well as seasonal influences that may result in increased traffic volumes and/or collisions.
- E. A comparison of collision data and enforcement activities will be performed, which will enable the Executive Deputy Chief or designee to direct where selective traffic enforcement will be performed. The Executive Deputy Chief or designee will provide patrol supervisors with the documented review and recommendations on giving directions for providing selective enforcement activities (61.1.1c).
- F. Selective deployment of personnel will be at the times and locations where the review has shown significant numbers of violations and/or accidents to have occurred. The selective enforcement activities will be implemented with the use of concentrated traffic enforcement at problem areas throughout the commonwealth (61.1.1e).

- G. The evaluation and/analysis of selective enforcement activities will occur as directed by the Executive Deputy Chief, minimally on an annual (calendar year) basis and may include the following (61.1.1f):
  - 1. Type of enforcement activity;
  - 2. Amount of enforcement activity; and
  - 3. Temporal data (time, day of week, etc).
- H. All patrol supervisors will be provided with copies of the evaluation and analytical reports to monitor the progress of their employees.
- I. Referencing policy 5.11 Officer Discretion and Arrest Alternatives, a contact card will only be required for traffic stops. The contact card will need to be completed whether a citation or Faulty Equipment Card is issued or not.

#### **IV. ENFORCEMENT TECHNIQUES (61.1.1D)**

- A. Employees may employ a variety of techniques to accomplish traffic enforcement activities. These techniques include, but are not limited to:
  - 1. Visible general or traffic patrol;
  - 2. Directed traffic; and
  - 3. Stationary observation of traffic overt (visible).
- B. Because the most effective way to deter traffic law violations is through visible patrol in a marked police vehicle, the goal is to prevent violations instead of apprehending violators. Consequently, it is particularly important that employees drive their patrol vehicles in accordance with applicable laws and in a way that displays exemplary driving behavior (61.1.6a).
- C. In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, employees must park in a conspicuous location and in a way that does not impede the flow of traffic (61.1.6b).
- D. The use of unmarked vehicles and special purpose vehicles is generally not authorized solely for traffic enforcement activities and must be approved by the employee's immediate supervisor. When unmarked or special purpose vehicles are used, officers will be in full uniform (61.1.6c).
- E. The use of roadside safety checks is prohibited (61.1.6d).
- F. Enforcement Actions
  - 1. Officers will use appropriate discretion or take the appropriate actions(s) in enforcing Commonwealth and local traffic laws in accordance with the general guidelines established in this policy. Officers will not discriminate against any individual or group because of race, color, creed, religion, gender, sexual orientation, age, national origin, or ancestry.
    - a. Warnings - Warnings in lieu of a traffic citation may be issued at the discretion of the officer. Verbal warnings are authorized; however, written warnings are preferred (61.1.2c).
  - 2. Traffic Citations - Traffic citations should be issued to violators who jeopardize the safe and efficient flow of vehicular or pedestrian traffic with a hazardous moving violation or a violator who operates an unsafe or improperly equipped vehicle or when the officer has reason to believe that a warning will not gain compliance with the law (61.1.2b).

- i. A traffic citation will be issued on scene unless there are circumstances that require further investigation, such as a traffic crash or if someone is under suspension. If not issued on scene, the citation must be filed within thirty (30) days of the violation and identity of the violator. The thirty (30) days start once the officer knows the identity of the violator.
- b. Arrest – Officers may make a physical arrest in the following circumstances (61.1.2a):
  - i. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants;
  - ii. Whenever a felony has been committed involving a vehicle;
  - iii. Whenever the operator has no valid operator license and cannot prove his/her identity, or is operating a motor vehicle with their operator's license suspended; or
  - iv. When the officer has reason to believe and can articulate that belief, that the operator will present a continued threat to the safety of vehicular or pedestrian traffic;
  - v. Officers must ensure they have both probable cause AND statutory authority before making any custodial arrests.

#### G. Specific Enforcement Situations

The following are guidelines to policing specific situations

1. Driving While License Suspended or Revoked (61.15b)  
 Officers may issue a citation and release for offenses of Driving While License Suspended or Revoked. These violators are to be cited particularly if it is a second or subsequent offense. Individuals cited are not to drive their vehicle from the scene. The vehicle can be towed or removed by a licensed driver if present.
2. Moving Violations (61.1.5c)  
 Violations such as careless and reckless driving are to be either handled as citations or on criminal complaints when there are misdemeanor or felony offenses in addition to the summaries. Officers will consider the severity of the hazard, location and previous accident history.
3. Non-moving Violations (61.1.5d)  
 When a non-moving violation has occurred, officers will use discretion and either a citation may be issued, or a warning (written or verbal) may be given.
4. Public Carrier/Commercial Vehicle Violations (61.1.5e)  
 These classes of vehicles are subject to the same enforcement procedures as any other vehicle.
5. Multiple Violations (61.1.5f)  
 The emphasis of the UPPS traffic enforcement program focuses on obtaining voluntary compliance. The issuance of multiple violations during a single incident should only be made after consideration of the seriousness of the infractions and the totality of the circumstances.
6. Newly Enacted Laws and/or Regulations (61.1.5g)  
 When new laws and/or regulations are passed and become effective, the enforcement guidelines prescribed within the text of each new law/regulation will be followed. Procedures regarding the enforcement of newly enacted regulations

will be determined by the Executive Deputy Chief on a case by case basis. When determining enforcement procedures, factors which may influence how the regulation is enforced may include:

- a. The content of the law/regulation;
- b. Commonwealth mandated policies; and
- c. Other mitigating factors.

7. Enforcement at Traffic Crashes (61.1.5h)

- a. Enforcement action may be taken because of an accident investigation when the evidence gathered because of investigation provides the officer with evidence sufficient to prove a traffic violation beyond a reasonable doubt.
- b. An officer should never make a traffic arrest because of a traffic crash investigation when there are conflicting versions of the crash and there is no witness or evidence to verify one version and discount the other.
- c. In a hit and run traffic accident, the officer must prove who the operator was at the time and that the operator should have reasonably known that the crash occurred.

8. Pedestrian and Bicycle Violations (61.1.5i)

- a. Pedestrians are required by Pennsylvania Motor Vehicle Code to cross roadways perpendicular to the roadway and at crosswalks where crosswalks are provided. Pedestrians are required to cross signalized intersections with the green signal where specific pedestrian controls are not present.
- b. Pedestrians may be detained for the purpose of issuing a citation for pedestrian violations. The pedestrian does not require a driver's license, nor should a driver's license number be included on a citation.
- c. Motorists are required to stop and remain stopped for a pedestrian crossing a roadway at a crosswalk.
- d. Any bicyclist of any age may be issued a citation for any violation of the motor vehicle code. Bicycles must follow the same rules of the road as motor vehicles.

H. Restrictions and Requirements for Certain Violators (61.1.3)

- 1. Out of state residents of the service area are to be held to the same standard as residents. While out of state residents may be taken to the magisterial district judge (MDJ), this would occur only in an unusual circumstance and with the permission of the supervisor/station commander. (61.1.3a)
- 2. If an officer issues a traffic citation or makes a DUI arrest of a known legislator, the supervisor/station commander is to be notified immediately. The supervisor/station commander is to notify the Executive Deputy who will notify the Chief of Police immediately (61.1.3c)
- 3. Members of the military are to be handled as any other adult. No notifications are necessary for routine issuance of a citation (61.1.3e).

**V. TRAFFIC SAFETY EDUCATIONAL MATERIALS (61.4.4)**

- A. Coordination of traffic safety educational programs will be responsibility of the Community Policing Unit supervisor.
- B. The UPPS public information officer (PIO) will develop a traffic safety education communications plan as needed and appropriate.

- C. Routine media inquiries regarding traffic safety matters may be fielded by the shift supervisor, station commander, PIO, or another employee specifically designated based on their knowledge of the subject matter.
- D. Traffic safety literature will be made available at all stations.
- E. Subject to the approval of the Executive Deputy Chief, UPPS will offer its assistance and/or consultation to any law enforcement agency or community organization working for the enhancement of traffic safety.

#### **VI. TRAFFIC CITATION MAINTENANCE**

- A. At University Park, officers may request blank citations directly from records. For Commonwealth Campuses, Station Commanders will acquire citations from the local courts for which they can issue to officers at their station. Officers needing citations will contact their Station Commander in person or via email to have blank citations issued to them. Station Commanders will maintain a log of which citations are issued to which officers (82.3.4a).
- B. Officers will submit completed citations into their supervisor/station commander. A copy of the issued citations will be stored at the applicable station and a copy will be sent to the Records Unit to be stored in a secured cabinet. If there is a need for a copy of a citation for court, the officer will either make their own copy prior to submitting the citation or contact Records for a copy (82.3.4b).
- C. For secure storage and accountability, blank traffic citations will be maintained in a locked cabinet by the Records Unit or by the Station Commander. In instances where employees leave the UPPS, or where courts change information on the citations, the blank citations not used by an officer will be returned to their Station Commander or the Records Unit (82.3.4c).

#### **Updates:**

- 9/28/23
  - Title changes made