



TRAFFIC ENFORCEMENT & UNIFORM TRAFFIC TICKET PROCEDURES		
new: ✓ rescinds: 47.1 ✓ amends: all previous		cross-reference:
effective date: December, 2011		accreditation standards: NYSLEAP Standard(s): 40.1, 43.1, 47.1 & 47.2
amend date: October, 2022		

I. PURPOSE

The purpose of the Order is to establish and describe the policies and procedures for conducting traffic law enforcement activities.

II. POLICY

It is the policy of the Tompkins County Sheriff's Office to provide for the safe and orderly flow of traffic in an around Tompkins County by encouraging public compliance with traffic laws, and to enforce the Vehicle and Traffic Law and other traffic-related laws in an equitable uniform manner. This office will promote the education of the public about proper driving procedures, while recognizing and taking steps to minimize the dangers involved in motor vehicle stops for officers, motorists, and other users of the roadway.

III. RESPONSIBILITY FOR TRAFFIC LAW ENFORCEMENT

- A. Personnel assigned to patrol services shall have primary responsibility for the enforcement of the New York State Vehicle and Traffic Law and applicable parking ordinances.
- B. Patrol supervisors shall be responsible for:
 - 1. Supervising the traffic enforcement activities of patrol officers;
 - 2. Reviewing traffic enforcement documents for accuracy and completeness;
 - 3. Ensuring inspection of traffic enforcement equipment.

IV. TRAFFIC ENFORCEMENT OPERATIONS

- A. Patrol personnel shall conduct visible traffic enforcement operations to include:
 - 1. Area Patrol: The moving or stationary observation in an area that includes a number of streets or sections of highway.

2. Selective Enforcement: Enforcement specifically directed by supervisory personnel based on specific traffic accident or enforcement data, to include community complaints.
- B. Traffic enforcement operations shall include covert and overt observation of violations. Covert observation involves placement of the patrol vehicle in a position or location concealed from the view of motorists on the roadway. Overt observation involves the conspicuous positioning of the police vehicle in such a manner that it is readily visible to motorists.
 - C. Only marked patrol vehicles may be used for routine traffic law enforcement. The use of an unmarked vehicle as part of or a specific traffic enforcement detail shall be done only with prior approval from a Lieutenant or higher authority. An officer in an unmarked vehicle, not involved in a traffic detail, shall only conduct traffic enforcement for a serious/hazards violation that occurs in their presence or for necessary investigative tactics.
 - D. The office may utilize roadside safety checkpoints at the direction of the Undersheriff or Sheriff to supplement regular enforcement activities.
 - E. Speed detection equipment and License Plate Reader Systems/Devices may be used by officers engaged in traffic law enforcement activities. Officers using speed detection equipment will be certified by the New York State Division of Criminal Justice Services, Office of Public Safety, in the operation of those devices. *See G.O. 803 Speed Measuring Devices and G.O. 804 Automated License Plate Recognition Systems.*
 - F. Officers will not take any police actions, nor will they refrain from taking any police actions, based upon a person's race, color, gender identity, sexual orientation, religion, disability, or ethnic or national origin, nor will they engage in bias-based profiling. The Tompkins County Sheriff's Office will not tolerate biased-based profiling/policing or other inequitable or biased based police actions. *See G.O. 700 Equitable Policing.*

V. **TRAFFIC ENFORCEMENT DISCRETION**

- A. Officers shall take appropriate enforcement action for traffic violations witnessed by them. They may use discretion in determining the nature of the enforcement action taken (i.e. verbal warning, UTT, etc.) in cases of minor violations. If the decision is made to not issue a citation for the violation, officers shall render proper guidance to deter the conduct.
- B. When determining an appropriate course of action in a traffic enforcement situation, officers should consider:
 1. The severity of the violation;
 2. The state of mind and intent of the violator;
 3. The road, traffic, and weather conditions in the area;
 4. The danger posed to the public by the violation;
 5. Whether the violation resulted from a recently enacted or possibly unfamiliar law;

6. The credibility of mitigating circumstance cited by the violator; and
 7. Whether the violation resulted in a motor vehicle accident and/or injury.
- C. Discretionary action may be restricted by competent authority or by the office in those areas of directed patrol or selective enforcement requiring stricter attention to enforcement or where community needs warrant formal charges. Verbal warning shall not be used to evade resolving the situation properly.
- D. When appropriate, the violator may be processed in the field and released on a Uniform Traffic Ticket (UTT) for arraignment at a later date. *See G.O. 709 Arrest Procedures and G.O. 710 Appearance Tickets.*
- E. Officers shall not differentiate between resident and non- resident violators when determining appropriate enforcement action.
- I. Non-Residents
1. The Uniform Vehicle Code regarding Traffic Signs and Regulations is consistent throughout the United States. Non-residents are rarely subject to inconsistent or unfamiliar signs unless the regulation in question is unique to one of the local colleges/university. In determining what course of action to follow with non-resident violator officers will apply the same objective criteria outline above.

VI. **TRAFFIC STOPS**

- A. Officers may stop vehicles only based upon reasonable suspicion or reasonable (probable) cause to believe that the driver or other occupants are in violation of law. This may include commission of a traffic violation or reasonable suspicion of involvement in criminal activity. Officers should be prepared to articulate the actual reason why they made the stop.
- B. When making a traffic stop, officers should select a stopping area that allows maximum visibility of the patrol vehicle and its emergency lighting. Officers should avoid stopping vehicles in hazardous areas such as curves, hillcrests or intersections. Officers should attempt to select an area where there is sufficient room off the roadway for both the patrol vehicle and the stopped vehicle.
- C. When appropriate, officers should stop the violator's vehicle as soon as practical after the traffic offense has been committed. When initiating a traffic stop, officers should:
1. Turn on the emergency lights. The officer's use of emergency equipment shall be guided by *G.O. 727 Emergency Response/Pursuit Driving*;
 2. Activate the officer's On Body Recording Device (OBRD). The officer's use of the OBRD shall be guided by *G.O. 705 Use of On-Body Recording Devices*;
 3. If necessary, use the siren to attract the violator's attention;

4. Leave adequate space between the police vehicle and the violator's vehicle in case of an abrupt stop by the violator;
 5. Park both vehicles off the roadway with the police vehicle approximately three feet (3') to the left of the violator's vehicle and at least twelve feet (12') behind it. The violator's license plate should be in sight over the top of the police vehicle hood;
 6. Put transmission into park while observing occupants of violator's vehicle;
 7. At night, illuminate the stopped vehicle with the police vehicle headlights, spotlight and takedown lights.
- D. Officers conducting traffic stops must inform the Dispatch Center that they are stopping a vehicle, and provide the Dispatch Center with the following information **before** exiting their vehicle, unless doing so creates a safety risk for the officer:
1. The exact location and closest cross-street;
 2. The license plate number and State of origin of the vehicle;
 3. If the license plate is obstructed or missing, a brief description of the vehicle.
- E. When approaching the stopped vehicle officers should:
1. Observe the occupants at all times as they may try to conceal or discard some form of weapon or contraband;
 2. Check for oncoming traffic before exiting the police vehicle;
 3. Approach the stopped vehicle with caution. Utilize a passenger-side approach when appropriate;
 4. Keep their gun-side hand free. At night, keep the flashlight in their non-gun-side hand;
 5. Visually scan the rear seat and floor area of the stopped vehicle for concealed passengers, weapons, or contraband;
 6. Visually scan the vehicle's ignition components, as tampering may indicate a stolen vehicle;
 7. Accept the driver's license and registration with the non-gun-side hand;
 8. Officer should avoid reaching into a stopped vehicle;
 9. Officers should never turn their back on the occupants of the vehicle.

F. When speaking to the driver of the stopped vehicle, officers should:

1. Be alert and businesslike. Officers should be cognizant that this can be a stressful event for the driver and occupants of the stopped vehicle. The courtesy and positive image that is shown by the officer will not only make this contact less confrontational but will also enhance the image of the officer and the Office.
2. When speaking to the violators, officers may control or reduce the possibility of conflicts from violators by using appropriate verbal techniques, such as:

Greeting

- Begin the stop by greeting the driver. (Example: Good evening) More than likely the officer is dealing with an average community member.

Identification of yourself and the Office

- Tell the driver who you are. (Example: I am Deputy Brown of the Tompkins County Sheriff's Office). Identifying yourself establishes command presence, clarity, and the officer's authority.

Reason for the stop

- Advise the driver of the reason(s) for stopping them (Example: The reason I stopped you is that I observed that you did not stop as required at the stop sign). DO NOT ask questions like, "Do you know why I stopped you?" Once you state the reason(s) for the stop immediately move to the next step.

Justification

- Ask the driver if there is a reason for their actions. (Example: Is there some reason for exceeding the speed limit this evening?) There may be a justification reason, such as women giving birth or injured person in the vehicle on the way to the hospital. If there is no justification reason, move onto the next step.

Driver license and vehicle documents

- Politely request to see the operator's driver license, vehicle registration and proof of insurance. Be sure to ascertain the location of the documents before allowing the driver to retrieve them (i.e., are they in the glove box, a purse, etc.). Also ask any clarification questions at this time (i.e., is this your current address, etc.).
3. Should the violator refuse to follow lawful instructions or refuse to provide basic identifying information, the officer should, if circumstances allow, request another unit to assist and request a supervisor. Decisions made in these situations should be based on a totality of articulable circumstances;
 4. Check for signs of physical impairment or illness, emotional distress, alcohol or drug abuse;
 5. Depending on the circumstances the officer may require the driver and/or occupants to either remain in the vehicle or exit the vehicle for safety reasons;
 6. Do not allow the violator to sit in the front seat of the patrol vehicle when issuing a UTT.

7. Whenever officers suspect the status of a driver or occupant, they may run a local and/or NCIC check for warrants on the driver and/or occupants. The check should be run out of the subject's hearing if possible.
8. When writing and issuing a UTT, officer should:
 - a. Periodically observe the vehicle, its driver and passengers. If, during the ticket issuing, any of the occupants leave the stopped vehicle, cease writing and direct their attention to them to prevent an accident, injury or any other adverse incident;
 - b. UTTs will be generated by utilizing the office's Traffic and Criminal Software (TraCS) system. If TraCS is not available, UTTs will be manually written out.
 - When not using TRACS use a BLACK ballpoint pen and press firmly to ensure legibility of all copies;
 - Print all information in block letters except for the officer's signature. Do not erase mistakes. Draw a single line through the error and print the correct information above or consistent with departmental procedure, void the ticket and issue a new one; and
 - Make notes regarding the details of the violation and the stop in the space provided on the back of the ticket
 - c. UTTs will be completed and made returnable to the applicable Court.
 - d. Officers shall complete UTTs in accordance with the provisions of the New York State Department of Motor Vehicle's Traffic Safety Law Enforcement and Disposition Program Officer's Handbook and TRACS Guide
 - e. The violator should be advised of the court appearance date, requirements to appear in court, and the court location (as shown on the front of the UTT, section entitled "You are Hereby Directed to Appear");
 - The violator should also be advised of the plea by mail instructions on the back of the ticket. "Plea By Mail" may not be used for misdemeanor traffic offenses;
 - Officers should also advise the violator of any other pertinent information, i.e., not driving uninspected or uninsured vehicles;
9. The United States Supreme Court has held that officers may not extend or prolong traffic stops without reasonable, articulable suspicion to conduct further criminal investigation. (Rodriguez v. United States, 575 U.S. 348 (2015): A stop may "last no longer than is necessary to effectuate the initial purpose of the stop... Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed." A traffic detention must last no longer than necessary to resolve the suspected traffic violation, either by warning, citation or hearing an explanation from the driver. The detention and investigation must be reasonably related to the initial reason for the stop, unless other factors support additional reasonable suspicion (United States v. Hill, 852 F.3d 377 (4th Cir. 2017);

United States v. Gil, 204 F.3d 1347 (11th Cir.), cert. denied, 531 U.S. 951 (2000)). Any further detention must be supported by reasonable suspicion of more serious criminal activity.

10. If probable cause is established to search the vehicle, the belongings of passengers may be searched, provided that the belongings are capable of concealing the type of object for which officers have probable cause to search the vehicle.
11. Where fruits or instrumentalities of a crime are uncovered during the search of a vehicle, the driver and any and all passengers may be arrested. In order to do so, the officer must have probable cause to believe that such passengers had common knowledge of and control over the illegal items or evidence or were engaged in a common enterprise with the driver to conceal the fruits or evidence of a crime.
12. Upon the completion of the traffic stop, the officer should assist the operator back into the flow of traffic.
13. TraCS UTTs can only be voided/deleted by a Sergeant or high authority.
14. Any additional information requested by the Court or District Attorney's Office of the issuing officer, such as a Supporting Deposition, shall be completed and submitted in a timely manner.
15. Officers shall be sure to properly transfer UTTs from the vehicle MCT to the Office's data base. Once downloaded to the database the TRACS UTT will be electronically transmitted to the central court depository to be disseminated to the proper local court. If an officer completes a hand written UTT, they are a responsible for the delivery of the court copy.
16. TRACS data base will be monitored by an assigned UTT officer to keep track of UTTs sent electronically as well as hard copy (paper) UTTs issued.

VII. OFF ROAD VEHICLES

- A. When investigating violations involving off-road recreational vehicles (i.e., snowmobiles, ATVs), officers will enforce laws pertaining to the operation and registration of off-road vehicles as they would any other motor vehicle violation, to include violations of NYS Vehicle and Traffic Laws and NYS Parks and Recreation Law for off road vehicles.

VIII. PUBLIC CARRIERS OR COMMERCIAL VEHICLES

- A. Officers investigating violations involving public carriers of commercial vehicle may request assistance from outside law enforcement agencies specializing in commercial vehicle enforcement (i.e., NY State Police).

IX. JUVENILE TRAFFIC VIOLATORS

- A. Juvenile traffic violators shall be processed in accordance with the provision of *G.O. 1004 Juvenile Contact & Arrest Procedures*.

X. DIPLOMATIC & CONSULAR IMMUNITY

- A. Law enforcement action involving foreign diplomatic and consular personnel shall be administered in accordance with the provision of *G.O. 506 Diplomatic Immunity*.

XI. HIGH RISK TRAFFIC STOPS

- A. High risk traffic stops are defined as stops characterized by any one of the following factors: presence of a weapon, information that the vehicle or occupant(s) are engaged in felonious behavior, physically aggressive occupant(s), or any other factors the officer can articulate that heighten the threat level.
- B. When conducting high-risk traffic stops, officers should adhere to the following procedures:
1. Unless absolutely necessary, DO NOT attempt to immediately stop the vehicle;
 2. Take time to formulate a plan of action and request back-up assistance, if at all possible wait for assistance before conducting a high-risk traffic stop;
 3. Notify the Dispatch Center of the circumstances of the stop, location and direction of travel;
 4. When the vehicles have stopped, immediately exit your vehicle and consider using your vehicle as cover (ideally utilizing the rear of the vehicle);
 5. One police vehicle should be positioned behind the suspect vehicle with adequate distance for safety. A second police vehicle should be parked alongside the first with room between the two, allowing the second officer an unobstructed view of the suspect's vehicle (passenger side). A third officer could be used to take subjects into custody and offer additional cover;
 6. Only one officer should give verbal commands to the occupants of the vehicle, using slow, simple, and clear commands;
 7. Order all occupants to raise their hands and place them on the windshield or headliner, fingers spread apart;
 8. Consider having the driver lower all the windows to the vehicle using electric window controls if applicable. This will increase officer's view to the inside of the vehicle and assist in removing the occupants;
 9. Order the driver to slowly reach for the ignition with his left hand, turn the vehicle off, remove the keys and drop the keys outside of the window;
 10. Order the driver to exit the driver's side of the vehicle:

- a. If there are multiple occupants remove the front seat passengers first, one at a time, consider having them exit the vehicle through the passenger side for safety;
- b. The first occupant to exit should be ordered to slowly reach out the window and open the door via the exterior handle, keeping his arms extended outward, leaving the door ajar after exiting. Each additional occupant should be ordered to place both of his arms out the door opening while exiting;
- c. One at a time, each occupant is ordered out of the vehicle, advised to walk slowly to a pre- designated area, ordered into a prone or kneeling position, then handcuffed and secured by assisting officers;
- d. When all visible persons are removed and secured the suspect vehicle should be carefully cleared for persons lying on the floor hiding;
- e. When the interior of the suspect vehicle has been cleared the trunk should be carefully checked for occupants.

By Order Of



Derek Osborne
Sheriff