

	<b>FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES</b>	
	<b>OPERATIONS</b>	
<b>400.00</b>	<b>APPROVED:</b> <i>Brian Layton, Chief of Police</i>	<b>Initiated:</b> 10/01/2007
		<b>Revised:</b> 04/01/2025  <b>Reviewed:</b> 04/01/2025

**PURPOSE** – The purpose of this Directive Section is to provide guidance and procedure for traffic related incidents and enforcement.

**POLICY** – It is the policy of the Department that all personnel are familiar with the procedures outlined in this Directive Section and to manage traffic incidents as described in the following directives.

## TRAFFIC ENFORCEMENT

**400.00 – Selective Traffic Enforcement** – The police department engages in selective traffic enforcement, the objective of which is to allocate enforcement efforts based on the location and frequency of traffic collisions and other violations.

**400.01 – Traffic Analysis** – It is the responsibility of the department's crime/traffic analyst to compile, review, and compare data regarding traffic collisions and enforcement activities and then generate reports as needed, based on those data. In order to ensure that the reports are accurate and sufficiently representative of traffic safety, violation, and enforcement trends, the analyst will include an appropriate amount of previous data with which to make an effective comparison. Additionally, reports will take into consideration seasonal fluctuations of traffic volume and accidents. A documented review of selective traffic enforcement activities shall be completed annually. [61.1.1, a, b, c, f]

**400.02 –Application of Traffic Analysis Data**– Traffic analysis reports will be forwarded to and reviewed by the Patrol Division Commander, Chief of Police and Accreditation Manager. Upon review, selective enforcement techniques and procedures may be implemented or revised to address identified areas requiring action. The Patrol Division Commander will deploy Patrol personnel in a manner to best address each situation. [61.1.1, d, e]

**400.03 – Traffic Enforcement Action Incidental to Traffic Violations** – This department employs both punitive and non-punitive actions to enforce traffic laws; the distinction between punitive and non-punitive methods of enforcement is contingent upon the degree and severity of the violation. Punitive actions include physical arrest or written summons, while written and verbal warnings are considered non-punitive:

- Physical arrest may occur when a routine traffic violation either becomes criminal in nature (e.g. DUI or DUID) or the Code of Virginia requires the arrest. [61.1.2, a]
- It is the general policy of this department that a uniform summons is issued for almost all traffic violations. Traffic summonses may be settled in court or by paying a pre-determined fine in lieu of a court appearance. [61.1.2, b]
- Code of Virginia § 46.2-936. If any person refuses to give such written promise to appear under the provisions of this section, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody.
- In certain cases, a written or verbal warning can be substituted for a minor traffic infraction where the warning would provide the desired effect. Warnings may be substituted for arrests and summons when circumstances warrant, especially in the case of inadvertent violations. [61.1.2, c]

The department discourages quantitative traffic enforcement activities and, therefore, does not support a “quota system” when enforcing traffic law violations. However, the department will not preemptively restrict the amount of traffic citations or the number and type of warnings that an officer may issue.

**400.04 – Traffic Law Violations: Special Cases** – There are distinct processing requirements for special classes of persons (including non-residents of the City, juveniles, legislators, diplomatic/consular officials, and military personnel) when issuing traffic citations.

**400.05 – Non-residents** – Non-residents of the Commonwealth of Virginia and residents who are not domiciled in the City of Fredericksburg will be treated the same as City residents with respect to traffic violations/citations.

If any person refuses to give such written promise to appear under the provisions of section §46.2-936 of the code of Virginia, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody.

§ 46.2-940. If any person is (i) believed by the arresting officer to have committed a felony or (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936, the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in accordance with the provisions of § 19.2-82. The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

**400.06 – Juveniles** – A juvenile who commits a traffic law violation is routinely issued a uniform traffic summons for his or her appearance in the appropriate court. If the infraction

committed is of a minor nature, a written or verbal warning may be issued in lieu of a summons. If the violation requires physical arrest (e.g. DUI, DUID), the officer is responsible for booking the juvenile and then turning him or her over to an Intake Officer for final disposition.

**400.07 – State Legislators** – Pursuant to § 30-6 of the Code of Virginia, any member of the General Assembly, any clerk thereof or his assistants, the Lieutenant Governor, or the sergeant-at-arms of the Senate or House shall, during the session of the General Assembly, not be arrested on any process issued by or from any civil officer or court five days before, during, and five days after the session of the General Assembly. However, pursuant to § 30-7 of the Code of Virginia, if any member of the General Assembly, any clerk thereof or his assistant, the Lieutenant Governor, or the sergeant-at-arms of the Senate or the House is alleged to have committed a criminal offense as defined in § 18.2-8 of the Code, then he or she shall be charged, arrested, prosecuted and imprisoned for such offense.

**400.08 – Diplomatic and Consular Officials** – Diplomatic and consular privileges and immunities are defined in the laws of the United States and enacted through the United States Department of State. In addition to diplomats and consular officers, there are privileges and immunities afforded to certain other administrative staff members of a diplomatic entourage. Diplomatic and consular officer privileges and immunities as provided by the U. S. State Department are defined in the “Consular Notification and Access” guide.

**400.09 – Military Personnel** – Members of the United States military who are stationed and domiciled within the Commonwealth of Virginia and have been cited for a traffic law violation will be treated the same as a resident driver.

Member of the United States military who have been cited for a traffic violation, are not residents of the state of Virginia, and are stationed outside of Virginia will be treated the same as non-resident drivers.

**400.10 – Traffic Citation Information, Fines, and Schedules** – When a motorist is charged with a traffic offense, he or she will be informed of the charge(s), whether or not he or she may pay a fine in lieu of attending court, and the date on which the court hearing will be scheduled. The General District court provides pre-payment forms that list pre-payable traffic violations and the amount of each fine; a copy of this form will be provided to the violator. Upon completing the Virginia Uniform Summons (VUS), the officer will explain the summons to the violator so that he or she understands the information that is written on the summons form. The officer will check the appropriate box on the summons form if the violator is able to pre-pay his or her fine; usually, unless the traffic offense is determined to be a criminal offense, the violator can prepay the fine to the clerk of the General District court. Additionally, the summons form will indicate the date and time of the hearing as well as the address and telephone number of the court. [61.1.4, a, b, c, d]

Monthly court attendance schedules for police officers are prepared one year in advance. All officers will select one (1) traffic court day and one criminal court day for each month, and the selections will endure for the duration of the year. In order to eliminate the possibility of

significant attendance overlap on the part of officers, the Division Commander will ensure that officers under his or her supervision have different court dates.

**400.11 – Uniform Traffic Enforcement** – The goal of uniform traffic enforcement is to promote voluntary compliance with traffic laws and regulations among motorists, pedestrians, and bicyclists. However, uniform enforcement is not intended to supplant officer judgment, because it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer should be able to exercise discretion and decide what enforcement, if any, is appropriate based on a combination of training, experience, and common sense.

Specific traffic-related laws are listed in §46.2–100 through §46.2–2828, as well as §18.2–266 through §18.2-273 of the Code of Virginia. Uniform traffic enforcement activities are meant to encompass, but are not necessarily limited to, the following violations:

- DUI (61.1.5, a)
- Driving Suspended/Revoked (61.1.5, b)
- Moving Violations (61.1.5, c)
- Non-moving violations (61.1.5, d)
- Public Carrier/Commercial Vehicle Violations (61.1.5, e)
- Multiple Violations (61.1.5, f)
- New Enacted Laws and/or Regulations (61.1.5, g)
- Violations Resulting in Traffic Collisions (61.1.5, h)
- Pedestrian and Bicycle Violations (61.1.5, i)

Traffic violations are usually not criminal in nature, but are considered violations of public order and are managed as a misdemeanor violation. Violations that are felony offenses shall be managed as any other felony offense.

All violations will be documented individually on separate summonses; that is, if a motorist commits three separate traffic infractions, he or she will be issued a summons (or warning, where appropriate) for each violation. [61.1.5, f]

Moreover, the police department will, in conjunction with the Commonwealth's Attorneys Office, remain abreast of all new traffic laws passed by the General Assembly. All new state laws take effect on July 1<sup>st</sup> of each year unless specifically listed with a different date.

**400.12 – Traffic Law Enforcement Practices** – Traffic law enforcement activities are conducted along clearly specified parameters. Generally, officers most often undertake visible area patrols during their tours of duty. However, directed traffic patrols may be deployed if the department determines through traffic analysis, data, or citizen complaints that they are needed. [61.1.6, a]

**400.13 – Overt and Covert Traffic Law Enforcement** – Traffic enforcement practices are typically conducted by means of overt observation, which serves to facilitate voluntary

compliance by both motorists and pedestrians. Covert enforcement by line officers may be conducted only with approval of the Watch Commander and in a directed effort to target specific safety violations. Traffic enforcement may be performed either stationary or mobile. [61.1.6, b]

**400.14 – Marked Police Vehicles** – In an effort to best elicit voluntary compliance by citizens with traffic laws and ensure citizens recognize legitimate police vehicles and officers, the following policy applies for vehicle stops:

- Unmarked category 1 (ref. Directive 330.07) Detective and Administrative vehicles may be used to initiate a vehicle stop and the following criteria must be met:
  1. A distinct need to stop the vehicle exists
  2. A marked police vehicle is not reasonably available to initiate the stop
  3. The officer/detective initiating the stop must be readily identifiable as a police officer. For purposes of this directive, the officer/detective must clearly display his/her badge of authority and (1) be in uniform or; (2) wear external apparel that clearly identifies the officer/detective as a police officer. 61.1.6, c]

**400.15 – Roadside Safety Checkpoints** – Roadside safety checkpoints may only be initiated on the authority of the Watch Commander and for the purposes of locating DUI or drivers who are otherwise impaired; conducting an administrative examination of operator licenses and vehicle registration papers; as well as detecting certain safety infractions (e.g. seat belt and child restraint violations). The decision to establish a roadside safety checkpoint is frequently based upon the recommendation of officers or as a result of citizen complaints or statistical analysis. Care should be taken to not set up a checkpoint at a time or location when it could adversely affect the flow of traffic. [61.1.6, d]

**400.16 – Community Policing Data** – Pursuant to VA Code § 52-30.2. Each time a law enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver:

- the race, ethnicity, age, gender of the person stopped, and whether the person stopped spoke English;
- the reason for the stop;
- the location of the stop;
- whether a warning, written citation, or summons was issued or whether any person was arrested;
- if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged;
- whether the vehicle or any person was searched; and
- whether the law-enforcement officer or State Police officer used physical force against any person and whether any person used physical force against any officers.

Officer shall input this information via their mobile data terminals (MDT) after the completion of the stop and prior to the end of their shift.