

GENERAL ORDER

G.O. 7-611

SUBJECT: TRAFFIC ENFORCEMENT



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INDEX: MOTOR VEHICLE LAW ENFORCEMENT

I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: To set the policy and establish the procedures for traffic law enforcement at the Monroe Police Department.
- B. Responsibility:
 - 1. It will be the responsibility of the Patrol Division Commander, at this Department, to handle traffic-related functions and to handle the areas of specialization that are needed within this field.
 - 2. It will be the responsibility of the Support Services Division, Records Unit, to maintain a traffic records system.
 - 3. It will be the responsibility of the SSD Commander, to disseminate to the supervisors of all affected divisions and units the appropriate accident and enforcement data summaries.

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4. It will be the responsibility of the SSD Commander to conduct traffic analyses by making statistical and visual traffic surveys to determine by location, time and day, the predominant violations causing accidents. This information will be shared with the PD Commander.
5. It will be the responsibility of the SSD Commander to coordinate with the PD Commander to establish what selective traffic law enforcement activity will be conducted.

II. DISCUSSION:

- A. This general order deals with the administrative and support processes that enable this Department to execute its responsibilities for traffic law enforcement. Traffic-support activities include data collection and analysis, formulation of policy and procedures, development of effective techniques, program planning, personnel allocation and utilization, and program evaluation.

III. DEFINITIONS:

- A. CITATION: Any traffic enforcement action that allows a motorist to enter a plea and/or pay the fine by mail, or requires the accused to appear in court, and that contemplates trial adjudication or disposition to determine the guilt or innocence of the person charged with a violation.
- B. DIPLOMATIC IMMUNITY: A principle of international law that is broadly defined as a freedom from State and local jurisdiction accorded to duly-accredited diplomatic officials, their families, official staff, and servants who are not Americans nor permanent residents of the United States. These officials are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense under United States Federal law.
- C. OUI: A person suspected of operating a motor vehicle while under the influence of alcohol or drugs.
- D. HAZARDOUS TRAFFIC LAW VIOLATION: Violation of any law, ordinance, or regulation affecting the use or protection of the streets or highways, and enacted primarily to regulate the safe movement of vehicles and pedestrians. There are two categories of this violation:

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1. Unsafe Behavior: an action or omission in traffic that is hazardous even when vehicles, streets or highways, and people involved are in a safe and legal condition;
 2. Unsafe Condition: a situation in which an illegal and possibly hazardous condition exists such as an unsafe driver or pedestrian in traffic, defective conditions of the streets or highways used by traffic, and/or a mechanically unsound vehicle is being operated in traffic.
- E. NO BAIL COMPACT (NBC): A reciprocal agreement between the State of Connecticut and the participating states that allows the non-physical custody and the posting of no bail by out-of-state operators found to be speeding in this State.
- F. SELECTIVE ENFORCEMENT: The assignment of officers to traffic enforcement activities at times and locations where hazardous or congested conditions are known to exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, and emergency and service needs.
- G. STREET, HIGHWAY: That portion of the roadway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.
- H. TRAFFIC LAW ENFORCEMENT: The law enforcement as it applies to statutes, ordinances, and Connecticut Motor Vehicle Department regulations relating to the use of streets and highways and ownership and operation of motor vehicles and other vehicles.
- I. TRAFFIC LAW ENFORCEMENT ACTION: The part of traffic law enforcement involving arrest, citation, or warning of any person alleged to have violated a law, ordinance, or regulation pertaining to the use of traffic-ways when the person has knowledge of this action and when it is to:
1. Prevent such violation from endangering persons or property or inconveniencing other users of the traffic-way;
 2. Prevent continued violations;

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3. Discourage recurrences.

J. VERBAL WARNING: A warning given orally.

K. WRITTEN WARNING: A warning in which the violator is given a written record of the action at the time of the violation.

L. LAW ENFORCEMENT AGENCY: A municipal police department, the Division of State Police and any other department with authority to conduct a traffic stop.

M. TRAFFIC STOP: Any time a police officer initiates contact with a motor vehicle resulting in the detention of an individual and/or vehicle.

N. RACE AND ETHNICITY: A particular descendant defined as American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Middle Eastern and White.

O. RACIAL PROFILING: The detention, interdiction, or other disparate treatment of an individual solely based on racial or ethnic status of such individual.

P. BIASED POLICING: The consideration of race/ethnicity in carrying out law enforcement activities.

IV. POLICY:

A. It will be the policy of the Monroe Police Department that all officers will promote the safe and expeditious flow of vehicular and pedestrian traffic through effective and efficient traffic law enforcement that will help reduce traffic collisions and their resultant personal injuries, fatalities, and property loss.

B. It will be the policy of the Monroe Police Department that the SSD Records Unit will maintain a traffic record system.

C. It will be the policy of the Monroe Police Department that the SSD Commander will conduct a traffic and enforcement analysis and that based on this analysis, selective traffic law enforcement activity will be conducted using enforcement units from both the Patrol Division and the Support Services Division.

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- D. It will be the policy of the Monroe Police Department that the SSD Commander will conduct an annual evaluation of the selective traffic law enforcement program to ascertain the effectiveness of the program.
- E. It will be the policy of the Monroe Police Department that all uniformed officers will take appropriate enforcement action for each violation of traffic law witnessed or reported to them.
- F. It will be the policy of the Monroe Police Department that all enforcement actions will be accomplished in a firm, fair, impartial, and courteous manner. Officers may stop motor vehicles upon reasonable suspicion that the driver or other occupant committed a motor vehicle violation or other violation of law. Officers must not use a person's race, age, sex or ethnicity as reason to stop a motor vehicle. These factors may not be considered unless they describe a person sought for a particular offense.

V. PROCEDURES:

- A. SELECTIVE TRAFFIC LAW ENFORCEMENT FUNCTIONS: The ultimate goal of selective traffic enforcement is to reduce traffic accidents. The procedures for selective traffic enforcement include:
 - 1. ANALYSIS OF TRAFFIC ACCIDENTS: Refer to section 3 of this subparagraph;
 - 2. ANALYSIS OF TRAFFIC ENFORCEMENT ACTIVITIES: The analysis will include a comparison of traffic complaints received, traffic accidents recorded, and citations issued to determine if adequate enforcement is being applied to the identified high-risk locations.
 - 3. IMPLEMENTATION OF SELECTIVE ENFORCEMENT TECHNIQUES AND PROCEDURES: Selective traffic law enforcement will be conducted in those areas where analysis of traffic accident data, enforcement activity records, traffic volume, and traffic conditions indicate that special attention is needed.
 - 4. DEPLOYMENT OF TRAFFIC ENFORCEMENT PERSONNEL: Officers will be deployed through geographical/temporal assignments to deal with specific categories of unlawful driving behaviors.

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5. EVALUATION OF SELECTIVE TRAFFIC ENFORCEMENT ACTIVITIES: A statistical analysis comparison will be made, if possible, of the selective enforcement target before and after the selective enforcement.

B. ENFORCEMENT ACTION PROCEDURES: These procedures establish guidelines to ensure that enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Warnings, written or verbal, could be substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. These procedures acknowledge that both qualitative and quantitative emphasis are integral parts of this Department's traffic enforcement program. Enforcement action incidental to traffic law violations include:

1. PHYSICAL ARREST: All officers will effect the physical arrest of any person found to be in violation of the traffic laws pertaining to:

- a. Driving while under the influence of alcohol and/or drugs;
- b. Driving while under a court or a Connecticut Motor Vehicle Department order suspending the person's privilege to operate a motor vehicle in this state;
- c. Any offense involving an accident resulting in death;
- d. Those violations which involve a person who resides out of state, unless subject to the NBC;
- e. There may be other violations for which an operator should be physically arrested. All decisions relating to physical arrests must be based on sound legal interpretations coupled with good judgment and discretion.

2. CITATIONS (Notices to Appear): Citations are applicable in most cases for those violators who commit minor, misdemeanor traffic offenses that jeopardize the safe flow of vehicular and pedestrian traffic, whether those violations are moving, parking, or equipment.

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3. **WARNINGS:** Written and verbal warnings are the proper alternative employed by field officers in response to minor traffic violations committed in those areas where traffic accident potential is minimal.

C. **SPECIAL PROCESSING REQUIREMENTS:** Particular situations which, by legislative mandate, require a law enforcement response of a different nature than would be required under normal circumstances. The following procedures are for handling traffic law violations committed by:

1. **OUT-OF-STATE RESIDENTS:** The following are procedures for out-of-state residents:

a. **NBC State Residents:** Residents of states that do belong to the NBC will be issued a citation and released at the scene of the motor vehicle stop without the need to post bail, contingent upon the signing of the citation;

b. **Non NBC State Residents:** Residents of states that do not belong to the NBC will be taken into custody and required to post a bond in accordance with the uniform bond schedule. Violators unable to post bond will be presented in court at the very next court session.

2. **JUVENILES:** Juveniles, with the exception of 16 & 17 year olds, who commit traffic violations are operating without a valid operator's license in this state, in addition to the original traffic violation(s) committed. Juveniles will be taken into custody and the arresting officer will adhere to the procedures set forth in General Order 5-441, Juvenile Unit Administration and Operation; paragraph V, subparagraph B, section 6, subsection a through h.

3. **LEGISLATORS:** Connecticut state legislators who are duly sworn and are traveling to or from an official session of their respective legislative house, should not be detained except for a felony or very serious misdemeanor violation.

4. **FOREIGN DIPLOMATS:** Foreign diplomats and consular officials should be accorded their respective privileges, rights, and immunities as directed by international law and federal statutes. Procedures for handling "immune from law" persons:

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- a. Identify: Career consular officials can be identified by credentials issued by the United States State Department. The State Department credentials bear its seal, the name of the official, the official's title, and the signatures of State Department officials. The following have diplomatic immunity:
 1. Ambassadors;
 2. Minister Counselor;
 3. Counselor;
 4. First Secretary;
 5. Second Secretary;
 6. Attaché.
- b. No Physical Arrest: When persons immune from law are stopped for a moving violation, the officer, upon being advised by the driver of their status and having verified their credentials, should exercise discretion based upon the nature of the offense. Options for the officer handling an "immune from arrest" operator:
 1. Any motor vehicle violation: The officer may issue a verbal or written warning or even proceed with a citation. The issuance of a citation does not constitute an arrest or detention under these circumstances;
 2. OUI: In those cases where driving under the influence is suspected, the officer's primary responsibility is to care for the individual and insure the safety of the public. One of the following options may be exercised by the officer:
 - a. Transport the individual to police headquarters where arrangements can be made for an immediate release to a friend or relative who will accept responsibility; or

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- b. Cause the Communications Unit dispatcher to call a contact person provided by the operator and request that the person come to the scene and take responsibility of the operator and vehicle; or
 - c. The individual should not be handcuffed or subjected to any sobriety test.
- 5. **MILITARY PERSONNEL:** Military personnel will be afforded consideration when traveling to or from a duty station. However, they are not immune from any prosecution. Armed forces personnel include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and reservists on active duty. Military personnel procedures:
 - a. **Physical Arrest:** When a physical arrest is made of an active member of the armed forces, the PD supervisor will cause the notification of the liaison officer of the nearest armed forces investigative division headquarters.
 - b. **Traffic Accident:** The PD supervisor will cause the appropriate notification to be made when armed forces personnel are involved in a traffic accident, and are either killed or injured to the extent that they require hospitalization. This will also apply to civilian employees of the armed forces while acting within the scope of their employment.
 - c. **Seized Government Property:** In any situation where United States government property or equipment is seized, towed, or confiscated, the appropriate governmental unit will be notified.
- D. **TRAFFIC CITATIONS:** It is essential that officers fully explain the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. At the time a motorist is charged with a violation, the citing officer will provide the motorist with a copy of the citation and an explanation of the procedures which include:
 - 1. The date, time, and location of the scheduled court appearance;

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2. Whether court appearance by the motorist is mandatory;
 3. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail;
 4. The specific charge(s).
- E. UNIFORM TRAFFIC LAW ENFORCEMENT: The ultimate aim of a uniform traffic law enforcement activity is to achieve voluntary compliance with traffic laws and regulations. To achieve this goal, this directive establishes guidelines for uniform traffic law enforcement for routine situations. These guidelines or procedures cannot and should not supplant officer judgement, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual cases, the officer must decide what enforcement action is proper based on a combination of training, experience, and common sense. The following are procedures for routine traffic law violations:
1. OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH (OUI): The following are OUI enforcement procedures. Officers should:
 - a. Recognize and identify specific driving behavior that signifies that the operator may be under the influence;
 - b. Recognize and identify specific personal behavior that occurs during the stop that indicates that the operator may be under the influence;
 - c. Use caution in pursuing suspected intoxicated operators and be alert for unexpected reactions;
 - d. Avoid prolonged pursuit and apprehend as soon as possible in a safe location;
 - e. Advise the Communications Unit personnel of the location and vehicle description prior to the stop;
 - f. Not allow the operator to drive the vehicle once the operator is suspected to be under the influence;

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- g. Interview passengers to obtain information pertinent to the case at hand;
 - h. Request that the operator exit the vehicle and move to a safe location so that the officer can administer the field sobriety tests;
 - i. Make the appropriate arrest decisions based upon the probable cause that the officer has developed;
 - j. Follow the OUI handling procedures outlined in subparagraph K of this paragraph.
2. **SUSPENDED DRIVING PRIVILEGES:** The officer frequently encounters drivers who are unable to produce a valid driver's license. This could be due to operator forgetfulness but may also be by court order or a state motor vehicle department directive. The officer should cause an NCIC/COLLECT System check by name and date of birth for the current status of driving privileges and wants or warrants. Suspension procedures:
- a. **Failure to Carry License:** If the officer determines that the operator has failed to carry a driver's license, but the license is valid, the officer should cite the operator with "Failure to Carry License"; Section 14-213 CGS;
 - b. **Unlicensed Operator:** If the operator does not have a valid operator's license, the officer should cite the operator for "Operating Without a License"; Section 14-36a CGS;
 - c. **Suspended Operator:** Whether the violator has a Connecticut license, another state license, or has no license at all, and the violator's driving privileges have been revoked or suspended in this state, the officer should cite the violator for "Operating Under Suspension"; Section 14-215 CGS. If the violator resides in another state and the violator's driving privileges have been revoked or suspended in that state, the officer should cite the violator for "Operating Without a License"; Section 14-36a CGS;

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- d. Arrest and Custody: If the operator's license has been determined to be suspended in this state, the officer should place the operator under arrest and transport the operator to police headquarters. The suspended operator should be photographed and the normal bonding procedures should be followed. The vehicle need not be towed if legally parked and it is not a traffic hazard or menace;
 - e. Reasonable Doubt: If there is any reasonable doubt concerning the correct status of a license revocation or suspension, the officer should give the benefit of the doubt to the operator. Also, if verification of suspension cannot be made in a reasonable amount of time, the officer should release the violator. A citation can be issued later when confirmation is received. An in-custody arrest will only occur at the time of the stop, not after a release.
3. SPEEDING VIOLATIONS: Legally, there is little or no defense for exceeding the posted speed limit or for driving faster than conditions permit. However, there exists sufficient reason to believe that various factors such as improperly calibrated speedometers, marginal weather conditions, etc., may give the operator cause to believe the speed to be less than the speed determined by the officer, or that existing conditions are in their opinion, less severe than believed by the officer. For these reasons, officers should use discretion and the guidelines established for this Department to alleviate close calls:
- a. Over Posted Limit:
 1. 0 - 5 mph: No enforcement action;
 2. 6 - 10 mph: Written warning;
 3. 11 - + mph: Citation.
 - b. Officers should exercise discretion when deciding if a warning or citation is appropriate. Consideration should be given to weather conditions, traffic volume, pedestrian traffic and location. At all times, officers should remember there is a direct correlation between excessive speed and traffic accidents.

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4. OTHER HAZARDOUS VIOLATIONS: Hazardous violations are defined as those violations of any law enacted to regulate the safe movements of vehicles and pedestrians on the public highways or on private property as outlined in the Connecticut Motor Vehicle Laws, Title 14. Hazardous violations can occur by unsafe driver behavior or by unsafe conditions such as vehicle degeneration or misuse of vehicle equipment. All officers of this Department should enforce or cause to be enforced Title 14 laws regarding hazardous moving violations and operating unsafe or improperly equipped vehicles when these violations are observed on the streets of Monroe, CT.

5. OFF-ROAD VEHICLE VIOLATIONS: Off-road vehicles such as snowmobiles and all terrain vehicles have become more popular. A large number of them are being used unlawfully on the public roadways and on the private property of another. The following procedures address the investigation of off-road vehicle accidents and enforcement of off-road vehicle laws and procedures concerning specific issues of off-road vehicles:
 - a. Investigations Concerning Off-Road Vehicles: The following are procedures for investigations of off-road vehicle accidents and the enforcement of off-road vehicle laws. Refer to Section 14-380 through 14-387 CGS:
 1. Officers should investigate accidents of off-road recreational vehicles on private property or public roadways as any other motor vehicle accident. As with any other motor vehicle accident, the officer will assist the parties involved in recreational vehicle accidents to exchange personal and insurance information;

 2. Officers should, when enforcing the off-road vehicle laws on private property, attempt to contact the property owner or an agent for the property to determine if permission has been granted for the vehicle to be operated upon their property. If the owner of private property has granted permission, the officer will allow the operator to continue to use the property. The officer will advise the operator to keep a copy of the written permission, phone number, and name of the person to

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contact for verification in future use. If damage has occurred because of misuse of private property by unauthorized persons, enforcement action will be taken.

- b. Specific Issues for Off-Road Vehicles:
 - 1. Removal of unlicensed vehicles from traffic-way: Unregistered vehicles will be removed from the public highway:
 - aa. If the vehicle presents a hazard or menace to the other motorists;
 - bb. If the owner requests removal;
 - cc. For the safekeeping of the vehicle if the owner is not available for contact.
 - 2. Juvenile offenders: Juvenile offenders will be treated the same as adult offenders in regards to off-road vehicle accident investigations or the enforcement off-road vehicle laws. The seriousness of the violation will be the factor considered when determining if a parent or guardian should be contacted or a juvenile referral is necessary;
 - 3. Violation of off-road vehicle registration laws: Officers should recognize that recreational vehicles operated upon any public roadway are subject to the same registration laws and operators' license laws as any motor vehicle;
 - 4. Misuse of public land or trails: In the case of state or municipal property, properly posted, there is sufficient probable cause to believe a trespass has occurred and enforcement action should be taken by the officer;
 - 5. Improper use of traffic-way crossings: The operation of any unregistered, off-road vehicle on a public street, including traffic-way crossings, is illegal and subject to enforcement.

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6. EQUIPMENT VIOLATIONS: When a vehicle is found to be in violation of an equipment requirement or even several equipment requirements:
 - a. A citation may be issued to the owner at the discretion of the officer; and
 - b. A written warning with an inspection required should be issued to the owner in each case to ensure that the motorist complies with the equipment requirements of Title 14.
7. VIOLATIONS BY COMMERCIAL CARRIERS: Commercial carriers will be treated the same as the general motoring public. Uniform enforcement policies and procedures delineated in this directive are applicable to commercial carriers.
8. NON-HAZARDOUS VIOLATIONS: Title 14 infractions may be resolved at the officer's discretion by citation, written warning, or verbal warning. Subsequent violations should necessitate a citation. Title 14 misdemeanor offenses should always necessitate a summons to court.
9. MULTIPLE VIOLATIONS: Enforcement of hazardous, multiple violations will follow established arrest and warning tolerances as with single violations:
 - a. It is the exception for any officers of this Department to refrain from issuing a citation for a second hazardous violation when the violation is serious enough to warrant immediate attention. The exceptions referred to are those situations where the two violations under consideration are similar to the extent that one law exists for compliance with the other, such as stop sign versus right-of-way violators. When an operator fails to stop as required and this action results in a right-of-way violation, the stop sign citation will be issued and no action will be taken specifically for failing to grant the right of way.
 - b. If an operator fails to stop where required and the subsequent pursuit reveals a speeding violation, both charges should be considered appropriate action.

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- c. A second citation would not be issued when the first citation is an all-inclusive charge and the specific violation for which a second charge is being considered is important evidence for the prosecution of the first charge. For example, an operator charged with reckless driving would not be charged with passing on the right or speeding if those are elements of the reckless driving charge.
 - d. One citation should be issued in the case of related, multiple, non-hazardous violations stemming from the same stop. In cases where the elements of one offense are closely related to the element of the second offense, only one citation should be written.
 - e. If a hazardous violation falls within the warning tolerance, a warning may be given even when a citation is being issued for an unrelated offense.
10. NEWLY-ENACTED LAWS AND/OR REGULATIONS: New laws and/or regulations will be issued in memorandum form or by special orders. There will usually be a warning period specified before citations will be issued.
11. VIOLATIONS RESULTING IN TRAFFIC ACCIDENTS: Violations resulting in traffic accidents are hazardous violations and should be considered serious in nature. Officers are directed to issue a citation in almost every accident situation. The ultimate violation is the one that results in a traffic accident.
12. PEDESTRIAN AND BICYCLE VIOLATIONS: Officers will take appropriate enforcement action when and where pedestrian and/or bicycle violations are observed. The enforcement actions will be commensurate with the pedestrian and bicycle accident experience. Specific emphasis is placed upon particular violations and at times and places as determined through analysis of accident reports. This countermeasure program will be similar to the countermeasure program established for motor vehicles. The pedestrian and bicycle accident countermeasure program:
- a. Countermeasures: The countermeasures should reduce or eliminate the following:
 - 1. Human, vehicular, or environmental factors leading to an

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- accident;
 - 2. Behavioral actions, decisions, and events that lead directly to an accident; and
 - 3. An accident type, by counteracting the precipitating factors.
- b. Pedestrian and Bicycle Accidents: The following are procedures to counter pedestrian and bicycle accidents:
- 1. Pedestrian Violations Enforcement: Prior to any significant increase in the enforcement of pedestrian laws, sufficient publicity and community awareness campaigns should be undertaken by command officers:
 - aa. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and/or severe;
 - bb. Officers should cite the pedestrian for "Reckless Use of the Highways", Section 53-182 CGS, if the fault for the accident is found to be the fault of the pedestrian.
 - 2. Bicycle Violations Enforcement: Officers have a unique challenge with regard to discretion in applying bicycle law enforcement, Section 14-286 CGS:
 - aa. In those areas where the frequency of accidents or congestion involving bicycles has been prevalent, those laws pertaining to the proper operation of bicycles will be strictly enforced.
 - bb. Officers will enforce the applicable laws when violations are observed on public roadways involving persons on bicycles.
 - cc. In those areas where traffic flow is minimal, visibility is unobstructed and traffic accident experience low,

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officers should exercise discretion in the application of those laws regarding safe operation of bicycles.

- dd. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders who may not be fully aware of their responsibility in the safe operation of bicycles.

F. **ENFORCEMENT PRACTICES:** The following are procedures for traffic law enforcement practices:

1. **VISIBLE TRAFFIC PATROL:** The most effective deterrent to traffic law violations is high visibility of marked police vehicles. Therefore, in the interest of prevention as opposed to apprehension, officers in marked vehicles will maintain a high profile.
2. **STATIONARY OBSERVATION:** In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers should park in a conspicuous location and in such a manner so as not to impede traffic. This is not to disallow covert action if there is a need.
3. **USE OF UNMARKED OR UNCONVENTIONAL VEHICLES:** Unmarked or unconventional police vehicles may not be used as the sole selective enforcement vehicle but may be used in conjunction as spotter vehicles such as in RADAR operations.
4. **USE OF ROADSIDE SAFETY CHECKS:** Random “stop checks” are allowable under Connecticut state law. Random stop-checks can be used for Operating Under Influence (OUI) violations, equipment checks, seat belt compliance, etc. However, the court has specified that certain criterion must be met to keep legal. The following procedures must be adhered to:
 - a. **Pre-Operation:** The media, local newspapers, radio stations, and television stations will be contacted and advised at least three days in advance of when and where all stop-check operations will take place.
 - b. **Operation:**

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1. Traffic cones, large reflective signs, and lighted barricades will be used at the stop-check area, especially if it is at night. Officers will wear department issued traffic vests and will carry flashlights at night. The cones, barricades, and signs will be set up so as to have two traffic lanes. One lane for the stop-check area and one lane for through traffic.
 2. One officer will be dedicated to directing traffic either into the stop-check area or into the through traffic lane. The number of the vehicles entering the stop-check area will be predetermined, i.e. every fifth car, every tenth car, etc. This number may be changed during the operation depending on the volume of cars and number of officers at the stop-check area, but the number must remain constant.
 3. A stop-check area will be chosen that has a contiguous parking area for vehicles, so that vehicles can be parked out of the traffic lanes and harms-way.
 - c. Post-Operation: The officer-in-charge of the operation will write an after action report, directed to the division commander who initiated the stop-check, detailing the operation. What worked and what did not work should be included in the report.
- G. TRAFFIC STOPS AND APPROACHES: Although enforcing traffic laws is one of the more routine functions that officers perform, there is much potential danger. No two traffic stops are exactly alike. The following procedures are a guide as to how to conduct stops of traffic law violators by officers of this Department:
1. CONTACT: The officer should:
 - a. Choose the stop location carefully, avoiding curves, hill crests, and intersections. Always consider stop locations where adequate cover is available should it be needed;
 - b. Inform the Communications Unit dispatcher of the vehicle registration number, include state, type of registration, vehicle color, vehicle make and model, number of occupants and stop location prior to initiating

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the first contact;

- c. Stop the violator by progressive activation of emergency equipment. To alert violator of the intended stop the officer should first activate the emergency roof rack lights, then, if necessary use the police vehicle horn. If the violator still does not heed, the field officer should activate the siren. If still no compliance, the pursuit procedures should follow.
2. AFFECT SAFE STOP: The officer should:
 - a. When the violator's vehicle is finally stopped, position the police patrol vehicle about fifteen feet behind the violator's vehicle and offset to the left about three feet into the traffic lane;
 - b. Turn the front wheels to the left, leave the engine running, and the driver's door unlocked;
 - c. Consider who may be in the immediate area before leaving the police patrol vehicle in this condition and alter this procedure, if necessary.
 3. APPROACH PROCEDURES: The officer should:
 - a. Observe the occupant(s) of the violator's vehicle before and after the stop is made for unusual movements. At night, high headlight beams, spotlight, and take-down lights should be used to conceal the officer's movements from the occupant(s) of the vehicle and for clear visibility inside the vehicle;
 - b. Order the subjects back inside the vehicle, if any of the occupants attempt to get out of the vehicle. The officer must be prepared to take evasive or defensive action should the subject continue to advance;
 - c. Consider weapon readiness on every stop and while approaching, stay very alert. The officer should watch occupant(s), check for altered plates, check the trunk to see that it is closed and locked, and observe the interior for possible weapons or occupants attempting to hide. At night, officers should avoid passing between the lights of the

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cruiser and the violator's vehicle forming a silhouette target;

- d. Stand beside the violator's vehicle as closely as possible, and just to the rear of the driver's door. However, officers must be wary of the rear seat;
 - e. Keep a steady observation of the occupant's hands. The officer should have the operator reach outside the vehicle to present the requested documents, preferably with the left hand. The documents should be accepted with the officer's non-gun hand;
 - f. Cause the Communications Unit dispatcher, or use the cruiser MDT system, to check the operator through the NCIC/COLLECT System for license validity, license suspension, and wants or warrants;
 - g. Make out any paperwork such as citations, written warnings, etc., with the clipboard resting on the police vehicle's steering wheel so that the officer can keep an eye on the vehicle and the occupants while writing;
 - h. Maintain awareness when returning to the stopped vehicle to issue the citation, written warning, etc., for any changes within the vehicle;
 - i. Assist the stopped vehicle to re-enter traffic first. The officer should then turn off emergency lights before re-entering traffic.
- H. OFFICER/VIOLATOR RELATIONS: Traffic law enforcement is one of the routine tasks performed by an officer, but for the violator it is frequently a first time and an emotional experience. Officers should be aware of these conditions, strive to make each contact educational, and leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner. Traffic stops have two objectives, which the officer should seek to achieve. The first objective is to take appropriate enforcement action and the second is to favorably alter the operator's future driving habits. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. The following procedures are recommended to minimize conflict, which may develop between the officer and the violator and assist in achieving the two objectives. Once the officer has stopped the violator and approached to a point where communication can begin, the

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officer/violator relationship is activated. The officer should:

1. **PROFESSIONAL IMAGE:** Be professional in image, dress, grooming, language, bearing, and emotionally stable.
2. **CERTAINTY OF OBSERVATION:** Be certain that the observations of the violation were accurate without reservation.
3. **PREPAREDNESS:** Be prepared for contact by having the necessary forms and equipment ready for use.
4. **COURTEOUS MANNER:** Be courteous; greet the violator with the appropriate title.
5. **REQUEST PAPERWORK:** Be efficient by requesting and obtaining the violator's license, registration and insurance card. These documents should be carefully examined to make sure that they are legitimate, valid, and up-to-date. The officer should make every attempt, within reason, to identify the violator if the violator has no photographed operator's license.
6. **DISCUSS VIOLATION:** Be considerate by informing the violator of the traffic law that has been violated and the intended enforcement action. The operator should not be kept in suspense or quizzed as to knowledge of the violation or of the law. The violator should be allowed to reasonably discuss the violation.
8. **CHECK FOR SIGNS OF PHYSICAL IMPAIRMENT, ETC.:** Be alert for any physical impairment, emotional distress, or alcohol or drug abuse exhibited by the violator. If physical impairment is apparent and not noted on the operator's license, the officer must decide if the impairment is of such a nature that the seizure of the license is necessary. The officer should make arrangements for the operator to obtain transportation. The officer should then follow the procedures set forth in subparagraph O, of this paragraph. If obvious distress is present, the instruction may have to be repeated or the violator may need to calm down before continuing to operate a motor vehicle. If alcohol or drug abuse is apparent the officer should follow the procedures as in any OUI case.

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9. ASSIST VIOLATOR BACK INTO TRAFFIC: Be complete by returning the violator's operator's license, registration, and insurance card, giving the operator the specified copy of the citation or written warning, if issued, and finally, assisting the operator to safely re-enter the traffic flow.

- I. RADAR/LASER SPEED MEASURING DEVICES: The effective use of speed measuring devices used by this Department, known as RADAR/LASER units, and their acceptance by the motoring public is dependent upon the officer's proficiency, operation, and understanding of the limitations of the RADAR/LASER unit in use. Adequate training and certification and periodic re-certification is a mandatory prerequisite to operator efficiency. Use of RADAR/LASER unit procedures:
 1. EQUIPMENT SPECIFICATIONS: The models of RADAR/LASER units authorized for use by this Department, are the "KUSTOM" KR10SP, the Kustom Trooper, the Stalker KA, the LTI Truspeed, and the LTI UltraLyte.

 2. OPERATIONAL PROCEDURES: Officers should use the RADAR/LASER unit assigned to their police patrol vehicle in the normal course of patrol. Upon the complaint of a citizen or by the personal initiative of the officer, the RADAR/LASER unit should be used in the "stationary" mode where speeding violations are repetitive or where high accident potential exists. Officers will adhere to the following procedures:
 - a. The effective range of the particular RADAR/LASER unit must be thoroughly understood by the operator so that visual observations can support the reading;

 - b. The officer/operator must select an appropriate location conducive to the effective and safe operation of the RADAR/LASER unit;

 - c. The calibration of a RADAR/LASER unit must be checked before and after each motor vehicle stop to insure accuracy, which is accomplished by the use of the tuning forks assigned to each unit.

 3. PROPER CARE AND UPKEEP: If there is a problem with the RADAR/LASER unit or the officer obtains an inaccurate calibration based upon manufacturer's standard, the officer must take the RADAR/LASER unit off the line and submit a report or memo to the supervisor indicating the

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problem.

4. PROGRAMMED MAINTENANCE: The PD Commander will insure that all RADAR/LASER units and tuning forks are maintained and certified as accurate on a regularly scheduled basis established by the court.
 5. MAINTENANCE AND CALIBRATION RECORDS: The PD Commander will insure that adequate maintenance, calibration, and operational records that are accepted by the court are developed and maintained for all of the RADAR/LASER units possessed and used by this Department.
 6. OPERATOR TRAINING AND CERTIFICATION: Officers should successfully complete a basic operator's course and be qualified by the Department's certified police RADAR/LASER instructor prior to operating any RADAR/LASER unit. The PD Commander will insure that all officers are certified in the use of a RADAR/LASER unit.
- J. OUI COUNTERMEASURES: Operators that are intoxicated or impaired by alcohol and/or drugs represent a serious threat to the lives and safety of all citizens in their path. This Department has joined a comprehensive, coordinated, and ongoing program of countermeasures involving education, enforcement, adjudication, treatment, and public support in combating the OUI problem effectively. Enforcement is the key element for this Department in a OUI countermeasure program. This Department will use a combination of the following OUI countermeasures:
1. OUI ACCIDENTS OR VIOLATIONS: Selective assignment of officers at the time and the location where analyses have shown a significant number of alcohol-related violations or accidents have occurred.
 2. PROFILE OF PROBLEM DRINKER: Selective surveillance of roadways on which there has been an unusual incidence of alcohol-related accidents to ascertain the characteristic violation profile of the problem drinker who drives. Officers will selectively monitor those areas or roadways where incidents of OUI operation are known to occur.
 3. ANALYSIS OF ACCIDENTS: Selected alcohol-related accident investigations and analyses of findings. SSD personnel will periodically

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review and analyze alcohol-related accident investigations to determine the need for further action.

4. **OUI SPOT CHECKS:** Selective roadway checks for deterrence purposes. This Department has conducted and will continue to conduct random OUI spot-checks.
 5. **ROUTINE OUI ARRESTS:** Selective enforcement of drinking-driving laws through the concentration on existing laws and the expeditious processing of violators. Officers must be alert to motorists who display abnormal driving behavior. Upon detecting some of the tell-tale signs at motor vehicle stops or at traffic accident scenes, the field officer, using the standard methods of detection, should develop enough probable cause to make an arrest.
- K. **OUI HANDLING PROCEDURES:** The detection and arrest of intoxicated operators differs from that of other traffic violators. Specific statutes govern driving while under the influence of drugs and/or alcohol, implied consent, and chemical tests (blood, breath, or urine). If an officer has reasonable grounds to believe that an operator of a motor vehicle is under the influence of alcohol or drugs or both, the officer should make an in-custody arrest and adhere to the following procedures:
1. **PROPER ADMINISTRATION OF EVIDENTIARY CHEMICAL TESTS:** To use any chemical test as evidence in a OUI case, the arrestee must first be advised of the "Miranda" warnings, read the "implied consent", and then given the opportunity and offered assistance in contacting an attorney;
 2. **SAFE TRANSPORTATION OF IMPAIRED ARRESTEES:** The arrestee must be searched, handcuffed, and transported to police headquarters, in a safe manner;
 3. **PROCUREMENT OF BREATH, BLOOD, OR URINE:**
 - a. **Chemical Test:** Submit the subject to one of the three types of chemical sobriety tests. The law gives the choice of the tests to the officer, except when a subject refuses or is unable to submit to a blood test, the officer shall choose the breath or urine test for chemical analysis. The officer should be cognizant that two tests of the same nature must be given at least thirty (30) minutes apart:

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1. Breath: Drager Alcotest 9510, the preferred method if only alcohol is suspected. The officer must make sure the subject takes nothing orally for at least twenty minutes prior to both tests;
 2. Urine: The preferred test method if drugs are suspected;
 3. Blood: This test method may be utilized if alcohol and/or drugs are suspected. This test method may only be accomplished by transporting the subject to an authorized medical facility and having the blood drawn by statutorily approved medical personnel.
- b. Refusal or Failure: If the subject refuses to submit to either the first or second chemical sobriety test or registers .08 BAC or higher on the Drager Alcotest 9510, the subject's Connecticut operator's license will be seized and retained by this Department and stored in the incident file box in the armory room for future return to the arrestee. The arrestee's right to drive will be revoked for a twenty-four (24) hour period after which the arrestee may retrieve his or her operators license from this agency. In instances in which the accused operator chooses not to retrieve the license in a timely manner, (e.g., 3-5 days), the license should be mailed to the operator at their address of record. It will be the responsibility of the Patrol Division Commander to insure that the procedure for the return of an operators license is accomplished. Seized licenses should NOT be sent to the DMV.
- c. "Per Se Law":
1. If the subject has a current, valid out-of-state operator's license, it should not be seized. However, the person must still be advised that their privilege to operate in the State of Connecticut is revoked for 24 hours.
- d. Less Than the Legal Limit:

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1. If the subject's result on the Drager Alcotest 9510 is less than .07 BAC the officer must decide whether a misinterpretation possibly could have been made in the field sobriety tests and the subject is not intoxicated or impaired. In this case the subject should be released as soon as possible with no further police action. The officer will not give the subject a court date. A copy of the incident report will be sent to the State's Attorney's Office as in any un-arrest situation. Refer to General Order 1-011, Role and Authority; paragraph V, subparagraph F, section 5, subsection a through d;
 2. If the officer decides that there was no misinterpretation of the field sobriety tests and the subject is intoxicated, perhaps not solely by alcohol, the officer must, in particular detail in the incident report, articulate the probable cause that was developed to make the arrest as this will be the only evidence against the subject.
4. SUBMISSION OF OUI EVIDENCE TO STATE TOXICOLOGY LAB: The following procedures shall be followed when submitting OUI evidence kits to the State Toxicology Lab:
- a. When OUI evidence samples are collected, in addition to filling out the DPS evidence forms contained in the kit, a form JD-CR-18, Property Seized Without A Search Warrant will be completed;
 - b. Upon delivery of OUI kit to State Toxicology Lab all packaging material will be returned to delivering officer and logged into Department evidence room for storage;
 - c. When the case is disposed of and court clerk notifies department that the OUI evidence kit may be destroyed, the State Toxicology Lab will be notified that the biological sample portion of the kit can also be destroyed.
5. INCARCERATION OR RELEASE TO A RESPONSIBLE THIRD PARTY: If the subject arrested for OUI is to be released from custody within a minimum of four hours, the subject must be released to a sober adult who accepts

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responsibility for the individual.

6. DISPOSITION OF ARRESTEE'S VEHICLE: The subject's vehicle need not be towed from the scene of the stop unless it is parked illegally or is a menace/hazard to traffic. However, if the subject is released to the responsibility of another, that person should be advised of the location of the vehicle so that arrangements can be made for its legal removal. Refer to CGS 14-227h for exceptions.

- L. REQUEST FOR RE-EXAMINATION OF CONNECTICUT LICENSED OPERATOR: Routine enforcement of traffic violations frequently leads to the discovery of Connecticut licensed operators who have suspected incompetency through physical or mental disabilities. The following are procedures to request a re-examination of these types of Connecticut operators:
 1. UNSAFE OPERATION: If an officer comes across an operator who, in the officer's opinion, cannot safely operate a motor vehicle on a public street, the officer must seize the Connecticut license and make arrangements for the operator to obtain transportation;
 2. SEIZE AND SUBMIT: The officer must submit the seized driver's license and a memorandum to the PD Commander. The memorandum should include the following:
 - a. The physical or mental defects explained in detail;
 - b. The specifics of the incident in detail that established the reasonable grounds for seizure of the license.
 3. SEND TO THE DMV: The PD Commander will then submit a Connecticut State Department of Motor Vehicles form titled "Authorization To Take Possession Of Operators License ", N-105, REV. 5-04 to the Connecticut Department of Motor Vehicles. The form will be directed to the Commissioner of Motor Vehicles, Medical Unit, at 60 State Street Wethersfield, CT., 06161.

- M. PARKING VIOLATIONS: Officers are directed to enforce parking law violations the same as any law or ordinance violation. The following are specific issues concerning parking violations:

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1. **PEAK TRAFFIC HOURS:** In peak traffic hours officers are directed to pay particular attention to parking violations that cause a disruption of the free and even flow of traffic.
 2. **TOW-AWAY ZONES:** A vehicle parked in a tow-away zone will be treated the same as any vehicle parked in a no parking zone. This vehicle will be tagged but will only be towed if it presents a menace or hazard to traffic.
 3. **TIME ZONE CONTROL:** Officers should direct some of the time during their patrol to the general surveillance of parking law and ordinance violations, including time-controlled zone parking violations.
 4. **VEHICLE OR FOOT PATROL:** Officers are directed to exit their police patrol vehicles periodically and enforce parking law and ordinance violations on foot.
- N. **RACIAL OR BIASED BASED PROFILING:** This ensures that the Monroe Police Department complies with CGS 54-1m, Data Collection and Traffic Stop Statistics. Sworn officers will not effect a stop, detention or search of any person when such action is solely based upon considerations of race, ethnicity, age, gender or sexual orientation, and the action would constitute a violation of civil rights of that person. The preparation of arrest warrants, search warrants or asset seizure and forfeiture efforts shall also be governed by these guidelines. This policy is governed and in compliance with CGS 54-1l.
1. **TRAFFIC STOP STATISTICS FORM AND MDT DATA:** The information recorded on the Traffic Stop Statistics Form or information entered into LEAS via MDT on the driver of a vehicle stopped by a sworn Monroe Police Officer will include:
 - a. Date;
 - b. Time;
 - c. Incident #;
 - d. Race;

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- e. Ethnicity;
 - f. Gender;
 - g. Age;
 - h. Reason for stop;
 - i. Action Taken;
 - j. Officers Identification.
2. TRAFFIC STOPS, OFFICER RESPONSIBILITIES: Traffic stops deter violations of motor vehicle laws, reduce motor vehicle collision rates and discourage criminal activity. Officers are encouraged to conduct such stops to the fullest extent allowed by law. A police officer may stop a motorist based upon reasonable suspicion that the operator or other occupant of the vehicle committed a motor vehicle offense or other violation of the law by adhering to the following procedures:
- a. Notify the Communications Center with relevant motor vehicle stop information;
 - b. Complete any motor vehicle violation enforcement paperwork;
 - c. Complete a Traffic Stop Statistics Form or MDT entry;
 - 1. A Traffic Stop Statistics Form or MDT entry will be completed for every traffic stop.
 - 2. Officers will not ask the operator or occupant for any demographic information (e.g., race, ethnicity, religion, sexual orientation).
 - 3. Officer will utilize photo identification or their own perception to determine the demographic information sought on the Traffic Stop Statistics Form.

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- d. Submit all forms to patrol supervisor at end of shift;
 - e. Complete an Incident Report if any of the following occurred during the traffic stop:
 - 1. A search of the vehicle or occupant was conducted;
 - 2. An occupant was handcuffed or taken into custody;
 - 3. Any use of force by an officer on an occupant;
 - 4. Circumstances surrounding the stop lead or may lead to a citizen complaint;
 - f. All motorists will be treated with courtesy and respect;
 - g. Provide the operator of the motor vehicle with a notice of his /her rights at the conclusion of all traffic stops, regardless of the disposition of that stop, pursuant to Public Act 12-74.
3. TRAFFIC STOPS, SUPERVISOR RESPONSIBILITIES: Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this General Order and are operating in compliance with the procedures. Supervisors shall be responsible for making contact with any known complainant alleging biased based law enforcement practices by his/her field officers and documenting same in writing and in a timely manner evaluate and provide a written report to the Chief of Police of such allegations.
4. TRAFFIC STOPS, DISPATCHER RESPONSIBILITIES: Dispatchers will ensure that all motor vehicle stops that are called into the Communications Center by officers are logged into the CAD system.
5. TRAFFIC STOPS, ADMINISTRATIVE RESPONSIBILITIES:
- a. The Support Services Division Commander will ensure that all Traffic Stop Statistics forms are forwarded to the Records Division for

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recording purposes.

- b. An annual audit shall be conducted by the Support Services Division Commander to ensure that officers are properly submitting Traffic Stop Statistics forms and/or entering data into LEAS via MDT.
 - c. Any concerns and allegations that a citizen has brought to the attention of the Monroe Police Department regarding departmental biased based law enforcement practices shall be investigated by the Support Services Division Commander or a ranking officer designated by the Chief of Police.
 - d. A copy of each complaint received by this agency, and a written notification of the review and disposition of such complaint shall be provided to the Chief State's Attorney and the Office of Policy and Management Criminal Justice Division. No copy of such complaint shall include any other identifying information about the complaint such as the complainants operators license number, name or address.
 - e. Every month data collected from Traffic Stop Statistics forms and data entered into LEAS by officers via MDT shall be submitted to the Office of Policy Management.
6. TRAFFIC STOPS TRAINING: Monroe Police Department sworn personnel will receive periodic training in biased based profiling issues including the legal aspects. The Police Officer Standards Training Council (POSTC) mandates that every officer shall receive at least one hour training in bias crimes. Training is also provided in racial profiling under the Human Relations mandatory component of training. Liability and Legal Updates training is also provided. If a provable case of biased based profiling occurs, training will be prescribed to remedy the matter.
- O. AUTOMATIC LICENSE PLATE READER: The Monroe Police Department has set policies and procedures for the use of a Automatic License Plate Reader System. The Monroe Police Department understands that the LPR system is an investigative tool and units are installed on selected patrol vehicles. The LPR camera system continually reads registration plates of vehicles in close proximity of a LPR equipped

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police vehicle. The system automatically checks and matches captured registration plates for criminal and/or motor vehicle warrants, wants and violations as per system programming. The LPR system will be utilized only for law enforcement and public safety purposes, and data collected through the LPR system will not be disseminated to non law enforcement persons. The system data is for official use only.

1. DEFINITIONS:

- a. AUTOMATIC LICENSE PLATE READER (LPR): Also known as a license plate recognition system, consists of multiple cameras mounted on a police vehicle, cabling, processing unit, hardware and software loaded on the vehicle's mobile data terminal which interfaces with regional and statewide database systems.
- b. ALERT: A visual and/or audible indicator activated when the LPR system receives a registration plate match or "hit" for a stolen vehicle, outstanding warrant, DMV violation or other wanted file.

2. RESPONSIBILITIES:

- a. The officer designated by the Chief of Police, in conjunction with the Captain, will be responsible to implement and maintain the LPR program at this police department;
- b. The Patrol Division Commander will be responsible to ensure that Automatic License Plate Readers (LPR) are used only by authorized personnel properly trained in the LPR system(s);
- c. Patrol Division Supervisors will be responsible to ensure proper deployment of LPR units and compliance by their subordinate officers concerning policies and procedures in its operation;
- d. All department personnel will be responsible for adhering to all policies and procedures in the operation of the LPR;

3. DATA STORAGE AND RETENTION:

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- a. All data obtained on scanned registration plates with the LPR system will be stored on The Capital Region Council Of Governments CAPTAIN server suite. This data will be retained for a period of five years and then will be purged.
4. OPERATIONAL PROCEDURES:
- a. ACTIVATION AND INSPECTION:
 1. Prior to operation, inspect camera mounts and connection cables for wear and damage;
 2. Power the system by logging into the MDT and clicking the LPR icon;
 3. Log in with user identification and initiate system software.
 - b. ALERTS:
 1. An LPR alert for a registration plate is not received by the Police Department Communications Center;
 2. The registration plate captured by the system must be compared to the actual plate on the target vehicle;
 3. When information from the LPR is verified, the officer will notify dispatch of the confirmed hit and take appropriate action in accordance with Police Department general orders and policies.
 - c. SYSTEM SHUTDOWN:
 1. Officers will log out of the LPR system at the end of the duty shift;
 2. Officers will confirm that the LPR system is shutdown before logging off the MDT.

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HISTORICAL CHANGES TO POLICY

June 26, 2012 – Section V,K3a1, V,K3b & V,K3d changed the word “Intoxilizer”.

July 23, 2013 – Section V,O is new and was added to policy.

July 8, 2014 – Section V,O was reworded and amended.

Sept 29, 2015 – Section V,I, 2 removed the wording “and is recorded on the proper Radar/Laser log.”