



# Newport News Police Department - Operational Manual

## OPS-320 - TRAFFIC ENFORCEMENT

Amends/Supersedes: OPS-320 (12/01/2009)

Date of Issue: 01/02/2018

### I. GENERAL

A. Officers will take enforcement action upon the detection of a violation by a motorist. Officers may exercise their discretion as to the type of enforcement action taken. Such actions may include a verbal warning, issuance of a summons or arrest of the motorist as warranted by the circumstances and applicable law. [1.2.6; 61.1.2(a,b,c); 61.1.5(d,h)]

B. In addition to moving violations, officers will be observant of vehicles being operated with equipment/mechanical violations that might pose a danger to other motorists or pedestrians and take the appropriate enforcement action as necessary. Officers will also be observant for non-hazardous violations [61.1.5(d,f,h)]

NOTE: Any vehicle abandoned on the public roadway found to be a safety hazard may be removed as provided in §46.2-1209 and OPS-340 (Towing, Inventory and Impoundment of Vehicles). [61.4.3(b)]

C. Employees conducting traffic stops, issuing parking citations, towing vehicles or involved in any other aspect of enforcing applicable traffic laws will conduct themselves in a professional and courteous manner, and shall ensure that assigned body-worn cameras are operational and recording during any traffic enforcement action (See Also: ADM-570 "Body-Worn Cameras"). For safety and administrative reasons, officers shall follow Procedure II.A.1.a. (call into Communications). [61.1.8]

D. Employees shall submit all traffic enforcement-related paperwork to their supervisor for review, approval, and forwarding as appropriate, prior to the end of their tour of duty. [82.2.1(a,e)]

### II. PROCEDURE

[REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

2. When stopping a vehicle in which the occupants are deemed to present a hazard to the officer's safety, the stopping officer will:
  - a. Request a backup unit and attempt to coordinate the stop so that the backup unit is in the immediate area prior to actually stopping the vehicle. [81.2.4(a)]
  - b. When necessary, use the unit's public address system to give the occupants of the vehicle instructions. [41.2.1]
  
3. After stopping the vehicle all officers will:
  - a. Train the unit's auxiliary lights (spotlight, take down lights and alley lights) on the occupants of the vehicle as applicable. [41.2.1]  
█ [REDACTED]
  - c. Address the driver and passengers in a courteous, professional manner and: [61.1.8]
    - 1) Explain to the driver why the vehicle is being stopped;
    - 2) Request that all occupants remain in the vehicle unless directed to do otherwise;
    - 3) Request the driver's operator's license and the vehicle registration;  
█ [REDACTED]
    - 5) Conduct a sobriety test, as necessary;
    - 6) Explain to the driver the action to be taken (i.e., warning, summons, arrest);
    - 7) Avoid controversy incident to the traffic stop;
    - 8) The officer's conversation with the violator will be limited to:
      - i) Explaining the nature of the violation;
      - ii) The charges to be placed;
      - iii) What the individual must do in connection with attending court on the charge.
  
4. Once the officer has completed the stop, he will advise the Communications Division: [81.2.4(a)]
  - a. That his unit is back in service;
  - b. What action was taken (e.g., warning, summons, or arrest).

5. Traffic Stops While Operating Unmarked Vehicles and/or While in Plainclothes

- a. Under no circumstance will an officer/detective attempt to effect a traffic stop if the vehicle they are operating lacks both emergency lights and an operable siren. [41.2.1]
- b. Any officer/detective, who is in plainclothes, may stop a vehicle.
- c. Any time an officer/detective in plainclothes initially approaches a driver, the officer/detective will have his badge of office clearly visible to the driver and will display the pictured police identification card to the driver. [22.2.7]
- d. Officers in police uniform operating unmarked police vehicles will not be restricted from making a vehicle stop for any observed traffic violation.

B. Disposition Options:

Officers may use their discretion when determining the proper on-scene action.

1. If a verbal warning is given, the officer will explain the reason for the stop and why no summons is being issued to the motorist. [1.2.6; 1.2.7]

NOTE: Officers are encouraged to issue verbal warnings as enforcement action when newly enacted laws and/or regulations are first passed. [61.1.5(j)]

2. If a summons is issued, the officer will:

- a. Complete one summons per charge, as applicable. [61.1.5(i); 82.2.2(e)]

NOTE: The officer may verify the license status and Virginia DMV "customer number" either through use of the MDC or by contacting the Communications Division. The "customer number" should be noted on the summons. [81.2.4(a)]

- b. Give a copy of the summons to the violator explaining to them the instructional information found on the summons, the scheduled court appearance date, and other pertinent information relative to the specific charges. [61.1.4(a,b,c,d)]

3. If the violator is under the influence of alcohol/drugs, has outstanding warrants on file, or is charged with one of the following violations, he will be arrested and brought before a magistrate. [1.2.5; 61.1.2(a); 61.1.5(a); 61.1.11]

- a. Any traffic-related felony.
- b. When the motorist would present a danger to himself or to the public if released.
- c. When there is a reason to believe that the accused will not appear in court.
- d. When the accused refuses to sign his summons.
- e. When the accused fails to provide their correct name and address.

4. If the accused's operator's license is suspended or revoked the Officer may issue a summons and release the person unless the accused falls under the provisions of

Virginia Code §19.2-74, which allow physical arrest. The accused may be physically arrested if: [61.1.5(b); 82.2.2(e)]

- a. The accused fails or refuses to discontinue the unlawful act.
- b. The officer believes the accused is likely to disregard the summons.
- c. The officer reasonably believes the accused is likely to cause harm to himself or to any other person.
- d. The accused refuses to sign the summons.

NOTE: Any motorist found to be driving on a suspended or revoked license shall be issued a DMV Suspension/Revocation/Disqualification Notice (State form DSA-10). (In cases of physical arrest, see also "OPS-340 Towing, Inventory and Impoundment of Vehicles".)

5. When an officer stops a driver whom he believes to be mentally and/or physically incompetent to safely operate a motor vehicle, in addition to whatever law enforcement action taken, the officer shall complete a DMV Medical Review Request (State form MED 3) and forward it through his supervisor to the Department of Motor Vehicles. [61.1.12; 82.2.1(a,b,e); 82.2.2(e)]

### C. Special Status Violators

1. Non-Residents [61.1.3(a)]

- a. When stopping a motorist who has a license issued by another jurisdiction, officers shall be governed by the Code of Virginia §46.2-945 & §46.2-946, which describes the reciprocal provisions applicable to residents of jurisdictions participating in the Non-Resident Violator Compact (Code of Virginia §46.2-944.1).

2. Juveniles [44.2.1(b); 61.1.2(b); 61.1.3(b)]

- a. Juveniles should be summonsed to appear before Juvenile Court for reckless driving or charges resulting from crashes. They will not be permitted to prepay reckless driving or charges resulting from crashes.

NOTE: Juvenile traffic court cases are set Monday-Friday at 0830.

- b. Juveniles may prepay all other traffic infractions according to the Code of Virginia §16.1-302D.

3. Legislators [61.1.3(c)]

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. Members of the General Assembly of Virginia may not be detained for the issuance of a summons for a period five days prior to or following a session of the General Assembly, or while the General Assembly is in session.

- c. If a member of either legislative body is stopped for a traffic infraction under the conditions listed above, they shall be identified and released immediately. The officer may then obtain a warrant for the observed violation and make arrangements to serve the warrant at a time when the legislator is not in transit to a session, or on official business. [82.2.2(e)]

4. Diplomats [61.1.3(d)]

- a. Diplomatic immunity granted by the United States government applies to two classes of immunity:
  - 1) Full Immunity - diplomats and members of their families; and
  - 2) Limited Immunity - employees of diplomatic missions and members of their families when in the course of their official duties.
- b. Officers may request any motorist claiming diplomatic immunity to present credentials to that effect. If the subject is unable to produce proper credentials, the officer will take him before the Magistrate for verification of diplomatic status.

5. Military Personnel [61.1.3(e)]

- a. All military personnel assigned to military installations within the State of Virginia will be treated as state residents.
- b. Military personnel not assigned to in-state installations will be handled in accordance with the provisions of the Non-Resident Violator Compact. (§46.2 - 945 & §46.2-946)

NOTE: Home state operators licenses of military personnel do not expire until 90 days after their separation from active duty.

D. Specialized Enforcement

- 1. The responsibility of selective traffic law enforcement rests with the Patrol components of the Patrol Bureau. The decision for initiating selective traffic law enforcement may be based on data derived from traffic crash analysis, on citizen/community complaints and requests for directed traffic enforcement, and on officers' personal observations of potential problem areas in their districts. This function is intended to be applied on an operational basis by all supervisory levels. [61.1.1(a,b)]
  - a. The Patrol Bureau Commander will, on a quarterly basis, obtain all traffic crash related records through the City's Office of Engineering. These statistical reports aid in deployment of personnel, if necessary, to areas having the greatest concentration of crashes. Calls received from the public requesting traffic enforcement services may also be utilized in determining the necessity for selective enforcement, and a response to identified problems. [61.1.1 (a,b,d)]
  - b. Based on review of the statistics, or on citizen complaints, Precinct supervisors will coordinate enforcement activities with their subordinates to effectively deal

with areas of concern. The supervisors or their designees will establish techniques of enforcement and countermeasures to deal with specific categories of unlawful driving behavior. This does not preclude individual officers from establishing their own responses, with supervisory approval, to traffic problems they have identified. [61.1.1(c,d)]

- c. Specialized traffic enforcement should be directed towards certain traffic problems that have been identified by officers, or traffic complaints that have been received from the public. This may be accomplished through the use of, but not limited to: [61.1.6(a)]

- 1) Stationary observation, both covert and overt; [61.1.6(b)]
- 2) Marked, unmarked and/or unconventional vehicles (e.g., bicycles, mini-bikes); [41.1.4(a,b,c); 61.1.6(c)]
- 3) Roadside safety checks. [61.1.6(d)]

- d. Patrol personnel assigned to handle selective traffic law enforcement should maintain a daily log of violations that might include dates, times, locations, and types of problems encountered, actions taken, and time spent. Based on this information, the effectiveness of selective enforcement activities can be evaluated, and necessary adjustments made to increase efficiency. [61.1.1(e)]

## 2. Speed Enforcement

- a. Sworn law enforcement officers shall take appropriate enforcement action with identified speeding violations. Only officers trained and certified in RADAR & LIDAR usage shall utilize the agency's RADAR & LIDAR units for speed enforcement purposes. [61.1.5(c); 61.1.9(f)]

- 1) Only Department authorized equipment will be used in RADAR & LIDAR traffic enforcement. [61.1.9(a)]
- 2) Officers utilizing RADAR & LIDAR for speed enforcement purposes shall maintain all records and operate the equipment as established by training guidelines. [61.1.9(b,c,d)]
- 3) Officers utilizing RADAR & LIDAR will ensure that the equipment has a valid calibration date and is working properly. Any equipment which is malfunctioning, shall be forwarded to the company with whom the City has a contract for maintenance and/or repairs. Officers should contact the Traffic Response Unit if they have questions. [61.1.9(d,e)]

- b. Officers operating units not equipped with RADAR & LIDAR before issuing a summons for speeding shall: [61.1.5(c)]

- 1) Pace the speeding vehicle for at least 2/10ths of a mile;
- 2) Maintain a record of their unit's speedometer calibrations.

- 3. DUI enforcement will be performed in accordance with the Code of Virginia and OPS-325 (Driving Under the Influence). [61.1.10; 61.1.11]

4. Occupant Safety Restraint Enforcement

a. Officers shall enforce the safety restraint laws of Virginia.

- 1) Safety belt violations shall be enforced pursuant to Virginia State Code § 46.2-1094.
- 2) Child safety restraint violations shall be enforced as set forth in Virginia State Code § 46.2-1095.

E. Parking and Towing Enforcement

1. Patrol Officers, Police Aides, Police Cadets and designated Parking Enforcement personnel shall be responsible for parking law enforcement including, but not limited to: [61.1.1(d); 61.1.13]

a. Limited time zones;

NOTE: Handicap parking permits authorize handicapped persons to park in metered parking spaces without paying the fee or in any parking space designated for disabled persons, and up to four hours in any parking space with a time restriction during the hours allowed for general parking.

b. Handicapped parking zones;

NOTE: §46.2-1256 of the Code of Virginia authorizes the Department of Motor Vehicles to revoke an individual's placard or plate upon receipt of a conviction involving misuse of disabled parking privileges. To assist in initiating this revocation process, personnel are directed to enter the Disabled Parking Placard or Plate number on the Virginia Uniform Summons Form.

- c. Loading zones;
- d. Motorcycle parking zones;
- e. Fire hydrants;
- f. Residential parking zones;
- g. Bus stops;
- h. Tow zones;
- i. No parking zones;
- j. Designated fire lanes.

2. Patrol Officers, Police Aides, Police Cadets and designated Parking Enforcement personnel shall concentrate parking law enforcement during peak traffic periods. [61.1.1(d); 61.1.13]

3. Any contested parking citations will be presented to the Records Unit. It will be the responsibility of the Records Unit Commander to determine if a parking citation should be considered for dismissal based on the guidelines in with OPS-360 (Contested Parking Tickets).

NOTE: Officers have the discretion to give a warning when the operator is willing to move their vehicle. Officers voiding tickets in this circumstance must submit both the white and yellow copies of the citation to their supervisor with the reason for the void stated on the front. The supervisor will review the void with the officer and sign the citation and forward to the Records Unit. The third pink copy is to remain in the book and is to be turned in when obtaining a new book of tickets. [61.1.2(c); 82.3.4(b)]

F. Other Enforcement Concerns [61.1.1(d)]

In addition to the laws governing the operation of passenger vehicles/private carriers, officers are authorized to enforce all other applicable city and state traffic codes. This shall include:

1. Taking enforcement action against any driver, and/or owner, of any public carrier or commercial vehicle found to be in violation of applicable laws. [61.1.5(g)]
2. Enforcing all applicable laws related to bicyclists and pedestrians who recklessly disregard traffic laws and/or create a hazard to themselves or others. [61.1.5(l)]
3. Taking enforcement action against operators of off-road vehicles (e.g., dirt bikes, minibikes, and go carts) who illegally or recklessly operate such vehicles. [61.1.5(e)]

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