ROANOKE POLICE DEPARTMENT	Operational Directive: 62.1.5
Subject: Officer Contact with Traffic Violators	**Review Date:** February 14, 2014
Effective Date: February 28, 2014	**Approved:**_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 7/30/11, 2/12/09, 7/15/07, 5/25/04, 11/29/01, 1/07/93; OD61.1.6–3/10/93; OD62.1.9–5/25/94, 1/01/93	**CALEA Standard(s):** 61.1.7, 61.1.8, 61.1.12

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To provide guidelines to ensure that officers conduct themselves professionally and minimize conflict when dealing with traffic violators and to establish criteria to refer drivers for DMV reexamination.

II. PROCEDURE

A. Officers in contact with traffic violators will uphold a professional image. The demeanor used will be courteous and professional at all times.

B. The violator will be advised as to the nature of the stop based on the officer's observations. Discussion of the traffic violation and the action to be taken should be brief and business like. Verbal conflict will be avoided.

C. Officers will request to see an operator's license and vehicle registration or other identification during the traffic stop.

D. The proper forms/citations will be readily available to the officer.

E. The completion of forms will be done without unnecessary delay.

F. Should a driver show signs of emotional distress every effort will be made to calm the subject and to take the necessary action to ensure their safety.

G. Upon completion of the stop, every effort will be made for assisting the motorist back into the flow of traffic safely.

III. PROCEDURE FOR STOPPING AND APPROACHING TRAFFIC VIOLATORS

A. The safety of both the officer and motorist will be the primary concern.

B. The police vehicle will utilize blue flashing lights.

C. A safe distance and a safe zone between the police vehicle, the motorist vehicle and moving traffic will be provided.

D. The officer affecting the stop will be responsible for providing the necessary information by radio concerning the stop. The in-car video camera shall be activated, if available.

E. Extreme caution will be used upon approaching the violator's vehicle. Officers will adhere to all officer safety training practices during the traffic stop.

IV. PROCEDURES GOVERNING UNKNOWN AND HIGH RISK TRAFFIC STOPS

A. In addition to procedures governing traffic stops, officers will employ the following procedures when dealing with any unknown or high risk situation:

1. Officers will notify the E-911 Communications Center that they are following and will be attempting to stop a vehicle that presents reasonable suspicion that a high risk traffic stop will be made.

a. Officers will relay all pertinent information to the dispatcher to include but not be limited to:

1) Vehicle license number;

2) Vehicle description by type and color;

3) Location of stop; and

4) Driver and occupant description as is possible.

2. Officers will request a back-up unit and will, when possible, wait for the arrival of the back-up unit prior to initiating the traffic stop in a safe location.

3. Officers will position their vehicle behind the suspect vehicle at an angle that provides officer protection. Officers will have their firearm in hand. Officers will use high beams and spotlight to illuminate the suspect vehicle.

4. Officers will position the public address (PA) microphone so that it is readily accessible.

5. Officers will identify themselves to the occupants of the suspect vehicle via the PA advising the occupants that they are under arrest, considered armed and dangerous and ordering them to obey all commands.

    a. Occupants will be ordered to place their hands behind their heads.

    b. The driver will be ordered to shut off the engine and throw the keys to the rear of the vehicle.

6. The initiating officer will direct back-up officers to positions that cover the right rear and side of the suspect vehicle.

7. Officers will remove all occupants from the vehicle from the driver's side, beginning with the driver and moving across the front seat to the rear seat occupants.

    a. All occupants will be ordered to make a complete circle to the left keeping their hands behind their heads.

    b. All occupants will be ordered to walk backwards in the direction of the officer's voice.

    c. All occupants will walk backwards past the end of the suspect vehicle and ordered to kneel on the ground.

    d. All occupants will then be handcuffed behind their backs and searched. Handcuffs will be double locked whenever there is a complaint of pain or when the detainee is handcuffed in the front.

    e. Once thoroughly searched all occupants will be placed in the back seat of a police vehicle.

8. Personal information will be collected from all occupants and NCIC, VCIN and DMV checks run on all occupants.

9. Back-up officers will then conduct an interior search of the vehicle.

V. PROCEDURE FOR REFERRING DRIVERS FOR DMV RE-EXAMINATION

A. Officers will, through routine enforcement and accident investigation be aware of a driver whose ability to operate a vehicle safely is apparently impaired by some physical or medical condition:

1. Impaired drivers may be charged if they have committed a violation. During the appearance in court the officer and Commonwealth may recommend re-examination to the judge.

2. Upon the court's approval, DMV is notified and the individual summoned for re-examination.

B. If an officer believes a driver is or will continue to be a hazard to himself or the general public, the officer may have the individual reexamined under the provision of section §46.2-322 of the Motor Vehicle Laws.

1. The officer must submit a DMV Medical Review Request Form, MED 3. If the reason stems from a single incident, the details should include date, time, place, and a description of the driver's actions.

2. If the request is filed due to general observation of an individual's driving habits, the form will include dates of observation and the driver's actions. In all cases, the officer will include his specific observations or concerns leading to the request.

CCP: rdc/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 63.1.1
Subject: Traffic Crash Investigation	Review Date: February 27, 2014
Effective Date: March 5, 2014	Approved:_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 3/15/12, 10/25/10, 10/14/09, 5/1/09, 5/25/04, 11/19/01, 7/07/00, 10/15/86; OD63.1.2–4/25/94; OD63.1.3–10/15/86; OD63.1.4–10/15/86, OD63.1.5–10/16/86; OD63.1.7–10/16/86; OD63.2.1–10/16/86; OD41.3.24–1/1/93; OD41.3.29–7/20/98, 1/1/93	CALEA Standard(s): 41.2.4, , 61.1.5, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.2, 82.2.1, 83.2.6

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish policy for situations requiring traffic crash investigation and response to the scene for crashes occurring on public roadways.

II. PROCEDURE

A. This Department will respond to and investigate all traffic crash scenes:

1. On city streets;
2. Involving death or injuries;
3. Property damage;
4. Driving under the influence;
5. Hit and Runs on City streets and private property;
6. Hazardous materials;
7. Situations where a disorder has broken out between the parties involved;
8. Situations where major traffic congestion has occurred as a result of the traffic crash;

9. Reports of traffic crashes on private property involving reckless driving;

10. Damage to public vehicles or property; and

11. Vehicle damage to the extent where towing is required.

B. It will be the responsibility of the first officer on the scene to undertake the following:

1. Immediate care for the injured by summoning ambulance and/or additional police assistance;

2. Protecting the scene of the traffic crash to prevent further crashes, including summoning wrecker, if not already on the way;

3. Protecting the scene to prevent evidence being destroyed that might prevent an effective traffic crash investigation;

4. Locating and identifying witnesses;

5. Recording the traffic crash investigation;

6. Ensuring that property belonging to traffic crash victims is protected from theft. Vehicles and contents will be released to the owner, a person or wrecker service designated by the owner or driver, or an authorized wrecker service.

C. Procedure for determining the officer in charge at the traffic crash scene.

1. The closest available patrol officer will take charge of a traffic crash scene as assigned by the E-911 Communications Center.

2. Officers who happen upon traffic crashes during normal patrol will be responsible for the complete investigation of the traffic crash unless the investigative responsibility is transferred to another officer or reassigned by a supervisor.

3. For traffic crashes involving death, serious injury, or unusual circumstances, an officer trained to investigate major traffic crashes may be called upon to take charge of the investigation.

4. The ranking on-site supervisor may take charge of the traffic crash scene.

5. A supervisor will respond to any crash involving a Department vehicle.

D. All traffic crash investigations will be conducted in accordance with Department training and state guidelines.

1. At the scene traffic investigation will include the collection of the following information:

   a. Interviewing principals and witnesses;

   b. Examining/Recording vehicle damage;

   c. Examining/Recording effects of the traffic crash on the roadway;

   d. Taking measurements, as appropriate, to reconstruct the scene and support the investigation;

   e. Taking photographs, as appropriate;

   f. Collecting/preserving evidence; and

   g. Exchanging information among principals.

2. Any traffic crash that is non-reportable according to state guidelines, in which no special circumstances, to include Hit and Run, DUI, or city vehicle involvement are present, may be handled by officers completing and distributing to the involved parties the Accident Exchange of Information form. An FR 300 will be completed on any traffic crash involving any government vehicle regardless of jurisdiction meeting these listed criteria.

   a. When no FR300P report is filed the officer must retain a copy of the Accident Exchange of Information form on which observations and notations will be made. The original copy containing only the exchange information and offense number will be turned into the Records Unit for filing.

   b. Handling of non-reportable traffic crashes described above does not preclude the officer from placing appropriate charges related to the traffic crash.

   c. Notation will be made at the bottom of the Accident Exchange of Information form as to which driver is charged, the charge wording and the appropriate code section.

E. Officers will conduct follow-up traffic crash investigations as needed. Various activities involved in this task will include, but are not limited to:

1. Collection of off-scene data;

2. Obtaining/recording formal statements from principals and witnesses;

3. The reconstruction of traffic crash scenes;

4. Preparing formal reports to support criminal charges arising from the traffic crash;

5. Officers may, when approved by a supervisor, contact a Traffic Fatality Investigator.

6. Patrol officers are responsible for Hit and Run investigations until all leads are exhausted. Investigative Support personnel will be responsible for Hit and Run follow-up investigations when the patrol officer has exhausted all available leads.

F. Officers will examine crash scenes to locate and identify preliminary dangers of fire, spill or leak of hazardous materials, and the identification of the vehicle and container placards of the substance involved. Utilizing the Emergency Response Guidebook, the officer will communicate to the E-911 Communications Center the need for additional police personnel, Hazardous Material Team, EMS and the Fire Department as appropriate.

G. At a supervisor's discretion a fatality investigator may be assigned.

H. When the investigating officer detects a violation of a traffic law or ordinance and when evidence exists to satisfy all the elements of the particular violation, the appropriate enforcement action will be taken.

III. TRAFFIC DIRECTION AND CONTROL AT A CRASH SCENE

A. The investigating officer at the scene of a traffic crash will be responsible for establishing a safety zone around the scene when the normal traffic flow is disrupted.

B. The necessary equipment will be utilized in order to give timely notice of a disruption in the traffic flow. The use of temporary traffic control devices to include flares, traffic cones, or other devices will be set up to ensure that the safety of the scene is maintained.

C. If necessary to close a section of roadway, barricades will be set to make the detour as simple to follow as possible.

D. Additional officers may be called to the scene to adequately direct and control traffic through uniform hand signals or the manual operation of traffic control devices while wearing Department issued reflective vests.

IV. TRAFFIC CRASH FORMS, PROCEDURES AND PROCESSING

A. Traffic Crash Report Forms designated FR-300P will be used for all reportable motor vehicle crash reporting.

1. These forms are to be prepared on all traffic crashes that require a report be submitted to the Division of Motor Vehicles (DMV) within 24 hours after taking the report. As necessary, through the continuing investigation and until completion, officers will submit revised FR300P reports as required by the COV.

2. This form is a minimum four page package with copies going, as required, to DMV and/or the Records Unit. If wrecker(s) are used, the name(s) of the wrecker used will be included in ***the report narrative***.

3. The Police Officer's Instruction Manual for Completing the Police Crash Report FR300P explains the FR-300P.

B. Offense Reports

1. With the use of the FR-300P, no incident report will be required for motor vehicle traffic crashes. In instances where a traffic crash is reported by a citizen who is so separated by time and/or distance from the event that no FR300P investigation may be completed, an incident report titled Police Information may be used to document the citizen's account of events.

D. Hit and Run Reports

1. If the traffic crash is a Hit and Run, the investigating officer will complete a Hit and Run Report in addition to the FR300P. The Hit and Run Report will be completed with all available information. The Hit and Run Report will be capable of standing alone as a description of the traffic crash. The completed Hit and Run Report will be submitted with the FR300P.

2. Officers will contact an Evidence Technician (ET) to respond to any Hit and Run traffic crash that involves damage to an occupied dwelling or building, damage to an unoccupied dwelling or building, an occupied vehicle or any personal injury. The ET will thoroughly process and photograph the suspect vehicle and all related damages prior to having the vehicle towed by a private tow company. The ET will document their actions on a supplement to the Hit and Run Report.

E. Disposition of Reports in CAD

1. Officers handling crashes will provide the following disposition for CAD reporting purposes:

   a. When an FR300P is required by DMV guidelines officers will ***assign*** the CAD system a disposition of "F" indicating a full FR-300P report ***has been*** filed.

   b. Officers handling a crash where no extraordinary circumstances exist ***and no FR-300P is required*** will assign the CAD system a disposition of "S" indicating that an Exchange Form has been completed.

F. Submission of Reports

1. The incident number will be legibly added to the margin of the FR300P or the upper right-hand corner of the Department copy of the FR300P by the officer prior to submission to the Records Unit.

2. A supervisor or his designee will review the traffic crash report to determine that the report is complete, that there is an incident number on the report, and all appropriate supplements, citations and all other necessary documentation is attached. The supervisor or his designee will then forward the traffic crash report to the Patrol Bureau.

3. The traffic crash report will be reviewed for errors and completeness by the ***Traffic Safety Officer***. Proper distribution of the FR300P copies and other traffic crash related forms will be done by the ***Traffic Safety Officer***.

CCP: rdc/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 41.2.2
Subject: Vehicle Operation, Response and Pursuits	**Review Date:** September 29, 2015
Effective Date: February 10, 2016	**Approved:**_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 8/30/14, 3/10/14, 3/21/12, 1/4/11, 3/22/07, 3/02/06, 5/18/04,12/10/01, 12/21/98, 7/19/96; OD2.1.5–1/1/93, 3/10/00	**CALEA Standard(s):** 41.2.1, 41.2.2, 41.2.3, 41.3.3, 61.3.4

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Operational Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

This Operational Directive establishes the Department's policy and procedures concerning emergency vehicle operation, response and motor vehicle pursuits.

II. POLICY

It is the policy of the Department that all employees operate Department vehicles in the safest manner possible pursuant to this Operational Directive. While operating Department vehicles, employees shall exercise safe driving practices and obey the traffic laws of the Commonwealth of Virginia. To increase officer's safety and the safety of citizens, officers of the Department shall follow the procedures set forth in this Operational Directive. The apprehension of a fleeing subject shall be secondary in importance to the safety of the public, violators and/or members of the Department. While operating Department vehicles, employees will utilize their training, experience and judgment to exercise safe driving practices. Officers will utilize their training, experience and judgment in determining the best and safest means of responding to a particular call or engaging in a pursuit while performing their duties as law enforcement officers.

III. DEFINITIONS

A. Emergency - any situation in which the response and arrival of an officer will either eliminate or reduce the high probability of serious injury or death.

B. Emergency Response - Response to any situation in which the immediate response and arrival of an enforcement officer will either eliminate or reduce the high probability of serious injury or death. ***Officers shall, during any emergency response, turn on the in-car video and audio system and shall keep the in-car video and audio system activated throughout the duration of the emergency response. Any time the in-car audio and video camera system is malfunctioning or ceases to function officers will immediately report the malfunctioning or non-operational in-car audio and video system and/or bwc to the on-duty supervisor or Field Commander.***

C. Monitoring - Keeping abreast of continual changes during the course of a pursuit. ***All officers, other than the pursuing primary and secondary officer, are prohibited from taking any action to catch up with any pursuit, to assist with any pursuit, or to join in any pursuit unless specifically authorized to do so by a supervisor.***

D. Supervisor includes the field commander throughout this Operational Directive.

IV. PROCEDURES

A. General

1. Department vehicles will be driven in a safe and proper manner with the driver remaining in control of the vehicle at all times and acting in full compliance with all traffic laws and regulations.

2. All police personnel, while operating any city owned motor vehicle so equipped and/or while in a duty status, pursuant to the COV, will not place the vehicle in motion unless the seat belt and/or shoulder harness is in use as designed. It is the responsibility of the operator to see that all occupants of the vehicle comply with City Policy and state law in regards to such use of safety equipment. Child safety seats will be used pursuant to COV when transporting children.

3. Operators of Department vehicles are advised that traffic regulations requiring other vehicles to yield the right of way to an emergency vehicle does not relieve the operator of such emergency vehicle from the duty to drive with due regard for the safety of all persons using the highways, nor shall it protect the driver from the consequences of an arbitrary exercise of such right of way.

4. The Code of Virginia (COV) section § 46.2-920 defines emergency situations that authorize vehicle operators to disregard certain traffic regulations specified therein.

5. While operating a vehicle in an emergency mode both the blue lights and siren will be used pursuant to the COV and this Operational Directive and the driver will maintain safe and proper control of the vehicle at all times. Extreme care and caution will be exercised at all cross streets, flashing red signals, traffic lights, stop signs, yield signs or other device indicating that moving traffic shall stop. The speed of the Department vehicle will be sufficiently reduced to enable it to be stopped at any intersection, flashing red signal, traffic light, stop sign, yield sign or other device. The driver will ensure that the intersection can be entered and crossed in a safe manner with due regard to the safety of persons and property.

    a. Any driver of any police vehicle responding to an emergency call or involved in a vehicle pursuit will use the blue light and siren for the purpose of gaining safe passage and to indicate the need for a driver to yield.

    b. When an expeditious response is necessary the officer will exercise caution and will restrict the use the blue lights and siren to areas in which traffic congestion becomes a hindrance to the passage of the police vehicle pursuant to the COV and this Operational Directive.

    c. This policy contemplates that police best practices may allow an emergency response without an officer using their emergency equipment or using their emergency equipment intermittently. Officers are required to utilize their judgment and discretion when responding in such a manner to ensure that such response is justified.

B. Vehicle Equipment

1. Emergency blue lights are a part of a police vehicle's emergency equipment and will be used in the following situations:

    a. Emergency operation as discussed in Section III, A and Section IV, A, 4.

    b. During vehicular pursuit, as further detailed in Section IV, C.

2. In addition to pursuits and emergency operation, blue lights may be used in the following situations:

    a. During vehicular stops to notify the vehicle being stopped of that intention and/or to maintain vehicular safety at the scene of the stop;

b. At the scene of roadway hazards to warn approaching motorists; and

c. At emergency scenes where officers are required by the situation to leave their vehicle in a traffic lane, to warn approaching motorists.

3. Emergency blue lights will not be used except when necessary for vehicular safety or other legitimate purposes.

4. The siren is a part of the police vehicle's emergency equipment and will be used in the following situations:

   a. Emergency operation as discussed in Section III, A and Section IV, A, 4.

   b. During vehicular pursuit, as further detailed in Section, IV, C.

5. In addition to pursuits and emergency operation, the siren may be used in the following situations:

   a. To gain the attention of and give notice to the operator of a vehicle of the officers order to stop the vehicle; and

   b. To warn citizens of an impending danger, when no other means is readily available.

   c. The siren will not be used except when necessary for vehicular safety or other legitimate purposes.

6. Hazardous warning lights or four-way flashers may be used to increase vehicular safety and visibility at the scene of vehicular stops, roadway hazards or situations where the police vehicle is stopped near a traffic lane. They will not be used when the police vehicle is in operation.

7. Alley lights and spotlights may be used when the vehicle is stationary or moving at slow speeds. Auxiliary lighting will not be used in a manner which will blind or interfere with the vision of other drivers. Spotlights and take-down lights will be used in traffic stops to enhance officer safety. Officers are encouraged to make use of headlights at all times when operating as an emergency vehicle. The use of headlights during daylight hours increases the visibility of the police vehicle.

C. Vehicle Pursuits

1. The decision to initiate a pursuit is made by the officer ***pursuant to this Operational Directive***. Likewise, the decision to terminate is also the responsibility of that officer. Even though a supervisor holds the authority and the responsibility to order the termination of a pursuit, the initiating officer still holds authority to terminate the pursuit at any time prior to such supervisory intervention.

2. Before making a decision to continue or terminate a pursuit several factors must be considered. The factors include, but are not limited to, the following:

   a. The condition of the police vehicle;

   b. Whether the identity of the suspect driver is known;

   c. The offense involved;

   d. The time of day;

   e. The weather, road, and traffic conditions;

   f. The speed of the pursued vehicle;

   g. The type of vehicle being pursued;

   h. The characteristics of the area, including the presence of pedestrians;

   i. The behavior and apparent driving ability of the suspect driver;

   j. Whether the pursued vehicle contains passengers;

   k. The degree of risk to the officer and the public;

   l. The ability to apprehend the subject at a later date; and

   m. The ability of the pursing officer(s) to effectively communicate the details of the pursuit over the radio. If the pursuing officer(s) are not able to effectively communicate the details of the pursuit the pursuit will be immediately terminated.

3. The potential dangers of the pursuit must be carefully and realistically weighed against the listed factors and the reason for the pursuit. ***Officers are required to act in an objectively reasonable manner based on what they know or reasonably believe at the time of the pursuit.***

4. Officers will utilize all available and practical tactics as authorized by law or Department policies to avoid pursuits of motor vehicles.

5. No pursuits shall be initiated by an officer having a civilian, a detainee or any other non-sworn individual in the police vehicle.

D. Termination of Pursuits

1. A pursuit shall be discontinued when any of the following conditions exist:

   a. Hazards of exposing the public or the officer to injury or serious property damage are high;

   b. Environmental, weather, road or traffic conditions indicate that a successful apprehension is unlikely;

   c. The identity of the violator has been or can be established without immediate apprehension and continued pursuit is not necessary to end an active felony or to eliminate an imminent serious physical injury or threat to life.

2. ***Officers may initiate a vehicle pursuit only for violent felonies or misdemeanor crimes of violence. Pursuits can be authorized by a supervisor when the suspect driver poses, or has threatened, imminent danger of serious physical injury to any person, when the officer reasonably believes that the pursuit is in defense of human life or all other available and reasonable means have failed to prevent the escape of a fleeing felon whom officers have probable cause to believe poses an imminent threat of death or serious physical injury to others should escape occur. Officers are required to act in an objectively reasonable manner based on what they know or reasonably believe at the time of the pursuit.***

3. An officer who makes a decision to terminate a pursuit of a motor vehicle based on the procedures contained in this Operational Directive will not be subjected to Department disciplinary action for terminating the pursuit.

4. When officers choose to terminate a pursuit or are directed to terminate a pursuit by a supervisor, they will ***immediately*** pull to the side of the roadway in a safe location and stop to wait for a meeting with a supervisor or specific permission from that supervisor to leave the location of that stop. The pursuing officer, immediate supervisor, the shift supervisor or higher ranking officer may order termination at any time.

5. ***Any officer granted permission by a supervisor to engage in a pursuit pursuant to this Operational Directive, will immediately, at the conclusion of the pursuit, pull to the side of the roadway in a safe location and stop to wait for a meeting with a supervisor. The supervisor may grant permission for the officer to leave the location of that stop.***

E. Initiating Officer's Responsibility

1. When a decision to pursue has been made the primary officer initiating the pursuit will:

   a. Activate the blue lights and the siren;

   b. Unless working a pre-planned operation on a designated side channel transmit the following information to the 911 Communications Center on channel one. Officers will not switch to a side channel.

      1) Unit identification number and location;

      2) Direction of travel;

      3) All available information concerning the description of the pursued vehicle and occupant information;

      4) Reason for the pursuit;

      5) Speed of the pursuit; and

      6) Continual position reports.

   c. Follow training guidelines concerning the operation of a police vehicle during a pursuit;

d. Not pursue violators against the flow of traffic on divided highways. Parallel pursuit may be utilized after considering the potential risks involved if the speed of the pursued vehicle allows the officer to operate without emergency lights and siren. Parallel pursuits are defined as traveling in the proper lane parallel to the violator who is traveling against the flow of traffic on a divided highway; and

e. Write an offense report regardless of the duration or outcome of the pursuit. The report will contain all details of the pursuit and will describe why a pursuit was terminated and who terminated the pursuit. The initiating officer will be responsible for preparing the incident report and supplementary reports to that incident are to be submitted by other officers involved ***prior to the end of their tour of duty***. This report requirement is mandatory and never discretionary.

F. Secondary or Backup Unit's Responsibility

1. There will be only two vehicles involved in any Department pursuit. If a secondary officer is deemed necessary by the supervisor, the supervisor will assign the secondary officer for each pursuit. The officer assigned as secondary will acknowledge their assignment on channel one. A supervisor has the authority to involve additional police vehicles/officers in a pursuit if the circumstances are such as to warrant the need for additional officers. A supervisor authorizing additional vehicles will prepare a written report detailing the facts and circumstances which led to the assignment of additional units.

2. All other officers are prohibited from taking any action to catch up with any pursuit, to assist with any pursuit, to join in any pursuit unless specifically authorized to do so by a supervisor.

3. Pursuits by motorcycle officers are authorized, but as soon as the first police automobile joins the pursuit, the motorcycle officer will assume the responsibilities of the secondary pursuit vehicle unless directed differently by a supervisor and the automobile will become the primary pursuit vehicle.

4. Officers trained in the use of the pursuit intervention device (PID) may utilize emergency equipment to respond to a location in order to deploy the PID only with the prior supervisory approval. A supervisor may authorize more than one PID trained officer to respond. Supervisors or PID trained officers responding for this purpose will give an on-air notification that they are responding using emergency equipment. Emergency response will be consistent with this Operational Directive and training established by the Department.

G. Supervisor's Responsibility

1. The supervisor is responsible for monitoring the progress of the pursuit and coordinating the backup unit.

2. Supervisors must continuously evaluate the justification for the pursuit. If the hazards become too great the supervisor shall terminate the pursuit. The supervisor is responsible for ordering the termination of a pursuit; taking into account the factors listed in this Operational Directive. This supervisory responsibility does not prevent the initiating pursuing officer from making the decision to terminate the pursuit prior to any order to do so.

3. Once the pursuit leaves the city, the supervisor must make a decision as to whether to allow the pursuit to continue and communicate that decision to the pursuing officer(s) immediately.

4. The Bureau Commander will ensure that an incident report is written by the initiating officer and a Vehicular Pursuit Critique Form is completed by a supervisor on all pursuits. Both will be submitted without delay, with a copy of the report and the original critique forwarded to the Patrol Captain. All pursuits regardless of duration or outcome require a written incident report. The Patrol Captain will be notified of any pursuit that occurred and that the Pursuit Critique was completed on the incident.

5. ***At the conclusion of each pursuit, the on-duty supervisor shall ensure that the in-car camera electronic media has been downloaded pursuant to Operational Directive 62.1.20. The supervisor, prior to the end of his tour of duty will review each pursuit for compliance or non-compliance with this Operational Directive and will document his determination through Blue Team and a pursuit report.***

H. Pursuits Continuing Outside the City

1. Officers shall not pursue persons suspected ***of a violent felony or misdemeanor crimes of violence*** outside the territorial limits of the City of Roanoke and contiguous jurisdictions ***absent the approval of a supervisor***. The fact that a person is fleeing is not justification to pursue outside of these limits.

2. When the pursuit leaves the city the pursuing officer must immediately notify his supervisor of that fact. Supervisors will then hold primary responsibility for a decision to continue or terminate the pursuit.

3. If a unit from the jurisdiction enters the pursuit or the Virginia State Police enters the pursuit, the Department unit will maintain its primary pursuit responsibility unless the outside jurisdiction unit or the Virginia State Police unit initiates an action to take over the primary position. If the outside jurisdiction unit or the Virginia State Police unit takes the primary pursuit position, the Department unit will drop back and assume backup responsibilities. If a Department unit is involved as a backup to the first Department unit that second unit will terminate involvement in the pursuit unless ordered otherwise by a supervisor. If both a unit from the jurisdiction and a Virginia State Police unit enter the pursuit the Department will terminate involvement in the pursuit unless ordered otherwise by a supervisor.

I. Pursuits Entering the City from Other Jurisdictions

1. When a pursuit by a single unit of another jurisdiction enters the city limits an officer of this Department may join the pursuit only with the approval of a supervisor. ***Officers shall join such a vehicle pursuit only if the originating offense in the other jurisdiction was for a violent felony or misdemeanor crimes of violence. Such pursuits may be authorized by a supervisor when the suspect driver poses, or has threatened, imminent danger of serious physical injury to any person, when the officer reasonably believes that the pursuit is in defense of human life or all other available and reasonable means have failed to prevent the escape of a violent felony suspect or misdemeanor crime of violence suspect whom officers have probable cause to believe poses an imminent threat of death or serious physical injury to others should escape occur.***

2. ***Officers are required to act in an objectively reasonable manner based on what they know or reasonably believe at the time of the pursuit. One unit from this Department, if authorized by a supervisor, may assist in the pursuit utilizing both blue lights and siren. The officer will then follow the procedures outlined in this Operational Directive. The officer must ascertain from the E-911 Communications Center of any outstanding charges against the suspect driver.***

3. The Department unit involved must advise if the pursuit leaves the City. Department units will not pursue outside the city limits if the pursuit originated in another jurisdiction.

4. For cases in which a pursuit enters the city with two or more police units involved, no Department units will be authorized to join in the pursuit.

J. E-911 Communications Center Responsibilities

1. E-911 Communications Center personnel have been trained to utilize the following procedures when notified by a unit that a pursuit has been initiated:

   a. Transmit to all units the fact that a pursuit is in progress and the unit(s) involved. Clear a channel to be utilized only for the pursuit related communications;

   b. Advise all units of the description of the pursued vehicle, direction of travel, speed and other necessary information;

   c. Maintain close radio contact while leaving a radio channel available to the pursuing unit so as to immediately react to the officer's needs;

   d. Coordinate notifications of adjoining jurisdictions;

   e. Make certain that Department supervisors are notified of the pursuit;

   f. Take action to see that the supervisors are updated frequently as to the pursuit;

g. When an officer indicates the initiation of a vehicular pursuit, E-911 Communications Center personnel will immediately assign an incident number; and

h. ***When a pursuit by an officer of another jurisdiction enters the city limits E-911 Communications Center personnel will determine the reason for the pursuit. E-911 Communications Center personnel will immediately advise the on-duty supervisor of the underlying reason for the pursuit.***

K. Pursuit Intervention Devices

1. ***The use of a Pursuit Intervention Devices (PID) is considered a use of force.*** PID's are designed to afford officers with an alternative to the use of potential deadly force to end a pursuit by deflating the tires of the fleeing vehicle. PID's will be used only on vehicles with four or more tires unless deadly force is justified under Operational Directive 2.1.22.

2. PID's will only be utilized by supervisors/officers who have completed training on the proper use and deployment of the specific device they intend to use. Supervisors/officers will deploy the PID's as directed in training. Supervisors/officers are responsible for their safety and that of the public. PID's will not be deployed when circumstances indicate to the supervisor/officer that it would not be in the best safety interest to attempt to deploy the PID.

3. Supervisors/officers intending to utilize a PID are responsible for attempting to notify all involved units regardless of jurisdiction of the location of deployment.

4. Supervisors/officers are responsible for attempting to limit exposure of uninvolved motorists to the PID's to prevent damage to their vehicles.

   a. Should an uninvolved motorist's vehicle be damaged, the proper special report will be completed and forwarded to the Patrol Captain's Office along with the Pursuit Critique Form.

   b. If the uninvolved motorist's vehicle is not drivable, a wrecker from the city list will be called and the vehicle will be towed to a location of the motorist's choice.

5. A use of force report is required by the officer who deploys a PID whether or not a driver makes contact with the PID. A review of each use of a PID will follow the procedures established in Operational Directive 2.1.22 section Five, D.

L. Roadblocks

1. The United States Supreme Court has ruled that the use of a roadblock is an example of the potential use of deadly force. Stationary roadblocks shall be used only when the suspect being pursued clearly presents an imminent threat of inflicting serious physical injury or death to an officer or a citizen. Supervisors are responsible for and must approve all roadblocks. Roadblocks shall:

   a. Not be placed in a manner that is likely to cause any motorist to crash;

   b. Only be used when an application of deadly force is justified;

   c. Be established in a highly visible area to ensure that the pursued vehicle has time to stop upon seeing the roadblock;

   d. Provide non-involved motorists ample room to maneuver their vehicles with safety; and

   e. Be established with ample emergency lights, flares, or other illumination so that all motorists and the pursued driver are fully aware of the roadblock.

2. Officers will be certain that other responding units from all jurisdictions are aware of the roadblock location.

3. Officers establishing a roadblock will position themselves outside their vehicles and at a safe distance to ensure safety in the event the suspect tries to evade capture.

4. Supervisors are responsible for positioning at least one unit well past the roadblock to continue the pursuit in the event that the suspect evades or crashes through the roadblock.

5. A written report and the completion of a use of force report are required by officers who establish a roadblock. An administrative review of each use of a roadblock will follow the procedures established in Operational Directive 2.1.22 section Five, D.

M. Forcible Stopping

1. The United States Supreme Court has ruled that forcible stopping is an example of the potential use of deadly force. Forcible stopping shall only be utilized when the suspect clearly presents an imminent threat of inflicting serious physical injury or death to an officer or a citizen. Supervisors are responsible for approving forcible stopping when possible. Deliberate ramming of a suspect's vehicle shall be done only in the following instances:

   a. When suspects pose a continued imminent threat of inflicting serious physical injury or death to an officer or a citizen; or

   b. When suspects are actively committing an act of violence against a citizen or an officer in which there is a high probability of the officer or citizen sustaining serious physical injury or being killed.

2. Officers are reminded that deliberate ramming may cause the deployment of the police vehicle's airbag which could cause loss of vehicle control.

3. A written report and the completion of a use of force report are required by the officer involved in a forcible stopping incident. An administrative review of each forcible stopping incident will follow the procedures established in Operational Directive 2.1.22 section Five, D.

N. Pursuit by Unmarked Police Vehicles

1. Officers shall not initiate pursuits in non-emergency vehicles or personal vehicles.

2. Officers in unmarked vehicles are prohibited from initiating pursuits. The only exceptions ***are in the case of a violent felony or misdemeanor crime of violence*** with the prior approval of a supervisor. In the event an unmarked vehicle is involved in a pursuit, the pursuit will be discontinued by that vehicle immediately upon involvement by a marked patrol unit. The unmarked unit will then completely discontinue the pursuit.

3. An exception to the above guideline may be made in situations where the need for additional manpower at the site of apprehension is indicated. In this instance, the unmarked vehicle, after relinquishing the lead to a marked patrol vehicle and with prior supervisor approval, would continue with the pursuit in the safest possible manner to its conclusion.

4. Officers in unmarked patrol vehicles with emergency equipment may initiate pursuits in accordance with this Operational Directive. However, officers will relinquish the pursuit to marked patrol vehicles. Unmarked patrol units will not serve as secondary/back-up units, unless authorized by a supervisor.

Administrative Review

1. At the discretion of the Chief a panel may be designated to conduct a review of any pursuit incident. The review may include an evaluation of policy/procedures, tactics and/or training.

P. Discipline

1. Any officer found in violation of any section of this Operational Directive is subject to disciplinary action up to and including termination.

Q. Pursuit Analysis

1. The Patrol Captain or his designee will conduct an annual documented analysis of all Department pursuit pursuits and pursuit reports. The annual analysis will include a documented review of pursuit polices and reporting procedures.

CCP: tsj/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 61.3.1
Subject: Traffic Enforcement Data Collection and Evaluation	**Review Date:** February 14, 2014
Effective Date: February 28, 2014	**Approved:**_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 2/28/12, 5/11/10, 2/8/10, 8/31/09, 5/1/07, 5/24/05, 5/24/94, 11/29/01, OD61.2.1 – 8/01/93, OD61.2.2–3/24/93; OD61.2.3–10/20/93	**CALEA Standard(s):** 61.1.1, 82.2.4, 82.3.3

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

Selective traffic enforcement is implemented and intended to reduce traffic crashes through proactive enforcement actions. The Department recognizes the importance of selective traffic enforcement activities as a means to help ensure safe travel throughout the City. It will be a priority of officers to utilize the enforcement of traffic regulations as a tool to promote the safe and efficient flow of traffic on the streets of the city. To that end officers will diligently enforce the laws related to motor vehicle, moped and bicycle operation paying particular attention to the use of occupant safety devices, ***texting while driving***, specific identified factors involved in crashes and in response to citizen complaints or requests for selective enforcement pursuant to this Operational Directive.

II. POLICY

The Department will direct its resources based on compiled and reviewed crash data, citizen complaints and citizen requests for enforcement action with the intention of reducing traffic crashes and the unsafe operation of motor vehicles, mopeds and bicycles throughout the City.

III. PROCEDURE

A. The ***Platoon*** and ***CRT*** Lieutenants in conjunction with the Crime Analysts will compile and review traffic crash data, citizen complaints and requests for traffic enforcement on a monthly basis. The review will determine those locations experiencing the highest number of traffic crashes and citizen complaints or requests by Zone or ***Sector*** based on:

1. Specific location;

2. Time; and

3. Specific violations causing traffic crashes or traffic violations in those locations.

B. Traffic enforcement activities will be compiled and reviewed by the Patrol Captain or his designee on a monthly basis.

C. Monthly crash data and enforcement activities will be reviewed and compared. Based on this review the Department will deploy personnel and necessary specialized equipment to those identified locations to take appropriate enforcement action.

D. The Department will implement selective enforcement techniques and procedures as a priority to include, but not be limited, to:

1. DUI details;

2. Seat belt and child restraints;

3. ***Texting while driving violations***;

3. Occupant safety details;

4. Stationary RADAR/LIDAR;

5. Stationary operation, either overt or covert;

6. Deployment of the RADAR Trailer;

7. Deployment of numeric speed sensors; and

8. Stealth Stat RADAR.

E. The RADAR trailer, numeric speed sensors and the Stealth Stat RADAR will be deployed based on greatest need after a review of traffic crash data and citizen complaints or requests for traffic enforcement. Deployment will be in a secure, safe location that does not create a traffic hazard. Deployment requires pre-approval by a supervisor.

F. Selective traffic enforcement activities will be evaluated at the end of each month. Each evaluation will:

1. Capture the number of traffic crashes;

2. Capture the number of citations issued in conjunction with traffic crashes;

3. Establish the locations with the highest number of traffic crashes including;

   a) Day of week;

   b) Time of day; and

2. ***Platoon and CRT*** Lieutenants will make selective enforcement assignments based on citizen complaints, citizen requests for traffic enforcement and collected data.

3. Officers assigned to citizen complaints, citizen requests for traffic enforcement, any other selective enforcement assignment and identified traffic crash locations will complete a memorandum or e-mail response to the ***Platoon or CRT*** Lieutenant documenting all selective traffic enforcement activities undertaken at the identified location no later than the assigned deadline.

4. The ***Platoon or CRT*** Lieutenants will submit copies those memoranda or e-mail responses to the Patrol Captain's Office by the end of each month for inclusion in the monthly review.

5. Zone sergeants and Platoon lieutenants will submit any additional information that would benefit the Department's response to traffic enforcement activities to the Patrol Captain's Office by the end of each month for inclusion in the Department's monthly traffic enforcement evaluations.

III. PROCEDURE FOR TRAFFIC RECORD COLLECTION AND STORAGE

A. Collection and Storage of Traffic Data

1. All traffic crash data including reports, investigations and location information will be scanned into docview and forwarded to the Records Unit for data entry and report filing. .

2. All traffic enforcement data including citations, arrests, dispositions and location information will be forwarded to the Records Unit for data entry and report filing.

3. All reports of hazardous roadway conditions will be made to the E-911 Communications Center to be forwarded to the appropriate Department for service.

4. Documentation of any presentation given on traffic safety will be forwarded to the appropriate ***Platoon or CRT*** Lieutenant for record keeping purposes.

5. All traffic volume data reports are made available upon request to the Department by the Traffic Engineering Office.

6. All traffic volume reports and the distribution of these reports is through the Traffic Engineering Office.

7. All traffic enforcement activity data will be compiled on a monthly basis and maintained by the ***Patrol Captain*** Administrative Assistant.

B. Traffic Records System

1. All documented traffic data will be entered by Records Unit personnel with the established computer index system.

2. The distribution of traffic offense material will be done in accordance with Operational Directive 82.1.4.

3. All traffic related offense documentation will be retained in their original form or by computer entry pursuant to the Virginia Records Retention Act.

4. Crash locations will be maintained in PolicePak and in ARC Map (GIS) to aid in evaluation and problem identification.

C. Crash Reporting

1. The Traffic Safety Officer will review traffic offense reports in order to:

   a. Maintain the level of quality and accuracy of reports and

   b. Provide required crash data to the Division of Motor Vehicles.

CCP: rdc/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 62.1.1
Subject: Traffic Law Enforcement	Review Date: March 10, 2014
Effective Date: March 14, 2014	Approved:_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 2/20/12, 5/15/11, 10/16/09, 4/11/07, 5/04/04, 11/29/01; 3/02/00, OD62.1.3–11/07/92; OD62.1.2–11/16/98, 10/15/93	CALEA Standard(s): 1.1.4, 61.1.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To set forth procedures concerning enforcement action in relation to traffic law enforcement and uniform enforcement of traffic law violations.

II. POLICY

It will be the policy and a priority of Department to utilize the enforcement of traffic regulations as a tool to promote the safe and efficient flow of traffic on the streets of the city. Traffic enforcement is a vital element of each officer's efforts to promote highway safety and to protect the lives of motorists and pedestrians. It has been demonstrated that numbers of quality traffic arrests and citations produce the best results in promoting safety and creating safer neighborhoods. Patrol officers will be diligent in bringing traffic violations before the court. While discretion may be exercised in minor cases, felony traffic cases and impaired drivers will be brought to the court's attention if the case is prosecutable.

III. PROCEDURE

A. It will be the responsibility of all patrol personnel to equally enforce traffic violations throughout the city. Enforcement action will be in accordance with applicable laws and will take into account the degree and severity of the violation committed.

B. Enforcement action taken incidental to traffic law violations will include:

1. Warnings: An investigating officer may issue warnings verbally when inadvertent violations are committed which do not endanger other citizens.

2. Citation: Citations will be issued or arrests made for traffic infractions which endanger other motorists or pedestrians, or at the officer's discretion, in accordance with the applicable traffic laws.

3. Physical arrest: Traffic offenders may be taken under arrest under certain circumstances which are authorized by the Code of Virginia or the City Traffic Code.

C. Procedure for handling traffic violations committed by the following:

1. Nonresidents: Such persons will be given the same consideration as residents in accordance with the Code of Virginia in matters concerning traffic enforcement.

2. Juveniles: Traffic citations for those persons under the age of eighteen will be issued and set for trial in the Juvenile Court System.

3. Legislators: Legislators are granted no exceptional treatment unless such exceptions are specified by state code. Upon issuance of a citation to a legislator, the issuing officer will advise his immediate supervisor of the occurrence.

4. Foreign Nationals: When a foreign national is arrested or detained they must be advised of the right to have their consular officials notified. Officers can access detailed information regarding their responsibilities pursuant to consular notification on the MCT.

5. Foreign Diplomats: Individuals provided with diplomatic status, who are involved in a chargeable traffic offense, will be immune from arrest or imprisonment. It is incumbent on the officer to positively establish the claimed diplomatic status.

   a. Individuals with diplomatic immunity may be issued a summons but need not sign the summons.

   b. Individuals with diplomatic immunity may be offered standard field sobriety tests. The taking of these tests may not be compelled.

   c. Individuals with diplomatic immunity vehicles may not be searched, seized, impounded or booted. The vehicle may be towed the distance necessary to ensure public safety.

6. Military Personnel: When military personnel are charged with traffic violations, every effort will be made to set a court date that would minimize any conflict with the individual appearing in court.

D. Information provided to each motorist relative to the specific charge will include:

1. Court Appearance Schedule: Each citation issued will specify the date and time for the motorist to appear concerning the charge, the proper court, and the address of the court.

2. Mandatory Court Appearance: The citation will have the proper section checked to advise whether or not mandatory appearance is required.

3. Other Information: The motorist will be provided information as to why the citation has been issued and the state or city section dealing with the violation. A telephone number for further information dealing with the disposition of the charge will be provided. Verbal instructions will be given by the issuing officer to help clarify the citation process and method of payment prior to the scheduled court date.

E. Driving under the influence of alcohol/drugs: Following whatever initial examinations at the scene of the traffic stop are necessary, the officer will:

1. Effect a physical arrest of the subject and assume responsibility for the safety of the subject and the subject's property; and

2. Offer chemical test(s) to the subject in accordance with state statutes. These chemical tests are supplementary tools only and the refusal to submit to these tests will constitute an additional charge.

F. Speed Violations/RADAR/LIDAR: RADAR/LIDAR speed measuring devices will be used by properly trained and certified officers as a supplementary tool to assist them in response to citywide speeding violations, citizen's complaints concerning speeding motorists, citizen requests for traffic enforcement and in speed enforcement in high or potentially high traffic crash locations.

1. Only those officers who have received the training for RADAR and/or LIDAR may employ that equipment for speed enforcement.

2. RADAR/LIDAR will be deployed with the safety of the officer and the public in mind at all times.

3. The primary function of patrol officers is to provide high visibility in their assigned areas. Officers may utilize RADAR and stationary LIDAR as a supplement to their patrol functions.

4. The Patrol Bureau will document the number of RADAR/LIDAR charges placed monthly.

G. Hazardous Violations: Those violations that by nature endanger life or property of the person committing the act or others. Traffic violations of this nature will require priority enforcement be given by patrol officers. Information concerning problem areas and the type of hazardous violations committed in those areas will be maintained in the Patrol Bureau. The following offenses will be treated as hazardous moving violations for Department purposes and will be an enforcement priority:

1. Operating under the influence of alcohol or drugs;
2. Reckless driving;
3. Speeding;
4. Failure to yield;
5. Disregard stop light;
6. Disregard stop sign;
7. Improper lane change;
8. Improper turns; and
9. Following too close.

H. Equipment Violations: An offense of this nature will be enforced to prevent the use of unsafe or improperly equipped vehicles on City streets.

I. Public Carrier/Commercial Vehicle Violations: Traffic law enforcement procedures will be applied equally to all violators regardless of their association with any public carrier or commercial vehicle.

J. Other Non-hazardous Violations: Nonhazardous traffic violations when appropriate circumstances warrant the issuance of a citation. Officers will be diligent in enforcing occupant safety violations to include but not be limited to seat belt and child restraint violations. Officers will make enforcement of occupant safety violations a priority.

K. Multiple Violations: In cases where a subject is observed committing more than one offense, primary attention will focus on the most serious offense. Discretion will be used by an officer when issuing additional citations. At no time will multiple charges be issued to merely compound punishment.

IV. PROACTIVE TRAFFIC LAW ENFORCEMENT PROCEDURES

A. Newly enacted laws and/or regulations: The Department addresses newly enacted laws and regulations annually. Officers will consider the new law or regulation in conjunction with the seriousness of the offense when taking enforcement action.

B. Visible Traffic Patrol: Officers will engage in visible traffic patrol in order to deter motor vehicle violations whether area, line or directed.

C. Stationary Observation: Officers may, when there is an unusual or continuing enforcement program, engage in stationary observation. Whether covert or overt, this type of activity should not suggest the appearance of a trap situation.

D. Use of unmarked or unconventional vehicles: The Department will use unmarked vehicles for traffic law enforcement only when approved by the Patrol Captain or his designee.

CCP: sek/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 62.1.11
Subject: RADAR/LIDAR Speed Enforcement	Review Date: March 3, 2014
Effective Date: March 10, 2014	Approved:_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 11/9/12, 2/20/12, 7/30/11, 10/30/09, 8/31/09, 5/22/07, 9/22/06, 8/24/03, 12/20/02, 11/19/01, 1/16/89	CALEA Standard(s): 61.1.1, 61.1.9

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish procedures for RADAR/LIDAR speed enforcement. The Department prioritizes speed enforcement activities as a means to help ensure safe travel throughout the city. To that end officers will diligently enforce the laws related to speeding violations through the use of RADAR and LIDAR pursuant to this Operational Directive. It will be a priority of officers to utilize RADAR/LIDAR in the enforcement of traffic regulations as a tool to promote the safe and efficient flow of traffic on the streets of the city.

II. GENERAL INFORMATION

A. Only those officers who have received the training for RADAR and/or LIDAR may employ that equipment for speed enforcement.

B. All sets are licensed under the Department's general radio license. All equipment will conform to §2.2-1112 COV.

C. If technical or expert testimony in court is necessary a written request must be forwarded to the Patrol Captain. Requests will indicate the date of the offense, the court date, and the serial number of the set, counting unit or other components involved and a description of circumstances of the case.

D. Under no circumstances will a vehicle containing a LIDAR unit be sent to a repair facility unless the officer is to remain with the vehicle. If the vehicle is to be left for repairs the LIDAR unit will be placed in the replacement vehicle or returned to the appropriate LASER/LIDAR storage location.

III. PROCEDURE

A. Care must be exercised in handling and transporting LIDAR devices. Devices will be maintained in accordance with manufactures recommendations. Maintenance records will be retained by the Department.

B. It will be the operator's responsibility to select safe locations to conduct RADAR/LIDAR operations. All locations selected will be properly posted with speed limit signs if the legal limit is different than the maximum normally permissible under law.

C. The LIDAR unit will be checked for accuracy by the operator at the beginning of the operator's shift and again at the end of the operator's shift at a predetermined location as follows:

1. Internal system check;

2. Distance calibration test; and

3. Vertical and horizontal sight alignment test.

D. The results of the tests will be recorded on the LASER Enforcement Log. Any time the officer operating the LASER changes, the LASER must be rechecked using the three tests outlined above. Convictions for traffic enforcement actions rest in part on the importance of ensuring the accuracy of the LIDAR through the listed calibration checks. Officers will record each enforcement location on their LASER Enforcement Log.

E. Each RADAR unit will be checked for accuracy by the operator at the beginning of the operator's shift and again at the end of the operator's shift. Any time the officer operating the RADAR changes, the RADAR must be re-checked for accuracy. Convictions for traffic enforcement actions rest in part on the importance of ensuring the accuracy of the RADAR through the listed checks. The results of the calibration checks will be recorded on the RADAR enforcement log.

1. Internal calibration system;

2. The appropriate tuning fork method;

3. Speedometer comparison in moving mode will be made at speeds of 5 MPH below the posted speed limit and at the posted speed limit which is violated; and

4. Verification of patrol unit speed at the times of violation.

5. Officers will record each enforcement location on their RADAR Enforcement Log.

F. When placed in the moving mode the RADAR is used to monitor vehicles:

1. Approaching/departing on a two lane roadway;

2. Approaching/departing in either lane of a four lane undivided roadway;

3. Approaching/departing in either lane of divided highways, if conditions permit; and

3. Traveling in the same direction.

4. When the RADAR is in moving mode officers will not take enforcement action while rapidly accelerating or decelerating.

G. When placed in the stationary mode the RADAR is used to monitor vehicles:

1. Traveling on a one way roadway;

2. Traveling in either direction on a two lane roadway;

3. Traveling in either direction on three lane roadways; and

4. Traveling in the same direction in no more than three adjacent lanes of a divided roadway.

H. Only marked patrol units or unmarked vehicles approved by a Division Captain will be utilized for RADAR/LIDAR speed measurement and enforcement.

I. Officers will maintain their RADAR and LIDAR Enforcement Logs for two years after the last entry date on the RADAR and/or LIDAR Enforcement Log.

J. Officers will maintain copies of all issued summonses for one year.

K. All RADAR/LIDAR operators will be certified every three years according to Department of Criminal Justice Services guidelines.

IV. MAINTENANCE

A. The Patrol Captain or his designee will be responsible for the upkeep and accountability for each RADAR/LIDAR issued.

B. The Patrol Captain or his designee will be responsible for the maintenance of the RADAR/LIDAR.

C. Missing, unaccounted for, or damaged RADAR/LIDAR will be immediately reported to a supervisor. A Special Report will be written and forwarded to the Patrol Captain's office immediately.

D. RADAR/LIDAR will not be used for any purposes other than authorized training, exhibitions or related Department business.

E. RADAR/LIDAR in need of repairs as a result of normal use will be turned over to a supervisor. The supervisor will forward the RADAR/LIDAR to the Patrol Captain or his designee with a memorandum describing the malfunction.

F. Whenever a patrol car is left at the City Service Center the complete RADAR/LIDAR and all the accessories except for any permanent mounts will be removed.

CCP: rdc/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 41.3.30A
Subject: DUI/DUID Traffic Checkpoints	Review Date: March 4, 2014
Effective Date: March 10, 2014	Approved:_____ C.C. Perkins, Chief of Police
Amends/Supercedes: 7/30/11, 8/31/09, 4/11/07, 4/27/04, 12/07/01, 5/10/95, 11/01/92; OD41.3.30B–03/01/93	CALEA Standard(s): 61.1.10

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish policy and procedures for the operation of DUI/DUID traffic checkpoints. The Department recognizes the importance of DUI/DUID enforcement activities as a means to help ensure safe travel throughout the city. To that end officers will prioritize and diligently enforce the laws related to DUI/DUID violations through the use DUI/DUID traffic checkpoints pursuant to this Operational Directive.

II. PROCEDURE

A. DUI/DUID traffic checkpoints will be established only in accordance with the provisions of this Operational Directive.

B. The Patrol Captain or his designee may authorize personnel to establish a DUI/DUID traffic checkpoint. The authorization must be given to a supervisor and may be given verbally. The authorization must include:

1. The location of the DUI/DUID checkpoint;

2. The beginning and ending times;

3. The number of officers to be involved; and

4. Whether traffic will be checked in both directions or in only one direction.

5. A new authorization must be given for each checkpoint and must include the elements listed above.

C. The supervisor who receives authorization to establish a DUI/DUID traffic checkpoint must remain at the checkpoint for the duration of the operation. The supervisor is to be present for supervision only and may not take part in stopping vehicles or administering DUI/DUID tests. The supervisor is responsible for ensuring that the following guidelines are met:

1. All officers involved in operating the checkpoint must wear the Department issued traffic safety vest over the police uniform. Officers must wear the issued police hat with shield. The field supervisor must also wear these items.

2. At night the DUI/DUID checkpoint area must be well-lit.

3. At least one police car must have its emergency blue lights on at all times.

4. Flares may be utilized to assist with traffic flow or to increase the overall safety of the DUI/DUID checkpoint.

5. During daylight hours, traffic cones should be used instead of flares.

6. There must be adequate space for vehicles to pull out of the traffic lane to a well-lit area when requested to do so by an officer.

7. Each vehicle in the targeted lane is to be stopped unless a traffic tie-up occurs, in which case all waiting cars are to be allowed to pass through. In the case of unusually heavy traffic, the supervisor may direct that every second vehicle be stopped.

8. There must be a minimum of three officers working each target lane, except between the hours of 0100 and 0600 when the minimum will be two officers per lane.

9. Each officer will greet the driver and immediately explain the purpose of the stop, "We are operating a DUI/DUID checkpoint. May I see your driver's license?"

10. Each officer should endeavor to limit his contact with a vehicle to 30 seconds while the vehicle remains in the roadway.

11. If the officer has reasonable suspicion justifying further inquiry, the driver will be directed to pull out of the traffic lane to the designated area.

12. If one of the three officers working a target lane affects an arrest and leaves the scene, the supervisor retains the discretion to allow two officers to work the target lane, to reduce the number of target lanes, or to call another officer to the checkpoint. A target lane may not be worked by just one officer.

13. If all officers working a target lane are engaged in off-roadway activity, the supervisor may shift personnel to cover the target lane or may allow that lane to pass freely through the checkpoint. If no cars are to be stopped, the supervisor will direct officers to move the cars through the checkpoint.

14. At the completion of the DUI/DUID checkpoint operation the checkpoint supervisor will complete a Checkpoint Operations Report Form and submit it to the Patrol Captain.

III. PROCEDURE FOR TRAFFIC CHECKPOINT OPERATIONAL REPORT

A. Report Form

1. The Traffic Checkpoint Operational Report Form will be maintained in the office of the Patrol Captain.

2. This form will be completed by the supervisor in charge of the checkpoint.

3. The form will be signed and along with all checkpoint documentation will be forwarded to the Patrol Captain.

4. The Patrol Captain will review the report and initial same prior to filing.

B. Site Location Log

1. A Site Location Log will be developed which will contain all of the sites approved by the Patrol Captain or his designee. This log will be maintained in the office of the Patrol Captain, his designee and/or on ***PowerDMS***. The supervisor conducting a checkpoint operation will ensure that each checkpoint is documented with the location, date and time in the checkpoint log in the office of the Patrol Captain.

2. An annual review of the log will be conducted by the Patrol Captain or his designee. The review will include individual site use along with any recommendations as to additions, deletions or other necessary changes in checkpoint sites. Recommendations for additional sites may be made through the chain of command to the Patrol Captain or his designee. A report documenting the review will be prepared and submitted through the chain of command to the Operations Deputy Chief.

CCP: sek/pjp

ROANOKE POLICE DEPARTMENT	Operational Directive: 62.1.8
Subject: DUI/DUID Enforcement	Review Date: April 14, 2015
Effective Date: April 23, 2015	Approved:_____ C. C. Perkins, Chief of Police
Amends/Supercedes: 2/28/14, 7/7/10, 8/31/09, 4/11/07, 5/25/04, 12/05/01, 6/22/94,	CALEA Standard(s): 61.1.5, 61.1.10, 61.1.11

NOTE:

This policy is for Departmental use only and shall not apply in any criminal or civil proceedings. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Operational Directive will be basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish procedures for handling persons charged with driving under the influence of alcohol (DUI) or drugs (DUID) and to establish effective countermeasures for the reduction of alcohol and/or drug related traffic offenses. The Department recognizes that DUI/DUID are high priority enforcement activities as a means to help ensure safe travel throughout the city. To that end officers will diligently and proactively enforce the laws related to DUI/DUID violations pursuant to this Operational Directive.

II. RESPONSIBILITY

Each officer will take the necessary enforcement action to remove alcohol and/or drug related drivers from the roadway.

A. Section §18.2-266, COV states that it shall be unlawful for any person to drive or operate any motor vehicle, engine or train:

1. While such person has a blood alcohol concentration of 0.08 percent or more by weight by volume as indicated by breath test administered in accordance with the provisions of section §18.2-268.2.2, COV;

2. While such person is under the influence of alcohol;

3. While such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely; or

4. While such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely.

B. Section §18.2-267, COV, preliminary breath tests, states that any person who is suspected of a violation of section §18.2-266, COV shall be entitled, if such equipment be available, to have his breath analyzed to determine the probable alcoholic content of his blood.

1. An officer who suspects that an operator of a motor vehicle is under the influence must offer the suspect a preliminary breath test.

   a. The suspect shall have the right to refuse the preliminary breath test.

   b. Refusal shall not be used as evidence in any prosecution under section §18.2-266, COV.

2. The suspect shall be entitled, upon request, to observe the process of analysis and to see the blood alcohol reading on the equipment used to perform the preliminary breath test.

3. The results of the preliminary test shall not be admitted into evidence in any prosecution under section §18.2-266, COV.

4. Any officer stopping any person suspected of operating under the influence shall advise that person of the aforementioned rights.

C. Pursuant to Section §18.2-268.2, COV any person, whether licensed by Virginia or not, who operates a motor vehicle upon a public highway in this Commonwealth shall be deemed thereby, as a condition of such operation, to have consented to have samples of his breath for a chemical test to determine the alcoholic content of his blood, if such person is arrested for a violation of section §18.2-266, COV or of a similar ordinance of any county, city, or town within three hours of the alleged offense. If the breath test is not available due to a mechanical failure of the machine or an obvious medical condition exists with the detainee, a blood test shall be offered.

1. The arresting officer must advise the detainee of the Implied Consent law from the form provided by the Virginia Supreme Court which includes the following restrictions.

   a. The suspect must consent to the breath test. Failure to do so is considered a refusal.

   b. There is no option of requesting a blood test over a breath test.

2. The detainee shall be entitled, upon request, to observe the process of analysis and to see the blood alcohol reading on the equipment used to perform the breath test. If such equipment automatically produces a written printout of the results, the written printout or a copy thereof shall be given to the accused.

3. If a person, after being arrested for a violation of section §18.2-266, COV submits to a breath test in accordance with section §18.2-268.2, COV that person may also be required to submit to a blood test to determine the drug content of his blood if the officer has reasonable cause to believe the person was driving under the influence of any drug or combination of drugs or the combined influence of alcohol and drugs.

D. Miranda Warning

1. Once a person is arrested for allegedly having committed a misdemeanor, he must be advised of his Constitutional Rights under Miranda before further questioning.

2. Application of the Miranda Warning has no effect on the Implied Consent law to the extent that the accused must submit to the breath test without benefit of counsel. Submission to a blood alcohol examination for the first offense is a civil process, which carries only the loss of a privilege, not a right to operate a motor vehicle, if a person unreasonably refuses to comply while a subsequent offense is criminal.

III. PROCEDURE

A. The DUI/DUID Field Notes Form may be used as a guide for handling and recording contact with the DUI/DUID suspect. All officers shall be trained to recognize and detect those persons suspected of operating a motor vehicle while impaired by alcohol or drugs. The steps for collecting evidence in a DUI/DUID case include, but are not limited to, the following items:

1. Vehicle observation: Observe the actions of the motor vehicle, to include but not be limited to the vehicle turning with a wide radius, straddling center line, weaving, striking an object or other vehicle, or the driver appearing to be under the influence.

B. The initial investigation of the suspect allows the officer to gather evidence of alcohol or drug influence by the use of his senses.

1. Sense of sight would include observing bloodshot eyes, alcohol or drug containers in the vehicle; disheveled clothing, or fumbling for driver's license.

2. Sense of hearing would include slurred speech, inconsistent responses, admission of drinking or drug ingestion.

3. Sense of smell would include odor of alcoholic beverages on or about their person.

C. Pre-arrest screening: All officers will be trained in the use of field sobriety tests and the alcosensor to establish probable cause for arrest.

1. Observe the driver exit their vehicle and note the suspect's balance, coordination, ability to follow instructions, and willingness to follow instructions.

2. Field Sobriety Testing. Preparation of a court case for DUI/DUID should include observation of more than one field test, providing that the subject is cooperative. Where applicable, the officer ***will*** fully demonstrate the proper performance of the test for the suspect prior to administering the test. The tests may include:

a. Finger to nose test;

b. Heel to toe walk and turn test;

c. One leg stand;

d. Picking up an object test;

e. Alphabet recitation test. The suspect's educational level should be asked and recorded prior to recitation; and

f. Horizontal gaze nystagmus test.

D. Preliminary Breath Test (PBT). If the officer suspects the person is driving under the influence, a PBT must be offered and the driver must be advised of their rights concerning that test. The advisement will be read word for word from the DUI Arrest Checklist or the Department issued DUI advisement wallet card.

E. Arrest

1. If the suspect takes the PBT and it indicates the presence of alcohol in the person's blood and if observations are consistent with impairment, he should be arrested for DUI.

2. If the suspect refuses the PBT but previous observations are consistent with impairment, he should be arrested for DUI/DUID.

3. If the suspect takes the PBT and it does not indicate the presence of alcohol in the person's blood shows a negative reading, but the officer's observations are consistent with impairment and the officer has probable cause to believe that the suspect is under the influence of drugs, he should be arrested for DUID.

4. The Implied Consent law will be read to all persons arrested for DUI/DUID word for word from the form provided by the Virginia Supreme Court, explaining the advisement if necessary in cases where the detainee refuses to permit blood or breath testing.

5. After the suspect is placed under arrest, he will be advised of the Miranda warning statement as provided on the Department issued card.

6. Officers may, within three hours of an alleged DUI offense arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a motor vehicle while intoxicated whether or not the offense was committed in the officer's presence.

7. The detainee's vehicle will be secured by one of the following procedures:

    a. If the detainee is driving on a suspended or revoked license for an alcohol-related offense, a thirty day administrative vehicle impoundment or immobilization is mandated.

    b. If a passenger in the vehicle is competent to drive, is the owner of the vehicle, or has the detainee's permission, the vehicle will be released to that person after making notation of their identity.

    c. The vehicle will be secured out of the traffic lane and a check made inside the vehicle for items of value to be inventoried and/or for evidence pertinent to the arrest. Any inventory or seizure of property will be documented in the report.

    d. If the vehicle has stopped in a traffic lane or other hazardous location and the detainee refuses to allow officers present to move it to a place of safety, the detainee's choice of wrecker or the next wrecker on the Communication Center list will be called to remove the vehicle to their place of business.

    e. The disposition of the detainee's vehicle will always be noted in the offense report.

8. Persons detained for DUI/DUID will be transported in compliance with Operational Directive 2.3.6. Officers are reminded to use caution at every stage of dealing with a DUI/DUID suspect, as the alcohol or drug involved may reduce the suspect's inhibitions or self-restraint.

F. Evidentiary Test

1. If the suspect consents to a breath test, the E-911 Communications Center should be notified so that the Breath Examiner Specialist (BES) operator may be notified. Officers will transport the detainee to the breathalyzer room and follow the procedure outlined in the DUI/DUID Arrest Checklist. Following completion of the test officers will transport the detainee to the magistrate, obtain the warrant(s) and complete the summons.

2. ***Officers who submit BES electronic media to the Property Room are required to note the existence of the recording in the incident report. Officers who submit in-car camera or bwc electronic media to the Property Room related to a DUI or DUID are required to note the existence of the recording in the incident report.***

G. Refusal

1. If the suspect refuses to submit to a breath test, they shall be brought before the magistrate so that they can be charged with refusal under section §18.2-268.2.3 COV.

2. If the suspect arrested is a juvenile, the above procedures will be the same with the exception that no warrant will be issued by a magistrate. A summons will be completed, and petition(s) secured by the arresting officer.

H. Traffic Crash Involving a DUI/DUID

1. When officers respond to an accident involving a drunk driver or a driver under the influence of drugs, they must determine certain facts:

   a. The driver of the vehicle;

   b. That the driver of the vehicle has had nothing alcoholic to drink since the accident occurred; and

   c. Time of the accident. An arrest must be made within three hours of the alleged offense.

2. Once this information has been obtained, continue with the usual crash investigation procedures.

   a. If the suspect is transported to the hospital, an officer may still arrest if there is probable cause.

   b. An officer may, in lieu of securing a warrant and without having to detain that person, issue a summons provided that the officer has probable cause to place the person under arrest. The issuance of a summons shall be deemed as an arrest.

I. Driving Under the Influence of Drugs

1. If the arresting officer believes a suspect is under the influence of drugs other than alcohol, the arresting officer can advise the suspect that he is required to submit to a blood test to determine drug ingestion or an additional charge of refusal can be added to the suspect's violations.

2. Officers should be looking for the following in DUID cases:

   a. Impairment not consistent with the blood alcohol content (BAC).

   b. Admission of drug ingestion by the suspect.

   c. Drugs found on the suspect.

3. The procedures for drawing blood in a DUID case are outlined in the Department of General Services letter available in the breathalyzer room.

J. Other Countermeasures

1. The use of selected roadway checks or specialized units for DUI/DUID enforcement may be authorized by the Patrol Bureau Captain or his designee for areas with a high rate of alcohol or drug related arrests or accidents.

CCP: sek/pjp