



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 505	Effective Date: May 9, 2020
Subject: Traffic Enforcement	
Reference Standards: 40.1, 47.1, 47.2, 47.4, 64.1	
Rescinds:	
Page 1 of 9	Attachments: 1-Recognized non-resident countries; 2-Diplomatic and consular reference guide; 3- Fuel/Vehicle Inspection/Radar Calibration Log.

I. Enforcement types

- A. Normal traffic enforcement involves patrol by officers to observe and address traffic violations during the performance of their normal duties.
- B. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- C. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- D. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- E. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities that will keep them out of service for a short period of time, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

II. Objectives of traffic stops

- A. There are two major objectives of a traffic stop:
 1. To take proper and appropriate enforcement action
 2. To favorably alter the violator's future driving behavior

- B. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer.
- C. Enforcement procedures should minimize potential conflict that may develop between the officer and violator and assist in achieving the two major objectives.

III. Traffic violator & officer relations

- A. Procedures to be followed prior to conducting traffic stops:
 - 1. Always be alert for the unexpected
 - 2. Be absolutely certain the observations of the traffic violation were accurate
 - 3. Present a professional image in dress, grooming, language, bearing, and emotional stability
 - 4. Be prepared for the contact by having the necessary equipment and forms immediately available
 - 5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not his/her attitude
 - 6. Maintain a reasonable distance between the violator's vehicle and the police vehicle
 - 7. Locate a safe spot to stop the vehicle. At night, officers should exercise extra caution in selecting an appropriate location to initiate the stop.
 - 8. Advise the dispatcher of the intention to stop the violator. The officer will give the location of the stop, license plate number, and any additional information deemed necessary.
 - 9. Activate emergency lights and other equipment necessary to signal the violator to stop, and to ensure the safety of both the officer and the violator
 - 10. As the violator comes to a stop, the police vehicle should be positioned so that it will offer the officer some protection from oncoming traffic. This position should be approximately one-half to one car length behind the violator's vehicle, and a minimum of two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.
 - 11. If the police vehicle's headlights are on, they should be set on low beam for the safety of oncoming traffic, unless extenuating circumstances exist.
- B. In addition to the above procedures, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, the officer should:
 - 1. Request a backup officer and calculate the stop so that the backup officer is in the

immediate area before the actual stop, unless there is a specific need to stop the vehicle sooner

2. Direct the police vehicle's spotlight and takedown lights, on the occupant(s) of the vehicle when applicable
3. Use the police vehicle's public address system to give the occupant(s) of the vehicle instructions, if necessary

C. Roadway traffic hazards

1. On multi-lane roadways, the officer should ensure the safety of the violator during the initial stop. The officer should assist the violator with lane changes, by gradually changing from lane to lane with the violator until they reach the right shoulder of the roadway.
2. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer will direct him/her to move to a safer location. Officers can use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer should quickly leave the patrol vehicle and instruct the violator.

D. Approaching the violator

1. The following steps in approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular roadway, the urgency to stop the violator, and the existing volume of traffic may require adjusting or altering the recommended procedure.
2. Under ideal conditions, officers should follow these procedures if possible:
 - a. Leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle
 - b. Approach from the rear of the violator's car. Check the trunk lid to ensure it is latched, look into the rear passenger area, and stop behind the trailing edge of the front door
 - 1) This position will be maintained if there are only occupants in the front seats of the vehicle. From this position, the officer can communicate with the violator, keeping him/her in a slightly awkward position, while at the same time keeping all occupants of the vehicle in view.
 - 2) In cases where the violator's vehicle has occupants in both the front and rear seats, the officer should move to the leading edge of the front door. In doing so, the officer should be alert for any unusual actions on the part of the occupants, while choosing a path to minimize the ability of the door being used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

3) Passenger side approach

- c. If a traffic stop is made by two or more officers, one officer will make contact with the violator. The second officer will handle all radio communications. This backup officer will act as an observer and cover the contact officer.

E. Communicating with the violator

1. While conversing with the violator, the officer will:
 - a. Greet the violator courteously and with an appropriate title
 - b. Ask for the violator's driver license, vehicle registration, insurance identification card, and other appropriate documentation
 - c. Inform the violator what traffic law was violated
 - d. Allow the driver to briefly discuss the violation. Do not argue with, berate, belittle, or otherwise orally abuse the violator.
 - e. If the violator does not have a license, obtain another document of identification if available. The officer should attempt to verify this identity through police databases via the dispatcher and/or the MDT laptop.
 - f. Complete the forms required for the enforcement action taken or issue a warning if appropriate.

F. Completing the stop

1. Explain to the violator what enforcement actions, if any, are being taken.
2. Explain the actions which the violator must take in response to any enforcement initiated by the officer.
3. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
4. Be alert to any emotional stress exhibited by the driver. If the violator exhibits signs of stress, the instructions may have to be repeated. The officer should ensure the violator is calm before he/she resumes driving.
5. Return all the violator's documents.
6. Release the violator after issuing a warning or summons.
7. Assist the violator in safely re-entering the traffic flow when necessary or assist the violator in obtaining a ride or getting to a safe place if their vehicle is being impounded.

8. Do not follow the violator after the stop is concluded.

IV. Stopping a known or suspected felon

- A. Special procedures will be used in vehicle stops when the occupants are known to be armed and dangerous.
- B. When a vehicle is being driven or occupied by a known or suspected felon, the officer will immediately notify the dispatcher of their location and give a thorough description of the vehicle and its occupants.
- C. The officer will keep the suspect vehicle in view and request assistance with making the stop.
- D. The officer will keep assisting officers informed of his/her location and direction of travel to aid their approach with minimal use of emergency equipment.
- E. Unless absolutely necessary, the stop will not take place until adequate support is available and in position. Circumstances may dictate a one-officer felony vehicle stop.
- F. The following procedures will be used in affecting the stop:
 1. The officer will plan to stop the vehicle in a location that presents minimal danger to the public and the officer.
 2. When conditions are appropriate and assisting units are available, the officer will move into position to the rear of the suspect vehicle and prepare to make the stop.
 3. The officer will signal the violator to stop, using all necessary emergency equipment.
 4. The officer will attempt to stop the suspect's vehicle on the extreme right side of the road.
 5. If the violator is known to be armed and dangerous, the officer will have his/her weapon easily accessible and ready for immediate use.
 6. Precautions should be taken to ensure that no other vehicular or pedestrian traffic travels past the location of the stop, which may place the officers or the public in a harmful situation.
 7. When the suspect vehicle begins to stop, the officer will turn on the public address system.
 8. The officer will position the police vehicle so that it provides maximum protection and cover.
 9. At night, the officer will focus all lights on the interior of the suspect vehicle.
 10. When possible, the officer should leave the police vehicle quickly but remain behind the driver's door and accessible to the public address system microphone.

11. The officer making the stop is in command and will direct each occupant, using the public address system, or loud voice commands, as follows:
 - a. The officer will order the driver to open the driver's window, shut off the vehicle, and drop the keys on the ground outside the door.
 - b. The officer will then order occupants to place their hands, palms up, on the ceiling of the vehicle.
 - c. The officer will then order occupants to exit the vehicle one at a time.
 - d. The officer will direct the occupants to walk backward to an area near the police vehicle with their hands over their heads.
 - e. The officer will order the occupants to lie face down on the ground.
12. To reduce confusion, the officer making the stop will instruct assisting officers, as appropriate, and will be the only officer to initially direct the suspects.
13. As each occupant is placed in the search position, a support officer will conduct a search of the occupant and secure the occupant before the next occupant is directed out of the vehicle.
14. The support officers will cover the arresting officer and remain in a position of advantage until all occupants have been directed out of the vehicle, searched, and detained.
15. Officers will exercise extreme caution to avoid cross-fire situations.
16. Arrestees will be searched and handcuffed before transportation.

V. Juveniles

- A. Individuals below the age of 16 cannot be charged with NYS Vehicle & Traffic Law traffic infractions, nor can they be issued Uniform Traffic Tickets. Individuals below the age of 16 can only be cited for misdemeanor or felony offenses. Any charges against an operator below the age of 16 would be completed pursuant to General Order 460.
- B. Officers have several alternatives available to effectively deal with individuals below the age of 16 who are stopped while operating a motor vehicle. Officers should bear in mind the age of the individual below the age of 16 and the seriousness of the offense in determining the appropriate response. The methods described below can be used as a guide when dealing with individuals below the age of 16:
 1. Parental notification and release of the individual below the age of 16 to a parent at the scene
 2. Return the individual below the age of 16 to a parent's residence after notification
 3. Place the individual below the age of 16 in custody

VI. Non-New York State drivers

A. Out of state drivers

1. An officer stopping an out of state driver committing a violation that would not be a violation in his/her home state may decide to issue a warning rather than a citation.

B. Foreign non-resident drivers and registrations

1. As a result of the Convention on the Regulation of Inter-American Automotive Traffic in 1943, the United Nations Convention on Road Traffic signed at Geneva on September 19, 1949, and the Convention on Road Traffic Done at Vienna on November 8, 1968, many foreign driver licenses and vehicle registrations are recognized in the United States.

a. Foreign driver licenses

- 1) Valid in New York State only if issued by a country listed in Attachment #1
- 2) Valid for one year from date of entry into the USA, or until the posted expiration date, whichever comes first
- 3) Not valid for persons who are employed or attending school in the United States
- 4) May be accompanied by an International Driving Permit, which translates the foreign license into six languages, including English
- 5) May be attached to an English translation document

b. Foreign vehicle registrations

- 1) Vehicles registered in Mexico or Canada are valid in the United States.
- 2) Only vehicles registered in a country listed in Attachment #1 are valid in the United States. The registration plate must bear the International country code or be accompanied by a white oval International Distinguishing Sign bearing the country code in black letters.
- 3) Approved foreign registrations are valid for one year from date of entry into the USA, or until the posted expiration date, whichever comes first

C. Foreign diplomats and consular officials

1. International Law, to which the United States is firmly committed, requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Most of these privileges and immunities are not absolute, and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States.

2. It is critical for law enforcement officers to quickly and accurately identify the status of any person asserting immunity. Only one document provides an accurate indication of the status of the holder. This document is the identity card issued by the U.S. Department of State, the U.S. Mission to the United Nations for those accredited to the United Nations, and the American Institute in Taiwan for employees of TECRO or TECO. These cards come in three classifications, each with a different color-coded border:
 - a. "Diplomatic" have a blue border and are issued to diplomats
 - b. "Official" have a green border and are issued to embassy employees, UN Permanent Mission support staff, and TECRO employees.
 - c. "Consular" have a red border and are issued to consular personnel and TECO employees.
3. Officers can verify the status of the card holder's immunity, registration status, and/or driver's licensing by calling the U.S. Department of State at the listed telephone numbers in Attachment #2.
4. Since the issuance of traffic citations for violations of the NYS Vehicle & Traffic Law is considered non-custodial, officers can issue citations to persons bearing any status listed above.
5. Officers may only arrest or detain diplomats and consular officials as detailed in Attachment #2.
6. In cases where immunity from arrest applies, and the driver is suspected of being impaired or intoxicated, the officer should not allow such person to continue driving.
7. Officers should report all traffic incidents, accidents, and citations to the U.S. Department of State via the appropriate telephone number listed in Attachment #2.

VII. Speed measuring devices

- A. The department utilizes two types of speed measuring devices:
 1. Radar speed measuring devices
 2. Laser speed measuring devices
- B. All officers utilizing either radar and/or laser speed measuring devices will be certified by the NYS DCJS Office of Public Safety and will maintain his/her certification as required.
- C. Officers will properly check the operation and calibration of each instrument prior to use.
 1. Officers will indicate the unit serial number on the Fuel/Vehicle Inspection/Radar

Calibration Log.

2. Officers will also indicate the radar tuning fork serial numbers, the readings at the start of the shift, and the readings at the end of the shift on the Fuel/Vehicle Inspection/Radar Calibration Log in the event speeding tickets were issued during the shift.
3. Laser units will be calibrated to the pre-posted distance markers at the rear of the department.
4. Units that are not in proper working order and/or do not calibrate correctly will not be used for speed measuring. The officer will notify the Patrol Sergeant that the unit is faulty, and it will be taken out of service.
5. Tuning forks for radar units will be kept in the protective sheaths when not in use.
6. Care will be used to avoid exposure to extreme heat when radar units are not in use.

D. Maintenance

1. The Patrol Sergeant, or his/her designee, will assign an officer to take charge of maintenance of the radar and laser speed measuring devices.
 - a. The officer in charge of maintenance will ensure that the speed measuring devices are in proper working order.
 - b. The officer in charge of maintenance will ensure that the speed measuring devices are certified and calibrated through the NYS DCJS Office of Public Safety a minimum of once per year.
 - c. The officer in charge of maintenance will maintain the records on each unit.

By Order of the Chief of Police

John P Colella

John P Colella (May 10, 2020)

John P. Colella

Chief of Police

Dated this 9th day of May, 2020