

## CHAPTER 5.0

### TRAFFIC

#### 5.2 TRAFFIC LAW ENFORCEMENT

##### 5.2.1 Selective traffic law enforcement

The ultimate goals of traffic law enforcement are to reduce accidents and seek voluntary compliance with vehicle and traffic laws. The Coventry Police Department subscribes to the concept of selective traffic law enforcement. Selective traffic law enforcement is the assignment of personnel and other resources to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Further, enforcement efforts shall be directed toward the types of violations which have been identified as causative factors in accidents. Such selective enforcement assignments are made based upon such factors as:

- traffic volume
- accident experience
- frequency and/or seriousness of traffic violations
- emergency and service needs

Supervisors will determine appropriate times and places to conduct selective enforcement efforts after reviewing the traffic data for a particular area and in consultation with other supervisors, and a review of complaints received from the community regarding traffic related issues as part of the community relations function.

Traffic data regarding accidents and enforcement efforts shall be maintained in the department's records management system. The Executive Assistant shall prepare reports on collision data and enforcement activities. The supervisors are responsible for implementing the selective enforcement techniques and procedures based upon these reports. In implementing selective enforcement efforts, supervisors should keep in mind that one of the main purposes of traffic enforcement is to seek voluntary compliance. Consistent with that purpose, vehicles used for selective enforcement efforts should not be furtively positioned in relation to roadway traffic.

An officer designated by the Chief of Police shall be responsible for providing and maintaining equipment used for traffic law enforcement.

##### 5.2.2 Traffic analysis

The State of Connecticut Department of Transportation provides traffic analysis data and reports to the Town of Coventry. Such reports are based upon accidents reported by this department on all state public roadways in town. The Traffic Accident Viewing System (TAVS) provides search and retrieval capabilities for traffic analysis purposes.

The Chief of Police is responsible for receiving and interpreting the data from these reports. Data provided will be used in planning selective enforcement efforts.

### **5.2.3 Selective enforcement evaluation**

In March of each year, the Chief of Police will evaluate the effectiveness of selective enforcement efforts during the previous calendar year. This evaluation will include tabulation of all enforcement activities including written warnings and citations.

The evaluation report along with comments and recommendations for future enforcement activities will be forwarded to all personnel.

### **5.2.4 Uniform enforcement procedures**

Coventry Police Department personnel shall use discretion in determining the level of enforcement action to be taken, consistent with directive 1.1.4. The level of enforcement should be commensurate with the degree and severity of the violation.

The department prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity, age, gender, or sexual orientation, and the action would constitute a violation of the civil rights of the person. Officers shall record and retain the statistical information related to each vehicle traffic stop as required by Connecticut General Statute 54-1m. This record shall be made by dispatch personnel into the CAD system when entering information regarding the stop as relayed to them from the officer.

Officers shall take the appropriate enforcement action for each traffic law violation witnessed or reported to them. All enforcement action will be accomplished in a firm, fair, courteous and impartial manner, using the following procedures:

- verbal/written warning
- infraction
- misdemeanor summons
- custodial arrest

#### **Verbal/written warning**

Officers may issue a verbal or written warning to an offender if the offense committed is trivial, few, and free of willful or repeated intent, or for non-serious equipment violations, minor moving violations, or newly enacted traffic laws. Written warnings may also be used when the officer feels it necessary to cause an inspection of a vehicle by Motor Vehicle Department personnel, due to one or more equipment violations.

#### **Infractions**

The issuance of an infraction shall not be deemed an arrest or an offense as defined in Connecticut General Statute 53a-24. Officers, in most cases, will issue an infraction in the field. Infractions may be issued for moving violations, some parking violations, and equipment violations, when in the officer's judgment, a warning is not appropriate.

Custodial arrests shall not be made for infractions except in situations such as:

- motorists who reside in a state which does not participate in the reciprocating agreement pact with the State of Connecticut (re: Connecticut General Statute 51-164o)
- offenders who have been charged with additional misdemeanor or criminal charges

## **Misdemeanor summons**

Generally, when a summons is used for a misdemeanor offense, the officer shall have the option of releasing the offender on his/her own recognizance (PTA) if it is believed that the offender will appear on the specified court date.

When making this determination, consideration should be given to the following factors:

- employment
- character and mental condition
- length of residency in the area
- record of convictions
- record of appearances in court
- instructions received from court/state statute
- seriousness of offense
- any other relevant information

Physical custody is not required in all cases. Pursuant to law, custody shall be made in the situations described below.

## **Custodial arrest**

Custodial arrests are not normally made for traffic violations. When arresting a violator for a misdemeanor offense, a custodial arrest is permitted at the discretion of the officer.

Pursuant to Connecticut General Statute 14-140, custodial arrests shall be made in the following situations:

- Connecticut General Statute 14-227a -Operating motor vehicle under the influence of liquor or drugs
- Connecticut General Statute 53a-119(a)(d)-Using a motor vehicle without the owner's permission
- Connecticut General Statute 14-224 - Evading responsibility, when it involves extensive property damage, serious injury, or death

In addition, custody may be appropriate when:

- traffic offenses are committed during the commission of other crimes
- motor vehicle offenses committed by non-resident operators of states which do not have reciprocal agreements with the State of Connecticut
- the violator refuses to sign the summons in the appropriate place and is therefore unwilling to guarantee their appearance in court at the date and time specified via a written promise
- the officer believes the action which caused the violation will continue after the violator is released
- arrests by warrant
- felony arrests

Circumstances, which may preclude an officer from making a custodial arrest, include:

- when an offender is injured and transported to a medical facility
- when directed by a supervisor to do otherwise

## 5.2.5 Special circumstances

From time to time, violations occur which require officers to deviate from the procedures outlined above. Examples of these extraordinary situations include:

- non-residents of the State of Connecticut
- juveniles
- legislators
- diplomats
- military personnel

### **Non-residents of the State of Connecticut**

Enforcement of traffic violations by non-residents of the State of Connecticut will be handled pursuant to section 51-164o of the Connecticut General Statutes. The Infractions Schedule, form JD-CR-3, lists the participating states in the No Bail Compact.

### **Juveniles**

All matters pertaining to members of the Coventry Police Department regarding juveniles shall be handled pursuant to directive 7.0 and applicable law.

When dealing with minor motor vehicle violations committed by persons under the age of sixteen, the officer may:

- issue a verbal warning to the violator, a parent or guardian
- temporarily detain the juvenile for an offense requiring an arrest and release the juvenile into the custody of parents or another proper person

If an officer elects to cite a juvenile for an infraction or summonsable offense, the officer shall issue a Juvenile Summons, pursuant to law.

Section 53a-57 of the Connecticut General Statute, Misconduct with a Motor Vehicle is a "Serious Juvenile Offense", and as such, shall be handled pursuant to directive 7.0.

### **Legislators**

Senators and Representatives of the Connecticut Legislature have limited privilege from arrest pursuant to Article III, section 15 of the Constitution of Connecticut while traveling to and from the capitol. At all other times, they shall receive the same treatment as all other citizens.

### **Diplomats**

The United States Department of State has issued guidelines regarding the police role when detaining or arresting foreign nationals. A copy of these guidelines along with phone numbers for the Diplomatic Motor Vehicle Office can be accessed at [http://travel.state.gov/law/consular/consular\\_2003.html](http://travel.state.gov/law/consular/consular_2003.html) or at <http://www.state.gov/m/ds/immunities/c9127.htm>

Whenever an officer of this department arrests, imprisons, or otherwise detains a foreign national, such officer must promptly inform the detainee of his right to have his government informed of such event. See Directive 1.1.6 for further information regarding Consular notifications.

## **Military personnel**

Military personnel shall be treated the same as all other citizens. Whenever an investigation involves military personnel, and in the judgment of a supervisor, a representative of the military should be present, or whose assistance may be required or helpful, the following military authorities should be contacted.

### Navy or Marine Personnel

Duty Officer

Submarine Flotilla Two

Groton, CT.

Phone (860) 449-3676

### Air Force Personnel

Law Enforcement Desk Officer

Pease Air force Base New Hampshire

Phone (603) 436-6020

### Army Personnel

Fort Devins Military Police

Off Post Operations

Fort Devins, MA

Phone (508) 796-3955/3333

### Army Personnel (Alternate)

Provost Marshal, Headquarters

First United States Army

Fort George G. Meade, MD.

Phone (301) 677-5083

## **5.2.6 Traffic infraction or summons information**

Members of the Coventry Police Department shall provide specific information relating to the charge(s) to any individual issued an infraction, summons, or written warning to include:

- court appearance or answer date
- whether or not a court appearance is required
- whether or not the violator may be allowed to enter a plea and/or pay the fine by mail
- how and where to mail a fine if it is a violation for which they choose to pay a fine

### Court date for summons

The court date for the following summonsable motor vehicle offenses shall be set for a Monday.

- |                                      |           |
|--------------------------------------|-----------|
| 1. Misuse of Marker                  | 14-147    |
| 2. Operating without Insurance       | 14-213b   |
| 3. Operating Under Suspension        | 14-215    |
| 4. Reckless Driving                  | 14-222    |
| 5. Engaging in Pursuit               | 14-223(b) |
| 6. Evading Responsibility            | 14-224    |
| 7. Driving while under the influence | 14-227a   |

The court date for all other summonsable motor vehicle offenses shall be on a Thursday. The court date will not be set on any legal holiday or on any other day on which the court will not be in session. The officer shall advise the motorist that a court appearance is mandatory.

A calendar of court dates for summonses and infractions will be maintained in Dispatch.

#### Answer date for infractions

The answer date for an infraction shall be set as the second Friday after the date of the offense, even if such Friday is a holiday.

Instructions about responding to an infraction are explained on the violator's copy of the infraction. The issuing officer shall ensure that all of the required information is included on the infraction including:

- the amount of the fine
- the answer date
- the specific violation(s) charged

The issuing officer shall provide the reply envelope to the violator, and ensure that the violator understands the infraction and the response instructions. The officer shall courteously answer questions that the motorist may have.

### **5.2.7 Uniform traffic enforcement policies**

Uniform traffic enforcement policies assist in obtaining the public's voluntary compliance with traffic laws and regulations. The uniform traffic enforcement policy does not supplant an officer's judgment and discretion as each situation differs from another. The officer's training, experience, and common sense shall be applied to each situation, while using the uniform enforcement policy as a guideline.

#### **Driving while under the influence of liquor or drugs**

Enforcement of statutes relating to impaired driving shall be a priority for members of this agency. Arrests will be determined by the officer's observed operation of the vehicle, involvement in an accident, field sobriety tests, and blood alcohol tests. The department shall committ appropriate resources to enforcement of these statutes. Officers shall arrest all operators found to be in violation of this statute, unless severe extenuating circumstances exist. The details of any such circumstances shall be included in the officer's report.

#### **Speeding violations**

Speed is a causative factor in many motor vehicle accidents. As such, members of this agency shall make enforcement of speeding violations a priority as part of an overall traffic safety effort. The agency shall provide appropriate resources and equipment to achieve this goal.

Legally, there is no defense for exceeding the posted speed limit or for driving faster than conditions permit, however slight. Practically, however, there exists sufficient reason to believe that certain factors (such as improperly calibrated speedometers) may give the operator cause to believe his/her speed may have been less than the speed recorded by the officer.

Discretion may be exercised when determining if a warning or citation is appropriate. Consideration should be given to the following factors:

- weather conditions
- traffic volume
- pedestrian traffic
- time of day
- magnitude of violation
- specific objective of officer's assignment
- citizen's complaints

### **Hazardous violations**

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate the safe movement of vehicles and pedestrians. There are two categories of this violation:

- unsafe behavior
- unsafe condition

Unsafe behavior is an action or omission in traffic law which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.

Unsafe condition is causing or permitting an illegal and possibly hazardous condition of a driver or pedestrians in traffic, streets or highways used by traffic, and/or vehicles used in traffic.

As a general rule, officers shall issue a summons or infraction to an operator who has committed such a violation. This should not preclude an officer from taking lesser action.

### **Safety Belts and Child Restraint violations**

Research has clearly established that fatalities and injuries due to motor vehicle crashes are significantly reduced when the occupants are wearing seat belts or children are properly seated in a child safety restraint. Therefore, enforcement of seatbelt and child restraint violations is an important measure in the overall goal of reducing these injuries and deaths. When on routine patrol or when conducting traffic stops for other violations, officers shall be observant of whether or not operators, passengers and children are properly restrained and take the appropriate enforcement action.

In addition, members of this agency shall periodically participate in specialized enforcement operations specifically targeting seat belt and occupant restraint violations. These enforcement efforts may be local efforts, or more coordinated regional or statewide efforts. Agency members shall keep and report statistical data regarding these enforcement activities in order to report to them to the State DOT, the Connecticut Police Chief's Association or other similar organizations requesting this data.

### **Other non-hazardous violations**

Minor, non-hazardous violations may be resolved by a verbal or written warning. Subsequent violations may necessitate the issuance of a summons or infraction.

## **Equipment violations**

When a vehicle is found to be in violation of several equipment requirements, or it is a repeat or serious equipment violation, the operator of said vehicle generally will be issued an infraction.

Minor or non-repeat equipment violations may be resolved with the issuance of a verbal or written warning. A written warning may be appropriate when the officer believes that the violation requires an inspection of the vehicle and/or equipment problem by Department of Motor Vehicle personnel.

## **Multiple violations**

As a matter of policy, the fact that an operator has committed multiple traffic violations should not preclude an officer from issuing a summons or infraction for each violation. However, there are circumstances where it would be inappropriate for this to occur. The circumstances include:

- Situations where the violations under consideration are similar, in that one law exists for the purpose of compliance with another law.  
Example: When an operator has failed to stop as required and his/her actions result in a right-of-way violation, an infraction would be issued for the stop sign, but it would be inappropriate to also take action for the failure to grant the right of way violation.
- Cases where the violation is an all-inclusive charge, (i.e. the second and successive charges would be critical for the successful prosecution of the first or primary charge).  
Example: An operator who has been charged with Reckless Operation would not be additionally charged with passing in a no-passing zone or speeding, if those are important factors in the case of Reckless Operation.

In instances where multiple violations can be classified separately as hazardous and non-hazardous, they should be dealt with separately.

Example: An operator is stopped for following too closely and is subsequently found to be operating without a license. An infraction may be issued for each violation.

## **Newly enacted laws and ordinances**

The Coventry Police Department recognizes the need to educate the motoring public on newly enacted laws and regulations with which they must abide. Whenever possible, the department will alert the public to any such enactment by way of press releases or through the issuance of verbal and written warnings for a specified grace period. Procedures regarding the enforcement of newly enacted regulations shall be determined by the Chief of Police on a case by case basis. When determining enforcement procedures, factors which may influence how the regulation is enforced may include:

- the content of the law/regulation
- State mandated policies
- other mitigating factors

## **Commercial vehicle/Public carrier violations**

Enforcement policies shall be the same as those for private passenger vehicle violations. Officers however, shall be aware that specific regulations exist which are applicable to these

special classes of vehicles. Enforcement assistance may be sought from the Department of Motor Vehicles, the Connecticut State Police or the Metro Traffic Unit truck enforcement squad.

### **5.2.8 Traffic enforcement techniques and practices**

Traffic law enforcement functions will be conducted based upon the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension.

Directed patrol can also be assigned should a particular location or violation be targeted for enforcement. The use of stationary enforcement techniques should generally be overt. This can include:

- officers parking a marked vehicle and writing reports in plain view of the motoring public
- officers parking a marked vehicle in a conspicuous location to monitor traffic

The use of covert enforcement in unmarked vehicles is not encouraged, as deterrence is as critical a function as detection. Should an officer determine that a situation exists in which the use of an unmarked vehicle is necessary or required, the officer operating the unmarked vehicle will limit his/her involvement to observation and not motor vehicle stops.

Should a non-uniformed officer in an unmarked vehicle observe a traffic violation deemed worthy of attention, he/she will contact headquarters via radio for a marked patrol vehicle to be assigned to assist in stopping the violator.

### **5.2.9 Use of emergency equipment**

The proper use of emergency equipment is essential to the safety of the officer and other motorists. Officers shall utilize emergency equipment when it is necessary to alert the motoring public.

The activation of emergency equipment does not preclude an officer from operating or parking the vehicle with due regard to the safety of all persons.

Specific guidelines regarding routine, urgent, emergency response and pursuit are detailed in directives 4.1.5 and 4.2. The following guidelines pertain to the operation of emergency equipment during traffic enforcement.

For the purposes of this directive, emergency equipment includes:

- emergency lights (red/blue/white)
- siren and horn
- spotlights/takedown lights
- public address system

#### **EMERGENCY LIGHTS**

Officers shall use emergency lights when making traffic stops in order to signal the violator of the officer's desire for the violator to pull over, and to warn oncoming traffic of the stop and to safeguard the scene of the stop.

Once the vehicle is stopped, the officer may elect to leave all or part of the emergency lighting active depending upon the location and situation.

## **SIREN**

Officers shall utilize the siren when necessary to alert a violator of the officer's desire for him/her to pull over. The siren shall only be utilized if the emergency lights and horn have failed to get the violator's attention.

The siren should be utilized discriminantly as its sound may unnecessarily startle the violator or other motorists.

Officers should be cognizant of the fact that when the siren is used, the violator or other motorists may make sudden stops or movements in response to the siren.

## **SPOTLIGHTS/TAKEDOWN LIGHTS**

Officers shall only use spotlights or takedown lights following the stop itself and for officer safety. They may be utilized to illuminate the interior of the violator vehicle, and to retard the view of the violator from looking back towards the officer's vehicle.

The spotlights or takedown lights shall not be used to signal offenders to stop, or be activated while traveling, as they may cause the violator or other motorists to become temporarily blinded by the glare of the lights.

Spotlights and takedown lights may also be used in non-traffic enforcement situations, such as but not limited to:

- illuminating crime scenes
- illuminating (locating) house numbers
- illuminating areas in assisting the public

## **PUBLIC ADDRESS SYSTEM**

The public address system is a tool to be utilized during a traffic stop when the actions of the occupants of the violating vehicle can be directed more safely from a distance, thereby increasing officer safety. This may be especially important when conducting high-risk motor vehicle stops.

In addition to traffic enforcement, the public address system may also be used to warn the public of unusual circumstances or emergency conditions.

### **5.2.10 Traffic citations and arrest reports**

Traffic summonses and infractions form the basis for prosecution and ultimate adjudication of traffic violations.

The Coventry Police Department uses preprinted *Infraction Complaint* (JD-CR-2) and *Misdemeanor M/V Summons and Complaint* (JD-CR-1) provided by the State of Connecticut. All information necessary for prosecution and record keeping appears on these forms. In addition, officers will file a narrative report detailing the circumstances about the citation.

When issuing an Infraction Complaint or a Misdemeanor M/V Summons and Complaint, the following procedures shall apply:

- all paperwork will be filled out in ink

- all paperwork will be filled out completely and neatly
- all spaces requiring information shall be completed
- answer/court date shall be assigned
- the Coventry Police Department case number will be recorded
- the officer shall ensure that in the case of a misdemeanor, the violator has signed the PTA
- a copy of the officer's report shall be attached to the summons or infraction
- the last or hard copy of the infraction or summons will be issued to the violator
- the remaining copies and reports will be left in the designated location for supervisory review

### **5.2.11 Accountability for traffic citations**

The Executive Assistant is responsible for ordering, receiving and recording Infraction and Summons booklets.

Summons and Infractions booklets shall be kept in a secure location in the Executive Assistant's office.

- booklets are distributed to officers by the Executive Assistant or a supervisor only
- as each booklet is distributed, the receiving officer shall complete the card entitled *Retain in Police Department*, with the required information
- the completed card is forwarded to the Executive Assistant to be filed in numerical order with other completed cards

### **LOST/STOLEN/CANCELED INFRACTION OR SUMMONS**

From time to time, it may become necessary to cancel traffic citations issued by an officer. Instances where cancellation may be necessary include:

- when an error is made in completing a citation
- when after a review of the circumstances or receipt of further information, the issuing officer believes that there was no violation, or that another type of enforcement action is more appropriate
- when the citation is damaged
- when directed by a supervisor due to the fact that a citation was improperly issued

If one of the above circumstances occur, the officer shall complete form CPD 005 'Voided Ticket' Form' and forward it to their supervisor with an explanation regarding the request to void the ticket.

The supervisor shall:

- review the circumstances detailed in the memorandum
- forward their recommendation on the matter along with the officers memorandum and the citation (if available) to the Chief of Police.

The Chief of Police shall review the circumstances and in the case of lost or stolen citations, the citation number(s) and a copy of the memorandum will be forwarded to the Executive Assistant for record keeping purposes. In the case of voided citations, the Chief of Police shall determine whether or not to authorize voiding the citation.

If the voiding of the citation is not authorized, the citation shall be returned to the issuing officer for proper processing. If voiding the citation is authorized, the voided citation shall be

forwarded to the Records office with the case report along with a copy the Voided Ticket Form for record keeping purposes.

The Executive Assistant shall conduct a periodic review of:

- citation book receipts
- maintenance and storage of un-issued citations
- observation of cancelled/voided tickets and reports
- review of other pertinent data as required

### PARKING TICKETS

If after issuance, the issuing officer determines that there was no violation, the officer may rescind the ticket by retrieving the issued copy, marking VOID on the ticket and returning it to be filed in Records.

#### **5.2.12 Relationship with traffic violators**

Traffic law enforcement is one of the routine tasks performed by patrol officers, but it may be an extremely emotional experience for the offender. Officers should be cognizant of the fact that in many instances, the contact between the police and a traffic violator may be the only contact the citizen has with a police officer, and should therefore strive to make each contact educational, and leave the offender with the impression that the officer has performed a necessary task in a professional manner.

The following procedures are recommended in order to maintain a high level of professionalism and to minimize conflict between the officer and the offender.

- be certain that the observations of the offense are accurate without reservation
- be alert at all times for the unexpected, but not obviously apprehensive
- present a professional image in dress, grooming, language, hearing and emotional stability
- be prepared for the contact by having the necessary forms readily available
- decide on the appropriate enforcement action based upon the offender's actions, not attitude
- whenever possible, decide on the enforcement action to be taken prior to the initial contact with the offender
- greet the offender with the appropriate title and in a courteous manner
- inform the offender of the violation and intended enforcement action
- ask for the offender's operator's license, insurance identification and registration information
- allow the offender to reasonably discuss the offense
- complete the required documentation as necessary or issue a warning
- explain what the offender is required to do as a result of the enforcement action taken
- make sure the offender knows when and where to appear if a court appearance is required
- do not predict the actions of the court
- check for signs for physical impairment, emotional distress, and alcohol and/or drug abuse
- return the offender's license, insurance identification and registration, and a copy of the citation or warning, if applicable
- assist the violator in safely re-entering the flow of traffic

### **5.2.13 Procedures for stopping and approaching traffic violators**

While no two traffic stops are identical, the following are recommended procedures when an officer conducts a motor vehicle stop for a traffic offense. When initiating a traffic stop, the officer should:

- choose the stop location carefully, avoiding curves, hill crests, and intersections
- inform the dispatcher of the vehicle's registration number, description of vehicle, number of occupants, and location for the stop
- activate emergency lights and use horn and/or siren as necessary to alert driver of your presence
- position the patrol unit approximately 15 feet behind the stopped vehicle and offset to the left about 3 feet into the traffic lane. Turn the front wheels to left, leave the engine running and driver's door unlocked. Consider who may be in the immediate area of the patrol vehicle when leaving it unattended
- before exiting the patrol vehicle, observe the occupants of the stopped vehicle for 10-15 seconds and be alert to unusual or suspicious movements
- at night, the spotlight and/or takedown lights should be used to conceal the officers movements and to illuminate the stopped vehicle
- if the offender exits the vehicle, they should be asked to return to the vehicle
- officers should be ready to take evasive action if the offender advances toward the officer
- while approaching a stopped vehicle, observe occupants, check for altered registration plates, check trunk to see it is closed and properly locked (with the lock intact) observe interior for weapons or concealed passengers
- officers should avoid standing between the patrol vehicle and stopped vehicle, and at night should avoid crossing in front of spot or takedown lights
- stand beside the vehicle as close as possible and to the rear of the driver, while monitoring any passengers
- keep constant view of the hands of the operator and passengers
- avoid reaching inside a stopped vehicle
- handle license and other paperwork with non-gun hand

#### **Unknown Risk or High Risk Stops**

It is not possible or reasonable to attempt to define all the conditions under which high-risk vehicle stop procedures should be employed. It is sufficient to state that an officer may take any and all reasonable steps necessary to protect him or herself and others when the officer has reason to believe, in the context of a felony, or any other vehicle stop that the officer's or another person's life or safety is in danger.

Due to their nature, certain motor vehicle stops may present more of a risk than a stop for a routine traffic violation. The operator or occupants of a vehicle stopped as a result of a pursuit, a report of a suspicious vehicle or observed erratic driving may pose a greater degree of danger. Officers should consider all the available circumstances and information when making such stops. These factors include:

- when able, ensuring a safe location when making the stop considering the lighting, traffic, and nature of roadway
- waiting for backup assistance prior to initiating the stop
- remaining in the vehicle until additional units are strategically positioned in relation to the vehicle being stopped

- properly position the patrol vehicle during the stop and using the vehicle as cover while having the occupants exit the vehicle upon the officer's direction
- using the patrol vehicle's public address system to issue instructions to the vehicle occupants
- other tactics consistent with the officer's training

While conducting the motor vehicle stop, officers should:

- check for license validity, driving record, wants or warrants by running a computer check on vehicle, operator or occupants as appropriate
- return to patrol vehicle to write citations or take notes, being alert to look up periodically to monitor activities of occupants of stopped vehicle
- when returning to the stopped vehicle, note any changes in the vehicle or in actions of the operator or passengers

Once the stop is completed the officer should:

- allow the stopped vehicle to re-enter traffic first
- turn off emergency lights or other auxiliary lights before re-entering traffic

#### **5.2.14 Handling motorists charged with operating a motor vehicle after their driving privileges have been suspended or revoked**

The following guidelines will be followed:

Unless extenuating circumstances exists, operators who are charged with Connecticut General Statute 14-215, Operating a Motor Vehicle While Under Suspension, will not be taken into custody. Instead, the officer shall issue a Misdemeanor M/V Summons and Complaint in the field, and release the operator on their own recognizance (PTA).

Out of state operators who have had their license suspended or revoked by their respective state shall not be charged with Connecticut General Statute 14-215. In such cases, the operator will be charged with Connecticut General Statute 14-36, Operating a Motor Vehicle Without a License. However, if the operator has had his/her right to operate a motor vehicle in Connecticut suspended, the operator will be charged with Connecticut General Statute 14-215.

Any operator charged under Connecticut General Statute 14-215 shall not be permitted to continue driving the vehicle from the scene. The operator may, if the location and circumstances permit, be allowed to safely secure the vehicle at the scene until the vehicle can be removed (e.g. another licensed driver). Otherwise, the vehicle shall be towed pursuant to directive 5.5.

#### **5.2.15 Speed measuring devices**

In order to provide an effective traffic law enforcement program, the Coventry Police Department recognizes the importance of reliable and accurate speed measuring devices. The tool most widely used by the Coventry Police Department to measure speed is traffic radar or laser based units. Because of the nature of traffic radar and laser devices and inherent limitations and susceptibility to interference, the effectiveness is determined by the operator's training, experience and proper operation. The following guidelines shall be employed when radar/laser is used.

Situations when speed measuring devices may be used include:

- high or potentially high accident locations where speed appears to be a contributing factor
- in areas where speeding offenses are prevalent
- in response to complaints from the public concerning speeding motorists

All officers using radar/laser units shall have received training prior to such use. This training shall be coordinated through a radar instructor or a Field Training Officer.

The precise method for using a speed measuring device may vary in accordance with specific equipment used. All equipment shall meet or exceed NHTSA standards for speed measuring devices. In accordance with CGS 7-294z, no handheld radar devices or radar devices that emit nonionizing radiation shall be used within the confines of a patrol vehicle.

Generally, the following operating procedures are applicable.

- the radar/laser unit must be properly installed and connected to the appropriate power supply
- the radar/laser unit must be properly calibrated
- calibration shall be checked before and after each stop
- a check must be made that all light and digital readouts are functioning properly
- the effective range of the unit must be known by the operator so visual observations can support the radar readings

If a radar/laser unit does not operate properly, it shall be immediately removed from service, a note placed on the unit, and a malfunction notice shall be forwarded to the Executive Assistant detailing the problem.

The Chief of Police shall assign an officer who shall be responsible for:

- ensuring the radar/laser units are properly maintained, calibrated and serviced on a regular basis
- ensuring that malfunctioning units are repaired
- ensuring that all units are periodically inspected and accounted for
- ensuring that instructors are available for operator training
- ensuring that records are maintained regarding operator training

#### **5.2.16 Alcohol enforcement countermeasure program**

Drivers impaired by alcohol and/or drugs present a serious threat to the public. Consequently, a coordinated, comprehensive, and ongoing countermeasure program involving education, enforcement, adjudication, treatment, and public support is essential if a program is to be successful in resolving this problem. Critical components of the countermeasure program include:

##### **TRAINING**

The Coventry Police Department shall continue to ensure that officer skills in DUI enforcement techniques are adequate. As resources permit, officers will be afforded the opportunity to attend advanced DUI Courses in order to improve detection techniques.

##### **ENFORCEMENT**

Without the apprehension of impaired drivers, the rest of the system cannot function. Officers on patrol must be alert for signs of alcohol and/or drug impairment when coming

into contact with a motorist. Systematic approaches which may be used in various combinations by the department in the alcohol enforcement program include:

- selective assignment of personnel at times and places where analyses has shown a significant number of violations and/or accidents involving impaired drivers have occurred
- selected alcohol-related accident investigation and analyses of findings
- selective roadway checks for deterrence purposes
- selective enforcement of drinking-driving laws through concentration of existing laws and the expeditious processing of violators
- pursuing Department of Transportation grant funding to assist in providing personnel and equipment for DUI enforcement efforts

## PUBLIC EDUCATION

The Coventry Police Department shall make press releases and distribute educational material in order to publicize its efforts in DUI enforcement countermeasures. Members of the department shall also from time to time make public education presentations on DUI awareness in schools, businesses and civic organizations.

### **5.2.17 Procedures for handling persons charged with driving while under the influence of liquor or drugs**

The detection and arrest of persons driving while intoxicated differs significantly from the handling of other traffic offenses. Specific statutes govern driving under the influence of liquor and/or drugs, implied consent for chemical tests, and the tests for blood alcohol content themselves. The statutes outline the officer's scope of authority and establish procedures for detection, arrest, and processing of intoxicated drivers.

## DETECTION

Detection is the first stage of DUI enforcement action. It is a critical stage as it is here that probable cause to arrest is established. This stage includes:

- recognize and identify behaviors that would indicate the driver may be impaired
- recognize and identify specific behaviors occurring during a motor vehicle stop that provide support of suspicion that the driver is under the influence
- approach and interview the driver. If after the initial contact with the driver, the officer believes the driver is under the influence, the officer should request the operator to exit the vehicle and move to a safe location to administer field sobriety tests
- select and administer standardized field sobriety tests to assess impairment
- note all observations which lead the officer to believe the driver may be intoxicated
- formulate the appropriate arrest decision based upon driving ability, driver's behavior and sobriety tests. If the officer has probable cause to believe that the driver is under the influence of liquor and/or drugs, a custodial arrest will be made of the driver, pursuant to Connecticut General Statute 14-227a. (Infractions under Connecticut General Statute 14-227a(b), Operation While Impaired, shall not be issued. If probable cause to arrest for Operation under the Influence is absent, officers may not take custody of an operator simply to administer chemical testing)
- if an arrest is made, the contents of the vehicle may be searched/inventoried as necessary, pursuant to law and directive 5.5.7, and transport the arrestee to police headquarters for processing, pursuant to directive 10.4.

## PROCESSING

Processing/booking is the second stage of DUI enforcement action. The processing of an arrestee should include:

- Notifying the arrestee of his/her rights and responsibilities (i.e. Miranda, Implied Consent).
  1. If the arrestee refuses to submit to the chemical test chosen by the officer, their Connecticut Operators License (if applicable) shall be suspended.
  2. If the arrestee submits to a chemical test, it shall be properly administered. If a breath test is given, a certified intoxilyzer operator shall administer the required tests and be responsible for the paperwork pertaining to the intoximeter.

If the blood alcohol content is .08% or greater, the arrestee's Connecticut Operators License (if applicable) shall be suspended.

- administering a Field Sobriety Test
- processing blood/urine samples, as applicable, in accordance with directive 12.1 and pursuant to law
- completing required documentation and thoroughly recording all evidence obtained during the investigation

#### HANDLING BLOOD/URINE SPECIMENS

When an officer collects a blood or urine sample for chemical testing, the officer shall be responsible for the proper packaging and mailing to the State Toxicology Laboratory.

The Executive Assistant will ensure that supplies of pre-addressed mailing boxes are on hand in the Evidence Processing area for this purpose. Officers will prepare the package and leave in the Dispatch area for mailing. Arresting officers are responsible for ensuring that these packages are mailed pursuant to law and Department of Motor Vehicle administrative regulations.

#### RELEASE

Release is the third and final stage of DUI enforcement action.

In accordance with Connecticut General Statute 14-140, operators charged with operating under the influence shall not be released on their own recognizance (PTA). The bond amount shall be determined pursuant to directive 10.6.

#### **5.2.18 Procedures for identification and referral of drivers recommended for re-examination by licensing authorities**

Routine enforcement, accident reporting, and investigation activities may lead to the discovery of drivers who are, in the judgment of the officer, unfit to operate a motor vehicle without endangering the safety of the public due to their physical or mental condition. In such cases, the officer shall proceed pursuant to Connecticut General Statute 14-217-1. Pursuant to this statute, the officer in charge of the police station is authorized to suspend and to take possession of such operator's license and forward same to the commissioner within 24 hours, together with a brief statement and explanation of the offense or violation. Department of Motor Vehicle Form N-105 is available at the police department for this purpose.

For the purposes of this section, the officer in charge shall be the ranking officer on duty.

### **5.2.19 Pedestrian and bicycle safety programs**

#### PEDESTRIAN ENFORCEMENT

The enforcement of pedestrian traffic laws necessitates broad discretion by officers. However, such discretion should result in uniform and consistent application of the law.

- prior to any substantial increase in enforcement efforts directed towards pedestrian traffic, sufficient publicity and community awareness programs will be initiated by the police department
- officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have occurred or where there is a substantial risk of an accident

#### BICYCLE ENFORCEMENT

It is inherent in the role of police to enforce laws pertaining to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying these laws. Such discretion should result in a reasonable and consistent application of the law.

Officers should actively enforce laws pertaining to the proper operation of bicycles in areas where

- congestion and/or frequency of accidents involving bicycles have been predominant
- there is a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles

In those areas where vehicular traffic is minimal, visibility is unobstructed and accidents infrequent, officers should exercise discretion when enforcing bicycle laws.

#### SAFETY PROGRAMS

In addition to the enforcement of applicable laws, the Coventry Police Department shall maintain a proactive program of bicycle/helmet safety, geared toward juveniles. This program encompasses a variety of techniques including instruction and positive reinforcement of proper riding etiquette. The Chief of Police shall periodically disseminate information to officers and the general public regarding the department's bicycle safety efforts.

### **5.2.20 Off-road vehicle accidents and enforcement**

Unless extenuating circumstances exist, the following guidelines will be adhered to when investigating off-road vehicle accidents and the enforcement of regulations pertaining to the use of such vehicles.

- all accidents involving off-road vehicles shall be documented using the State Accident Report Form, (PR-1). Additional forms/reports will be used as necessary.
- the operator of an off-road vehicle, driven upon a public highway in violation of applicable laws will be subject to the same enforcement action as other motor vehicles driven upon such roadways
- towing of off-road vehicles shall be in accordance with directive 5.5.

- juvenile offenders shall be handled in accordance with directives 7.1 and 7.2 and pursuant to law
- other criminal violations (i.e. criminal mischief, criminal trespass) shall be enforced

#### **5.2.21 Parking enforcement**

Members of the Coventry Police Department are responsible for parking enforcement on local roadways, in town recreational areas and parks, and other areas under their jurisdiction.

When enforcing parking violations, officers who come in contact with the operator whose vehicle is in violation, and the violation is minor, should attempt to remedy the problem prior to the issuance of a parking ticket. If this is not possible, a parking ticket should be issued as necessary.

As a general policy, an infraction or summons will be issued for a parking violation only when the violation is willful, repeat, or a causative factor in a motor vehicle accident.

If a vehicle is an immediate hazard and requires towing, a reasonable attempt shall be made (when practical) to contact the registered owner prior to such tow. Should the vehicle require towing, the matter will be handled in accordance with directive 5.5.

The Records Clerk/Dispatcher is responsible for collecting fees for parking tickets and sending out delinquent notices. All fees collected shall be handled consistent with agency directive 2.9 (Fiscal Management). The Town may choose to enter into an agreement with a private collection agency to recover outstanding fees for parking violations.