

COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: TRAFFIC ADMINISTRATION AND ENFORCEMENT

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I. Purpose

To establish guidelines for the administration of all traffic-related activities and to establish the proper procedure for taking enforcement action applicable to traffic law violations. Also to establish guidelines for the operation and deployment of traffic enforcement personnel.

II. Statement of Policy

It shall be the policy of the Covington Police Department that traffic administration and enforcement is a function of the Patrol Division. These guidelines shall apply to all sworn officers authorized to enforce traffic laws and to those situations where an officer is enforcing traffic law.

III. Responsibility

- A. All patrol personnel have responsibility for enforcing traffic laws. When manpower allows and as needs arise, patrol supervisors will assign an officer to be responsible for traffic enforcement duties during their shift.
- B. All patrol officers should be responsible for the following traffic activities:
 - 1. Accident Investigation.
 - 2. Operation of Radar.
 - 3. Operation of Intoxilyzer 5000.
 - 4. Parking / Congestion Control.
 - 5. Traffic Safety Education.
 - 6. Selective Enforcement.
- C. Performance objectives for traffic enforcement shall be developed on an as needed basis and shall be based on enforcement efforts, traffic accident statistics, traffic flow patterns, road conditions and traffic engineering studies.

IV. Enforcement Action

A. The responsibility for enforcing traffic laws is shared by all uniformed personnel. Members of the department shall take appropriate enforcement action for each violation of the law witnessed by them. Such action shall be accomplished in a business like, firm, fair, impartial and courteous manner using one of the four following methods:

1. Physical arrest.
2. Issuance of a notice to appear (citation).
3. Issuance of a written warning.
4. Verbal warning.

B. Officers are encouraged to use discretion, based upon their professional judgment, as to what form of enforcement action will be taken. To facilitate uniformity in the application of traffic laws, the following guidelines should be used:

1. Physical Arrest

Officers will affect the arrest of any person in violation of the following traffic laws:

- Driving under the influence of alcohol and/or drugs.
- Homicide by vehicle.
- Feticide by vehicle.
- Fleeing or attempting to elude police officers.
- Impersonating a police officer.
- Suspended or revoked license.
- Possession of drugs.
- Fraudulent or fictitious use of a license.
- Leaving the scene of an accident with damage and/or injury.

There may be other incidents in which a violator should be physically arrested. The decision to affect a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the violator's "attitude".

2. Notice to Appear (Citation)

The issuance of a traffic citation is applicable in the majority of cases for those violators residing within the boundaries of the judicial jurisdiction in which the case will be adjudicated.

The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.

An officer may issue a copy of charges in lieu of physical arrests in all traffic cases, except those dealing with intoxication or suspended license. Officers should refer to the list of traffic law violations and

enforcement contained in this policy to ensure uniformity in traffic law enforcement.

Citation books shall be issued to officers by CSR. Issued citation numbers, officer name and date shall be recorded in the Traffic Citation Record by the CSR. All citations shall be recorded in the Citation Record by number and officer along with the violator's name. The CSR shall account for all citations by checking officer's copies and then issue another citation book. Officers shall report to the supervisor any lost or stolen citations.

Citations may only be voided by the arresting officer upon approval of a supervisor. Voided citations shall be marked "void" and placed back into the file.

Citations shall be stored in Records office or locked storage room until issued.

3. Written Warning

A written warning may be a proper alternative by officers in response to a minor infraction committed to those areas where traffic accident experience is minimal. Written warnings are also appropriate for those violations that occur within tolerances generally allowed by the agency and endorsed by the courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation or arrest would result. It is also applicable to running a stop sign at speed slower than walking at intersections where traffic accident experience is slight.

4. Verbal Warning

A verbal warning is appropriate when the violator commits an act, which may be due to ignorance of a local ordinance, which may be unique, or a violation of which the driver may not be aware. Examples of violations that warrant verbal warnings are:

- A right turn on a red light, after a complete stop, when such movement is made with reasonable safety, and it is determined the driver is accustomed to driving in those jurisdictions where a right turn on red is permissible.
- For equipment failure (license plates not illuminated) of which the driver was unaware.

V. Special Arrests

Officers should follow these guidelines when traffic stops are made on the following persons:

A. Out-of-state Residents

If a violator resides out of state, the officer may use discretion and issue a warning or a citation. If a citation is issued, he shall escort the violator to the police department for payment of a cash bond. If the violator's state of residence is a member of the Non-Resident Violator Compact, the officer may release the person on a copy of the citation and advise the violator that if the citation is not

paid within the required time, the Georgia Department of Motor Vehicle Services will notify his state to suspend his driving license until the fine is paid.

B. Juvenile Offenders

A juvenile traffic offense as defined by OCGA 15-11-73 [Georgia Code Chapter List](#) consists of a violation of any law or ordinance governing the operation of a moving motor vehicle upon the streets or highways of this state by anyone under the age of seventeen (17). The citation normally used will invoke the jurisdiction of the Juvenile Court. A juvenile traffic offense is not an act of delinquency unless the case is transferred to the delinquency calendar or is specified otherwise in the Georgia Traffic Code Section 40-5-54 (Mandatory Suspension of License) [Georgia Code Chapter List](#) or 40-5-70 (Mandatory Suspension of License for Failure to Have Minimum Insurance) [Georgia Code Chapter List](#). The Court's copy of the summons or citation shall be delivered to the Juvenile Court office no later than the Wednesday preceding the court date.

The following offenses shall be delinquent offenses and shall not be handled as juvenile traffic offenses:

1. Homicide by vehicle.
2. Manslaughter resulting from the operation of a vehicle.
3. Any felony in the commission of which a motor vehicle is used.
4. Racing on the highways and streets.
5. Using a motor vehicle in fleeing or attempting to elude an officer.
6. Fraudulent or fictitious use of a license.
7. Hit and run or leaving the scene of an accident.
8. Driving under the influence of alcohol or drugs.
9. Possession of a controlled substance or marijuana.
10. Any other offense for which driving privileges may be suspended or revoked for an adult.

C. Legislators

All legislators, state or federal, have immunity from arrest when traveling to and from legislative sessions or committee meetings. It shall be the policy of this department to extend courtesy to all legislators by issuing warnings instead of citations. Citations or physical arrests shall only be initiated when there is no legislative session and the offense is of a serious nature such as driving under the influence, fleeing an officer, vehicular homicide, hit and run, driving without a valid Georgia license.

D. Foreign Diplomats/Consular Officials Also see [P075- Diplomatic Immunity.doc](#)

By treaty, diplomats or consular officers are immune from arrest for criminal and traffic offenses unless ordered by a federal magistrate. Once identified, diplomats or consular officers will not be unnecessarily detained. Diplomatic

immunity does not normally extend to members of diplomatic officers' families or to employees of consular officers.

There are some countries with which the United States has negotiated special agreements entitling employees and family members of consular officers to full immunity from arrest or detention will be stated on the reverse side of their official U.S. Department of State identification card.

In any situation in which a law enforcement official needs to establish entitlement to diplomatic immunity and the person asserting it cannot produce an identification card issued by the U.S. Department of State, the correct status can be obtained through a telephone call.

1. During regular hours: Office of Protocol, U.S. Department of State:
 - a. For Diplomats and Families: (202) 647-1664
 - b. For Diplomatic Employees and Families: (202) 647-1405
 - c. For Consular Personnel and Families: (202) 647-1404
 - d. International Organizations: (202) 647-1402
 - e. Fax number for sending incident reports and citations: (202) 895-3613
2. After hours:
 - a. Bureau of Diplomatic Security: 202-647-7277
 - b. State Department Operations Center: 202-647-1512
(Urgent matters after hours)

E. Military Personnel

The members of the organized militia or military forces shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills, parades, meetings, encampments, and the election of officers and going to, during and returning from the performance of any active duty as such members. (OCGA 17-4-2). [Georgia Code Chapter List](#) Whenever an officer stops military personnel on active duty, they may affect an arrest if the offense meets the above criteria, and shall notify the violator's commanding officer and the District Attorney's office.

VI. Traffic Patrol

Traffic patrol enforcement procedures will include:

- A. Visible Traffic Patrol
 1. Area – Moving or stationary observation in an area that includes a number of streets or sections of highway.
 2. Line – Moving or stationary observation on a specific street or highway between two points.

3. Directed – Either area or line patrol that is specifically directed by supervisory personnel and is based on unfavorable traffic accident or enforcement data.

B. Stationary Observation

1. Covert – Traffic enforcement units will not be concealed from view of the roadway to the extent that the officer is not visible to persons using ordinary powers of observation.
2. Overt – Traffic enforcement units will be positioned in such a manner near the roadway, or intersection that is clearly seen by persons using ordinary powers of observation.
3. Unmarked vehicles – Unmarked vehicles will not be utilized for traffic enforcement activity.

VII. Selective Enforcement

- A. The ultimate goal of selective enforcement is to reduce traffic accidents and gain voluntary compliance with traffic laws. Selective enforcement measures will be used to assign traffic enforcement personnel and equipment to specific geographical locations in order to provide preventive patrol for special categories of unlawful driving behavior.
- B. To reduce the number of injuries, deaths, and property damage as a result of traffic accidents.
- C. To assist and work towards resolving problems within the city recognized as criminal behavior or activity.
- D. Selective enforcement will be based on an analysis of traffic accidents and enforcement action will be directed toward specific violations known to cause accidents. These include:
 1. Speeding: Enforcement of speeding will be made in areas where accidents are prevalent and where complaints from citizens regarding speeding have been received. The radar or lidar unit will be used as an enforcement mechanism.
 2. Driving Under the Influence: The objective of selective enforcement of DUI violations is to reduce alcohol or drug related traffic offenses by deploying units and personnel who are specially trained and equipped to apprehend impaired drivers. Selective enforcement of DUI laws include:
 - a. Assignment of personnel during times and at locations where accidents are high or where there have been a number of DUI violations.
 - b. Selective surveillance techniques on roads where there is a large number of DUI-related accidents.
 - c. Selective roadway checks for deterrent purposes.
 - d. Selective enforcement of DUI laws through concentration on existing laws.

3. Violations at Intersections: Violations such as failure to yield, failure to stop, failure to yield right of way or failure to obey signal shall be selectively enforced at intersections where analysis has shown a significant number of violations or accidents.
 4. Other Violations: Violations such as hazardous violations, off-road violations, etc.
 5. Equipment Violations: Violations such as defective lights, altered suspension, cracked windshield, defective tires, etc.
- E. An examination of traffic accident data and traffic enforcement data and any correlation between the two will be conducted each month and a report provided during the ComStat meeting. Enforcement strategies, if any, will be directed toward the major causation factors if it can be determined that such enforcement would cause a reduction of accidents.

VIII. Deployment of Personnel

- A. The deployment of traffic enforcement personnel will be based on an analysis of traffic accidents and traffic related calls for service covering the most recent three-year period.
- B. Traffic enforcement personnel will be deployed to areas, which have shown the greatest number of accidents, and during the times when these accidents occur. Enforcement personnel should take action to enforce any violation that is known to cause accidents.

IX. Stopping and Approaching the Traffic Law Violator

The following steps in stopping and 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 traffic artery, the urgency to stop the violator, and the existing volume of traffic may dictate adjusting or altering the recommended procedure. These procedures are to be followed when possible and are presented from the perspective that ideal conditions exist.

- A. The pursuit of a traffic violator has ended when the officer has positioned himself behind the violator to begin the stopping procedure.
- B. At this point, the officer should notify the Communications Center of the intended location of the traffic stop, the license number and the number of occupants of the vehicle.
- C. The officer should be thoroughly familiar with the area and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space, appropriate lighting and should avoid stops on hills, curves, intersections, private drives and business locations which have limited parking.
- D. The officer should signal the violator to stop. This signal should be with the blue lights, sounding the horn and if necessary, the siren.
- E. The violator should be signaled and directed to the right side of the roadway close to the curb or onto the shoulder.

- F. On multi-lane roadways, the officer should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- G. Should the violator stop abruptly in the wrong lane or in another undesirable location, he should be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location if this equipment is available. If the patrol vehicle is not so equipped and gestures are insufficient to bring understanding, the officer should quickly exit from the patrol vehicle and give verbal instructions to the violator.
- H. The violator should not be permitted to move his vehicle once it has stopped if it is suspected that the driver's ability to drive is impaired.
- I. Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle should be positioned at a slight angle so the left front is offset approximately three feet to the left of the violator's vehicle and the right rear is near the curb. This position provides maximum safety to the violator, the officer and all other traffic.
- J. The officer should exit from 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.
- K. The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keeping all occupants of the vehicle in view.
- L. In those cases where the violator's car has occupants in both the front and rear seats, the officer should approach to a point near the leading edge of the left front door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- M. In those traffic stops made by two man patrol vehicles, the passenger officer should be responsible for all radio communications, writing all notes and messages relayed from the Communications Center and during the traffic stop should exit from the vehicle and act as an observer and cover for his fellow officer. At no time should the two officers approach the violator together.
- N. At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator, and positioning the police vehicle. After the stop, the lights should be on low beam for the safety of oncoming traffic.

X. Stopping Known or Suspected Felon

- A. When a patrol officer locates a vehicle driven by a known or suspected felon, he will notify the Communications Center of the location, thorough description of the vehicle and a description of the occupants.
- B. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
- C. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. The following procedures will be used in effecting the stop:
 - 1. The officer will plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
 - 2. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
 - 3. The officer will signal the violator to stop, utilizing all emergency equipment to warn other traffic.
 - 4. The violator will be stopped on the extreme right side of the road.
 - 5. If the violator is known to be armed and dangerous, the officer will have has weapon easily accessible and ready for immediate use.
 - 6. When the suspect vehicle begins to stop, the officer will turn off the siren and actuate the public address system.
 - 7. The officer will park the police vehicle so that it provides maximum protection and cover for him.
 - 8. At night, all lights will be focused on the interior of the suspect vehicle, including spotlights, to the disadvantage of the violator.
 - 9. The officer will exit the police vehicle quickly, but remain behind the door and accessible to the public address system microphone.
 - 10. The officer in command will direct each occupant, utilizing the public address system, to remove himself from the vehicle individually according to specific directions and into the appropriate search position, after which the approach may be made.
 - 11. If a public address system is not available, the officer will give voice commands if they can be heard; if this fails, the officer will cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
 - 12. The officer will give instructions to the support officer, even if not needed, to assure the suspects that additional support is available.

13. The support officer will cover the arresting officer and remain on the curbside of the vehicle until all occupants have exited and are in the search position.
14. The support officer will not give additional commands as this would tend to confuse the suspects, but will make his presence known by commands given by the arresting officer.
15. Extreme caution will be exercised by officers not to get within each other's line of fire.
16. When all occupants have been removed from the vehicle, the support officer should move to a position to cover the arresting officer while the persons are searched.
17. Arrestees will be searched and handcuffed prior to being transported.

XI. Officer/Violator Relations

Once the officer has stopped the violator and approached to a point where communications begin, the officer/violator relations are activated.

- A. Be alert at all times for the unexpected, but do not be obviously apprehensive.
- B. Be absolutely certain the observations of the traffic violation were accurate – without reservation.
- C. Present a professional image in dress, grooming, language, bearing and emotional stability.
- D. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
- E. Decide on appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator. One exception would be an out-of-state driver performing a violation that would not be a violation in his jurisdiction, such as right turn on red light.
- F. Greet the violator with an appropriate title and in a courteous manner.
- G. Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
- H. Ask for the violator's driver's license.
- I. If the driver has no driver's license, obtain another document of identification.
- J. Allow the driver to discuss the violation. Do not argue, berate, belittle or otherwise verbally abuse the violator.
- K. Complete forms required for the enforcement action taken or exercise a verbal warning if this is the decision. Only one charge will be included on a citation. Multiple violations require multiple citations.

- L. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- M. 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. Advise the violator of the following:
 - 1. Court date, time and location.
 - 2. Whether the court appearance is mandatory or if fine may be paid at the police department.
 - 3. Fine amount.
- N. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
- O. Return the driver's license, insurance and a copy of the warning or citation.
- P. Assist the violator in safely reentering the traffic flow.
- Q. Do not follow the violator.

XII. Reexamination of Drivers

An officer who has reasonable cause to believe a driver is incompetent or otherwise not qualified to be licensed can request of the Municipal Court judge or prosecutor for a form to be filled out and submitted to the Department of Driver Services requesting the person to be retested. Once notified by DDS, the driver will have ten days to report to the nearest license examining facility for testing. (OCGA 40-5-59).

XIII. Public Carrier/Commercial Vehicle Violations

Officers shall be familiar with and enforce violations of OCGA 40-5 Article 7 "Uniform Commercial Driver's License Act". In addition, drivers of public carriers/commercial vehicles that are in violation of Title 40 shall be treated in the same manner as other drivers of the roadway in regards to warnings, citations and/or arrest. The Department of Motor Vehicle Safety shall be contacted and shall be responsible for issuance of citations for drivers in violation of Federal Motor Vehicle Codes.

XIV. Seatbelt Enforcement

Officers shall enforce all laws concerning seatbelts to include child restraint laws, since the enforcement of such laws, as well as safety education campaigns, roadside safety checks and traffic stops, have been proven to save lives of occupants in motor vehicles.

XV. Parking Enforcement

Officers shall be responsible for enforcing all parking regulations to include:

- A. Parking on yellow curb or in a fire lane.
- B. Parking in handicap space without permit.
- C. Improper parking.

When an officer finds a vehicle that is improperly parked, he may first try to find the driver or owner and have him move the vehicle. If unable to locate the driver or owner, the officer may issue a citation and place a copy on the windshield. If the vehicle must be towed, the officer may impound the vehicle according to procedures described in SOP P160. [P160- Vehicle Impound.doc](#)

XVI. Newly Enacted Laws and/or Regulations

Newly enacted laws shall be enforced by officers of this department as deemed appropriate as they go into effect unless a grace period is established by the local court(s) to allow the public to become aware of the new law.

XVII. Pedestrians and Bicycles

Officers are responsible for enforcing laws relating to the safe operation of bicycles and the movement of pedestrian traffic. Officers will exercise discretion in applying these laws, depending on the traffic volume. The higher the volume and congestion, the more officers should strictly enforce laws relating to bicycles and pedestrians. On those streets where the traffic volume is minimal, officers should use discretion in applying those laws.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton
Stacey L. Cotton
Chief of Police