

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
<b>Chapter 61</b>	<b>Traffic</b>	
<b>Date Initially Effective: 09/15/94</b>	<b>By the Order Of:</b> <b>Mark Holtzman, Chief of Police</b>	
<b>Date Revised: 02/08/17</b>	<b>Date Reissued: 02/16/17</b>	<b>Page 1 of 38</b>

### 61.1.1 TRAFFIC SAFETY FUNCTION

CALEA Standard: 61.1.1, 41.3.8

The Greenville Police Department Field Operations Bureau Commander shall have the overall responsibility for planning, analyzing, monitoring, and coordinating traffic enforcement activities. All Field Operations Bureau personnel shall perform traffic enforcement and control duties; however, the Traffic Safety Unit shall have the primary responsibility.

#### Traffic Enforcement Activity

The Greenville Police Department, through the specialized efforts of the Traffic Safety Unit, will strive to reduce the incidents of traffic collisions, provide for the safe and efficient flow of vehicular traffic, enforce the motor vehicle laws and City ordinances within the City of Greenville, and provide assistance to motorists as outlined in this directive. Marked and unmarked police vehicles shall be used. Equipment should be appropriate to the enforcement actions used.

Traffic functions of the Greenville Police Department shall include, but not be limited to:

- Enforcement of motor vehicle laws and ordinances as established by Chapter 20 of the General Statutes of North Carolina and Title 10 of the Code of Ordinances of the City of Greenville
- Operation of speed measuring devices
- Targeted traffic enforcement
- Operation of breath analysis equipment
- Conducting community service and community relations activities to include traffic safety education

Analysis of traffic enforcement activities shall:

- Include traffic evaluations and reports compiled by the Traffic Safety Unit describing problem areas based on observations, enforcement activities, crash reports, citizen complaints, and officer/supervisor requests.
- Consider overall Greenville Police Department traffic enforcement activities and strategies
- Be used to evaluate traffic complaints and/or requests for selective enforcement

The Greenville Police Department Policy and Procedures Manual, Chapter 82, *Records*, provides guidelines governing all Greenville Police Department records to include processing, maintenance, distribution, retention requirements, and release of records and provides for supervisory review of all reports submitted by police officers. The Computer Aided Dispatch (CAD) and records management (RMS) systems record collision and citation locations. The Greenville Police Department records system shall maintain or have access to traffic information to include:

- Traffic collision data (reports/investigations/locations/dispositions)
- Traffic enforcement data (citations/arrests/locations)
- Roadway hazard reports
- Traffic safety education reports
- Traffic volume data

**Implementation of Selective Enforcement Techniques and Procedures**

This directive shall establish guidelines for appropriate enforcement action when violations of North Carolina General Statute, Chapter 20, Motor Vehicle Laws are witnessed, evidenced, or brought to the attention of members of the Greenville Police Department.

Implementation of selective enforcement techniques should target specific problems as determined by factors including:

- Traffic analysis
- Citizen complaints
- Needs identified by Police Department personnel
- Needs identified by other appropriate City of Greenville personnel

Implementation of selective enforcement techniques may include enforcement actions such as:

- Traffic checkpoints
- Saturation patrols
- Stationary observation of intersections
- Use of speed measuring devices
- Other approved techniques as appropriate to the situation

Traffic Safety Unit and other officers should take enforcement action against those violations determined to cause collisions and should use countermeasures most effective for specific enforcement problems involved.

Enforcement countermeasures may include:

- Use of speed measuring devices
- Line and/or area patrol
- Stationary observation
- Traffic checkpoints

**Deployment of Traffic Enforcement Personnel**

It is the policy of the Greenville Police Department that traffic law enforcement and the delivery of law enforcement related services will be applied consistently and courteously to foster a positive public attitude and acceptance of the level of enforcement and control necessary to achieve the goals of the Department. The responsibility for enforcing traffic laws and regulations shall be shared by all sworn personnel.

Deployment of traffic law enforcement personnel shall include factors based on an analysis of traffic collisions and traffic-related calls for service pursuant to the following guidelines:

- Deployment shall be based on analysis of the most recent three (3) year period.
- Traffic Safety Unit personnel shall be deployed to areas based on crash frequency, citizen complaints, and other determining factors.

**Analysis of Traffic Collisions and Related Factors**

The Traffic Safety Unit supervisor shall use the following procedures and guidelines to assist in determining effective enforcement techniques and locations.

Analysis of reported collisions should:

- Be based on a numerically significant sample
- Consider fluctuations caused by seasonal variations
- Be used to target locations with a high frequency of collisions
- Be used to determine what type of violations appear to contribute to collisions at targeted locations
- Be used to evaluate traffic complaints and/or requests for selective enforcement

To ensure effective use of resources, proactive targeted enforcement activities shall be based on analysis of traffic collisions. The Traffic Safety Unit shall conduct traffic analysis and studies regularly as part of their unit's activities. Analysis of traffic collisions shall include geographic, temporal, and causative factors such as:

- Environmental factors
- Types of violations
- Day, date, and time of occurrence

Data concerning volume of traffic, intersection counts, etc., is available through the City of Greenville Public Works Department.

#### **Evaluation of Selective Enforcement Efforts**

To support field operations, facilitate program planning and the development of countermeasures, and to measure program effectiveness, the Traffic Safety Unit Supervisor will compile and submit reports to the Field Operations Bureau Commander. The reports will include at least the following elements in a numerical summary:

- Traffic collisions investigated
- Traffic enforcement actions taken to include speeding citations, DWI citations and arrests, other traffic citations

The Traffic Safety Unit Supervisor shall conduct on-going evaluations of traffic enforcement activities to determine effective use of resources. Evaluations are based on:

- Citizen complaints
- Past violations at specific locations
- Crash frequency at specific locations
- Traffic volume
- Zone Commander requests

### **61.1.2 TRAFFIC LAW ENFORCEMENT ACTION**

#### **CALEA Standard: 61.1.2**

Mandatory and recommended enforcement actions and options exist to ensure that traffic enforcement policies are uniform and equitable. Enforcement options include warnings, citations, and physical arrest. Police officers are authorized to make a physical arrest under the following circumstances:

- Violators of traffic laws pertaining to driving while impaired (DWI) statutes, except when the offender is hospitalized or similarly incapacitated as a result of the offense
- Anytime a felony has been committed involving a vehicle
- Anytime the operator attempts to elude a law enforcement officer
- Anytime the operator cannot produce sufficient identification to verify their identity and are going to be charged with a violation
- Anytime the operator is licensed by a non-reciprocal state
- When the police officer has reason to believe that the person will not comply with the summons if issued.

In those cases where physical arrest of traffic violators is authorized by statute, the following procedures will apply:

- The arrestee(s) will be informed of the specific charges(s).
- If the police officer intends to question the arrestee(s) about the offense, the arrestee(s) will be advised of their Miranda rights. If necessary, the arrestee's vehicle will be towed according to the procedures set forth in this directive

Police officers shall issue a Uniform Traffic Citation in most cases for those violators who commit a minor traffic misdemeanor or infraction pursuant to Chapter 20, Motor Vehicle Laws of the North Carolina General Statutes. Should a violator be issued a Uniform Traffic Citation, the police officer will:

- Explain why the traffic stop was made
- Write the citation

- Explain the contents of the citation as outlined in standard 61.1.4 of this directive

Police officers may issue verbal or written warnings as a proper enforcement alternative in response to a minor traffic infraction. Verbal/written warnings should provide an explanation of the violation, document operator information (in cases of written warnings) and provide for the vehicle operator's safe return to traffic.

### **Preparation of Citations/Reports**

Traffic citations and arrest reports form the basis for the prosecution of traffic violators. Departmental guidelines for the preparation and processing of traffic citations, traffic related arrest reports, and traffic related supplemental reports are:

#### **Uniform Traffic Citations**

The Administrative Office of the Courts manages the automated program eCITATION used by NC law enforcement agencies. eCITATION allows officers to issue a state citation for traffic offenses without having to handwrite data. The forms are completed electronically and the offender's copy is printed from the vehicle. Once an officer has submitted the information, it is uploaded almost immediately to the local Clerk of Superior Court's office.

**Officers are issued Uniform Traffic Citation books as needed. Handwritten citations should be utilized for driving while impaired offenses and city ordinance traffic violations.**

- All handwritten citations will be neatly and legibly printed using a ballpoint, non-erasable, black ink pen..
- All spaces requiring information relevant to the situation will be completed.
- A court date will be designated according to the police officer's assigned court dates.
- The police officer shall give the violator the "Defendant's Copy" (pink copy) of the citation.
- Police officers should write a detailed statement of the facts about the violation on the "Officer's Copy" of the citation. This copy shall be retained by the police officer.
- The "Court's Copy" (original) shall be submitted to the Records Unit..

#### **Arrest Reports**

The police officer shall complete an arrest report when a physical arrest of a traffic violator is made.

#### **Traffic Stop Reports**

A traffic stop report will be completed for any and all motor vehicle stops conducted by officers of the Greenville Police Department. Traffic stop reports should be completed in the automated records management program when available. In circumstances where the records management program is unavailable, inaccessible, functions incorrectly, or cannot be accessed, a paper traffic stop report will be completed and submitted.

### **Accountability for Uniform Traffic Citations**

All North Carolina uniform state citation books shall be issued by a supervisor. The control numbers of the citation book shall be recorded next to the name of the police officer receiving the citation book.

Cancellation of citation(s) will be handled in the following manner:

- Electronic citations (eCitation) must be canceled or voided prior to transmission.
- If an error is made while writing a citation, or if citations have been damaged and are unusable, they may be administratively canceled by the police officer. The police officer shall write "VOID" across the citation and on the copies. All copies will be left in the citation book.
- If a police officer wishes to void a citation for another reason, the police officer may talk to the District Attorney, explaining the reason for the request.
- A supervisor may direct a police officer to seek dismissal of a citation if, upon investigation, it appears the citation was improperly or inappropriately issued. This type of dismissal will require the approval of the District Attorney.
- In no case will any Department employee cause a traffic citation by another police officer to be dismissed, except under the conditions previously stated above.

The police officer shall return used citation books to the on-duty supervisor. The supervisor shall inspect the used citation book to ensure that all the necessary copies are accounted for, and record the used citation book as being returned, next to the name of the police officer submitting the book. The supervisor shall return the used citation books to the Field Operations Bureau Staff Support Specialist who is responsible for returning used citation books to the Clerk of Court's Office.

### **61.1.3 SPECIAL PROCESSING REQUIREMENTS**

CALEA Standard: 61.1.3, 1.1.4

#### **Non-Residents**

As with all violators, when an officer stops an individual who is not a resident of the City of Greenville, the officer must then choose among various enforcement options available, including full custodial arrest and transportation to the magistrate's office or issuance of a North Carolina Uniform Traffic Citation.

North Carolina General Statute, Chapter 20, Article 1A and 1B (GS 20-4.1 through GS 20-40.20) govern reciprocity agreements between North Carolina and other states and regulate the circumstances under which a police officer may arrest a nonresident for a violation of the motor vehicle laws of North Carolina.

#### **Juveniles**

When a juvenile (an individual under 16 years of age) commits a misdemeanor or infraction, the police officer shall follow all applicable procedures in accordance with N.C.G.S. 15A-505. An individual 16-18 years of age charged with a misdemeanor or infraction may be issued a Uniform Traffic Citation and processed as an adult. In all cases where a juvenile is taken into custody, the police officer is responsible for notifying the juvenile's parents of the circumstances as soon as possible.

Police officers should refer to Chapter 44 of the GPD Policy and Procedures Manual for specific procedures when encountering juveniles who have committed a violation.

#### **Legislators**

Members of the United States Congress will, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective house, in going to and returning from the same, and for any speech or debate in either house.

Members of state legislature in some cases have the same immunity granted to members of Congress. The common law prevails which privileges them from arrest while attending, going to, or returning from a session of their respective houses.

For the Governor, Lieutenant Governor, Attorney General, State Supreme Court Justices and members of the State Legislature, there are no North Carolina laws that exempt any state, or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, a warning ticket (or verbal warning), or a physical arrest in those cases where physical arrest is authorized, is allowed.

#### **Individuals with Immunity**

Greenville Police Officers will receive training on consular identification and notification during North Carolina Basic Law Enforcement Officer Certification Training and during scheduled field training with a Field Training Officer.

#### **Diplomatic Officers**

Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanently reside in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

**CONSULAR OFFICER**

Consular officers are Consuls-General, Deputy Consuls-General, Consuls, and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities and considerations as described below:

- *Immunities* – Under prevailing international law and agreement, a foreign Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. This immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.
- *Identification* – Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credentials bear its seal, the name of the officer, his title, and the signature of the State Department officials.
- *Honorary Consuls* – Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by Career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to Career Consular Officers, though they may exhibit reduced sized copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord them the protection required by virtue of their official positions.
- *Family of Consular Officers* – Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state, as do Consular Officers; however, they should be accorded appropriate courtesy and respect.
- *Consular premises* – Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or a designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster that may require prompt protective action.

Methods of handling selected incident violations or minor offenses committed by Consular Officers:

- *Moving violations* – When a Consular Officer is stopped for a moving violation, the police officer on the scene, upon being advised by the driver that the individual is a Consular Officer and verifying that the Consular Officer possesses the proper credentials, should exercise discretion based on the nature of the violation and either let the Consular Officer go with a warning of the danger of the actions or proceed with issuance of the appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense of referred to above.
- *Driving while impaired* – The primary consideration in this instance should be to see that the Consular Officer is not a danger to himself or the public. Based upon a determination of the circumstances, these options are available:
  - Take the Consul to a telephone so that the Consul can call a relative or a friend to come for the Consul.
  - Call a taxi for the Consul.
  - Take the Consular Officer home.
- *Offenses involving family members* – Family members of a Consular Officer cannot claim immunity; however, consideration should be given to the special nature of this type of case.
- *Reporting incidents to the Office of the Governor* – If a Consular Officer or member of the Consular's family is stopped and cited by a police officer for an alleged violation of municipal or state laws, the Office of the Governor shall be notified and furnished with all pertinent information. This notification will be made by the Chief of Police.

**MILITARY PERSONNEL**

Armed forces personnel, for purposes of this directive, shall include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and reservists who are on active duty. Generally, no person who is a member of an organized militia is subject to arrest while going to, remaining at, or returning from any place at which that individual may be required to attend for military purposes. However, on occasion, it may be necessary to issue a traffic citation, affect a physical arrest, or investigate a traffic collision involving a member of the armed forces.

#### **TRAFFIC COLLISION**

The above also shall apply when armed forces personnel are involved in a traffic collision and either are killed or injured to the extent that they require hospitalization. In this latter case, it will also apply to civilian employees of the armed forces when acting within the scope of their employment.

#### **MILITARY PERSONNEL/NONRESIDENTS**

Military personnel whose permanent residence and/or permanent duty station is located outside the State of North Carolina will be treated as nonresidents.

### **61.1.4 INFORMATION PROVIDED TO TRAFFIC LAW VIOLATORS**

CALEA Standard: 61.1.4

When issuing a citation to a traffic law violator, police officers shall provide the following information:

- Court appearance schedule
- Whether court appearance is mandatory
- Whether the violator may be allowed to enter a plea and/or pay the fine by mail or at a specific location
- Any other information that must be provided to the violator prior to release

### **61.1.5 UNIFORM ENFORCEMENT POLICY**

CALEA Standard: 61.1.5

The uniform application of enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation. Police officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance of traffic laws. The intent of this directive is to set forth general guidelines for uniform enforcement action for routine situations. It is not the intent of this directive to limit the police officer's use of judgment, but to encourage each police officer to use his training and experience to the fullest extent. The following are general guidelines when encountering the indicated violations.

#### **Driving Under the Influence of Alcohol/Drugs**

The Greenville Police Department recognizes that drivers impaired by alcohol and/or other intoxicants represent a serious threat to the safety of others. Because of the seriousness of this problem, the Department maintains a program that includes provisions for uniform enforcement of DWI laws and public education concerning alcohol/drugs. Refer to this directive, sections entitled *Driving While Impaired Countermeasures* and *Arrest and Processing of Impaired Motorists* for procedures related to Driving While Impaired.

#### **Speeding Violations**

Police officers should exercise discretion when deciding if a warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of collisions.

#### **Other Hazardous Violations**

Hazardous violations are those violations that pose a direct hazard to the safe and efficient flow of traffic. These violations contribute substantially to collisions and include reckless and aggressive driving, moving violations, and other accident-related violations. A police officer's enforcement action should be consistent with the severity of the violation.

**Equipment Violations** The State of NC requires mandatory state inspections of vehicles operated on the roadways. Failure to have a motor vehicle inspected or operating a vehicle with inoperable or unsafe equipment as defined by Chapter 20 of the North Carolina General Statutes are violations. Enforcement action should be consistent with the severity of the violation and the existing circumstances.

#### **Non-Hazardous Violations**

Enforcement efforts for nonhazardous traffic violations will be guided by police officer discretion. Non-hazardous violations such as a registration violation, do not present an immediate potential hazard to the motoring public.

#### **Public Carrier and Commercial Vehicle Violations**

Public and commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in this directive are applicable.

#### **Multiple Violations**

When multiple violations are committed by a single individual and arise from a continuous activity, police officers may consolidate multiple violations in a single citation or complaint in the following situations:

- When the complaint incorporates all of the simultaneous violations
- When the citation addresses overlapping or simultaneous violations

Police officers may issue less than the authorized number of citations when it does not compromise their investigation and enforcement responsibilities and it accomplishes a legitimate police purpose, or they may incorporate all charges into a reckless driving charge under North Carolina GS 20-140 or Aggressive Driving. In all cases of multiple violations, the enforcement action taken should be sufficient to support a comprehensive and complete prosecutorial effort.

#### **Traffic Collisions and/or Misdemeanor Death by Vehicle**

Greenville Police Officers shall be responsible for responding to, and investigating all reportable traffic collisions that occur within the jurisdiction of the Greenville Police Department and shall take enforcement action when such action is appropriate.

North Carolina GS 20-141.4(a2) provides that a driver commits the offense of misdemeanor death by vehicle when a driver unintentionally causes the death of another person while the driver is engaged in the violation of state or local ordinances applying to the operation or use of a motor vehicle or to the regulation of traffic, other than impaired driving (DWI) under North Carolina GS 20-138.1. Police officers shall inform and consult with the District Attorney before charging a driver with misdemeanor death by vehicle under North Carolina GS 20-141.4(a2).

Refer to this directive sections entitled, *Collision Scene Response, Investigation, And Reporting, and On-Scene Responsibilities* and *Collision Investigation Follow-Up Procedures* for additional procedures.

#### **Newly Enacted Laws and/or Regulations**

Information concerning newly enacted traffic laws is provided via e-mail, legal updates from the Assistant City Attorney, or in-service and shift briefing training. Dependent upon the nature of the violation, the Chief of Police may authorize enforcement guidelines and schedules such as public education efforts, grace periods, warnings in lieu of citations, etc. until the provisions of the new laws are better known to the public.

#### **Driver License and Registration Plates**

Police officers frequently encounter drivers who are unable to produce a valid driver's license. When a driver is unable to produce a valid license, the police officer may check through a Mobile Data Terminal when access to a MDT is available or, the officer can request the Communications Center to check by computer through the Department of Motor Vehicles (DMV) records for current license status of the driver.

When a driver is unable to produce a valid license, the police officer has the discretion to cite the driver under North Carolina GS 20-7(n) for operating a motor vehicle without carrying a license. If the computerized records



indicate an invalid license, the police officer should cite the driver for not having a license under North Carolina GS 20-7(a) unless circumstances that warrant a physical arrest (e.g., no supporting identification, out of state resident, etc.) exist.

If the computerized records indicate that the driver was issued a driving license in North Carolina or another state, and the driver's license has been suspended or revoked, the police officer has the option to cite the driver for driving while license revoked or suspended, under North Carolina GS 20-28, unless circumstances warrant a physical arrest (e.g., no supporting identification, out of state resident).

In either case, the driver should not be allowed to drive away from the traffic stop. If the driver is arrested, the vehicle does not need to be towed if it is legally parked or on private property unless the security of the vehicle or its contents are in jeopardy if left at the scene.

If there is a doubt to the status of a driver's license and the verification of the license status cannot be obtained within a short time, and the identity of the driver is confirmed through supporting identification, then the police officer should release the driver. The police officer may obtain a warrant later if confirmation of the license revocation or suspension is received.

If there is a doubt about the status of a driver's license and verification of the license status cannot be obtained within a short time, and the police officer cannot confirm the identity of the driver through supporting identification, then the police should arrest the driver and charge the driver with not having a valid license under North Carolina GS 20-7(a)

Officers who determine through the Department of Motor Vehicles (DMV), that a violation of North Carolina GS 20-111 has occurred involving registration plates, may choose to cite issue a written warning or a verbal warning for the violation.

#### **LICENSE/REGISTRATION SEIZURES**

Officers who receive notification through the Division of Criminal Information (DCI) system, that a driver's license or registration plate has been revoked or cancelled and an order to seize the item exists, shall comply with the DMV order, unless exigent circumstances exist indicating the seizure order is no longer valid. Driver's License and/or Registration Plates seized for evidentiary purposes or any other purposes other than the DMV ordered pick-up shall be processed in accordance with policies and procedures established in Chapter 83, "Collection and Preservation of Evidence" and Chapter 84, "Property and Evidence Control".

##### **DRIVER'S LICENSE SEIZURE**

1. Complete DMV Form DL23A, "Acknowledgement and/or Receipt for surrender of North Carolina License/Registration Plate
2. Provide the individual with the pink copy
3. Maintain the white copy of Form DL23A and a copy of the DCI response for your records/court

##### **REGISTRATION PLATE SEIZURE**

1. The officer shall complete the DMV Form DL23A
2. Provide the individual with the pink copy
3. Maintain the white copy from DL23A and a copy of the DCI response for court/personal records
4. Ensure that the DCI submission TSEZ is completed

##### **DISPOSAL OF DRIVER'S LICENSES AND REGISTRATION PLATES**

1. Within 48 hours of the seizure, the officer shall forward the driver's license or license plate, with the yellow copy of the DMV Form DL23A to the Traffic Safety Unit for submission to the Division of Motor Vehicles
2. Traffic Safety Supervisors shall ensure that seized driver's licenses are forwarded to the Division of Motor Vehicles (DMV) at least biweekly and seized registration plates are forwarded to the local Driver's License Office as necessary

#### **Pedestrian and Bicycle Law Enforcement**

Police officers shall take appropriate enforcement action when pedestrian and bicycle traffic law violations are observed. The enforcement of traffic laws, North Carolina General Statute 20-172, *Pedestrian's Rights & Duties*, through GS 20-176, and the ordinances of the City of Greenville, require discretion from police officers.

### **Off-Road Recreational Vehicles**

Off-road recreational vehicles not licensed for street use include, but are not limited to:

- Two-wheeled motorcycles and mini-bikes manufactured for off-road use
- Three-wheeled, and four-wheeled motorized "ATV's (all-terrain vehicles)
- Other motor vehicles modified for off-road use

Police officers should enforce registration, insurance, and licensing laws under Chapter 20 of the General Statutes of North Carolina when encountering off-road recreational vehicles being driven on the roadways, or involved in collisions on the roadways.

## **61.1.6 ENFORCEMENT PRACTICES**

### **CALEA Standard: 61.1.6**

#### **Patrol Techniques**

Police officers will be alert to the occurrence of violations while engaged in patrol duties and shall devote a portion of their duty tours to selective traffic law enforcement through the use of the following patrol techniques:

- *Area Traffic Patrol* – The part of law enforcement traffic supervision that consists of driving an area of roadway for the purpose of providing protection, security, and service to the public patrol or stationary observation in an area that includes a number of streets, roads, or sections of highway.
- *Line Traffic Patrol* – Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of a highway.
- *Directed Traffic Patrol* – Traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, collision experience, frequency of traffic violations, and emergency service needs.
- *Covert or Overt Stationary Observation* - Traffic observation at a selected place, usually one with a traffic flow problem or documented high rate of crashes. When utilizing stationary patrol tactics, police officers will park in such a manner so as not to impede or interfere with traffic flow.
  - Covert Stationary observation: Conducted in a manner in which the officer is not readily visible to persons.
  - Overt stationary patrol: Conducted in a manner in which the officer is in full view of the motoring public.
- *Use of Unmarked or Unconventional Vehicles* – In all cases, the patrol tactics adopted should be suited to the enforcement objective. Unmarked vehicles are used for routine patrol and therefore to accomplish a traffic enforcement purpose. At all times, the actions of the police officer shall be reasonable and consistent with the Department's traffic enforcement policy. Police officers will drive patrol vehicles in compliance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
- *Traffic Checkpoints*– the provisions of NCGS chapter 20 states that the purpose of a checkpoint is to ensure the safety of the motoring public by detecting violations of, and ensuring compliance with all motor vehicle laws.

#### **Use of Authorized Emergency Equipment**

Police officers shall use emergency equipment only when required by the nature of their dispatched assignment, or when situations confronting them indicate the need for the use of emergency equipment. North Carolina General Statute 20-156 (b) and General Statute 20-145 do not protect police officers operating vehicles and emergency equipment from the consequences of reckless disregard for the safety of others.

Emergency (blue/white) lights shall be used in the following circumstances:

- During pursuit driving, as described in Chapter 41

- During routine and emergency response as described in Chapter 41
- When stopping traffic violators
- When assisting motorists who are parked or stopped in hazardous locations
- When a patrol vehicle is stopped or parked on the roadway while the police officer attends to a hazardous condition, or other circumstance such as traffic direction

Sirens shall be used in the following circumstances:

- The siren is to be used simultaneously with the emergency lights when in a pursuit situation or an emergency situation.
- The siren may be used to signal drivers to stop or yield right of way when other means of attracting the driver's attention have failed.

Vehicle spotlights are an effective enforcement and officer safety tool and should be used in the following manner:

- The spotlight/takedown light should be used as a protection for the police officer, especially when dealing with known or suspected felons.
- The spotlight/takedown light should not be used routinely to signal violators to stop, due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.

Public address system shall be used in the following manner:

- The public address system should be used when it is necessary to minimize a suspected hazard to the police officer by directing the actions of a violator(s) from a safe distance.

### **61.1.7 VEHICLE STOPS**

CALEA Standard: 61.1.7

No two vehicle stops are exactly alike. The content of this directive provides guidelines for police officers conducting stops of traffic law violators.

#### **Traffic violations and unknown risk stops**

The police officer should choose the location for the vehicle stop carefully. The police officer should consider the following in choosing a location for a vehicle stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

The police officer shall activate the emergency lights to alert the driver to stop. The police officer may use the siren, if necessary, to alert the driver. At night, the police officer should use the patrol car takedown lights and/or spotlight to illuminate the interior of the vehicle once it has stopped.

The police officer shall inform the Communications Center of the vehicle license plate number, license state, and current location prior to activating the emergency equipment. The police officer is encouraged to inform the Communications Center of the color, year, make, and model of the stopped vehicle prior to contacting the driver. If the stopped vehicle displays a temporary license tag, the police officer shall inform the Communications Center of the color, make, and model of the stopped vehicle, as well as, the number of occupants in the vehicle before the officer exits the patrol car. The police officer should receive an acknowledgment from Communications prior to approaching the vehicle.

In the unusual event a vehicle stop is required prior to contacting communications, the officer should not approach the vehicle until contact with communications has been made.

The police officer should position the patrol vehicle a minimum of fifteen (15) feet behind, and about three (3) feet to the left of, the stopped vehicle, with the front wheels of the patrol vehicle turned sharply to the left.

The police officer should:

- Observe the interior of the stopped vehicle for unusual movement or activity
- Be aware of roadway traffic before exiting the patrol vehicle
- Use caution when exiting the patrol vehicle.

While approaching the vehicle the police officer should:

- Observe the occupants inside the stopped vehicle (movements, hands, etc.)
- Approach the stopped vehicles' rear bumper, then walk closely along either side of the vehicle toward the front window
- Observe and check the trunk of the stopped vehicle
- Observe the windows upon approach
- Observe the rear seat and floorboard of the vehicle
- Stop slightly to the rear of the front door post or rear door post, out of the way of the door should it open

When conducting an investigatory stop and investigatory detention such stop and detention must be temporary and last no longer than is necessary to accomplish the purpose of the stop. Officers are authorized to take such steps as are reasonably necessary to protect their personal safety and maintain the status quo during such investigatory stop and investigatory detention. Officers must be able to reasonably articulate the facts to establish the reason for the investigatory stop and the actions taken to maintain the status quo during the investigatory stop to keep the detention within the permissible bounds to avoid the actions from becoming a de facto arrest. Such actions should be the least intrusive means reasonably available to accomplish the purpose of the stop. Such limited intrusions can include but are not limited to directing the driver and passengers to exit the vehicle, use of handcuffs, or placing the individual in the back of the patrol car. The officers must be able to articulate the facts to support these actions. For illustrative purposes, if the officer is outnumbered and the location is obscure, a reasonable intrusion to protect officer safety and maintain the status quo during the investigatory stop and detention may include directing all of the occupants to exit the vehicle, direct only the driver exit and the passengers keep hands out of the window, or use handcuffs even when one person is involved where the actions of the detainee are such that officer safety cannot be secured during the investigatory stop.

If the driver of the stopped vehicle exits the vehicle before the police officer has made the approach or while the officer is approaching, the police officer should instruct the driver to return to the stopped vehicle. The police officer should be prepared to take evasive action in case the driver advances upon the police officer.

The police officer shall both transmit the disposition of the traffic stop to the Communications Center and indicate a return to service via radio or the self-dispatch function using the mobile CAD system.

### **High risk/Felony stops**

This traffic stop technique is used for the more dangerous type of vehicle stops a police officer makes. If conducted properly, it can make the stop much safer for the police officer. This kind of stop should always be completed by four (4) or more police officers, using at least three (3) patrol cars. The police officers should consider the following in choosing a location for a felony stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

Prior to initiating a felony vehicle stop, the police officer shall inform the Communications Center of the activity and the suspect vehicle's license plate number, license state, color, year, make, and model. The police officer shall

transmit to the Communications Center the police officer's current location and direction of travel. Prior to initiating a felony vehicle stop, the police officer should ensure that back-up police officers and patrol cars are on scene. The police officer shall wait for an acknowledgment from the Communications Center before proceeding with the felony vehicle stop. In the unusual event a stop is required prior to contacting communications, the officer should not approach the vehicle until contact with communications has been made and a back-up officer is on scene.

Before initiating the stop, the police officer shall ensure that the back-up officer is in position and prepared to conduct the felony vehicle stop. If possible, the police officer shall transmit to the Communication Center the number of occupants inside the vehicle.

To initiate the felony vehicle stop, the police officer should use the siren, if necessary to alert the driver. The police officer should use the patrol car takedown lights and/or spotlight at night to illuminate the interior of the vehicle being stopped. The police officer shall transmit to the Communications Center the final location of the vehicle stop.

The police officer initiating the vehicle stop should be the command officer, and the patrol vehicle should be the command vehicle. The first police officer, or command officer, should position the patrol car about forty (40) feet to the rear of the stopped vehicle, at about a forty-five (45) degree angle to the left, with the front wheels turned sharply to the left. The police officer should occupy a position using the cover provided by the command patrol car.

The secondary police officer should position their patrol car to the left of the command vehicle at an approximate forty-five (45) degree angle to the right. The wheels should be turned sharply to the right and approximately four (4) feet should be left between the fronts of the two patrol vehicles. The secondary officer will exit his vehicle, and take a position of cover near the right front passenger door utilizing the engine block for protection. The secondary officer shall serve as the cuffing officer.

The third (3<sup>rd</sup>) unit arriving on scene should position their vehicle behind the command and secondary vehicles at a ninety (90) degree angle from these vehicles. The passenger side should face the suspect vehicle whenever possible. No other vehicle will be directly involved with the known risk stop. Vehicles may be used for additional coverage off to the right or left of the suspect vehicle to provide additional cover for other officers. Officers should consider utilizing their vehicles to block traffic whenever necessary. Officers must be vigilant not to back light the officers positioned on the known risk vehicle stop. The third (3<sup>rd</sup>) officer on scene will exit their patrol vehicle and assume a flank position at the rear of the secondary vehicle. Their job is to cover the occupants in the driver's side of the suspect vehicle.

The fourth (4<sup>th</sup>) officer arriving on scene will exit their vehicle and assume a flank position on the rear of the command vehicle. Their job is to cover the occupants in the passenger side of the vehicle. Additionally, the flank positions will be responsible for clearing the suspect vehicle when deemed clear by the command officer or supervisory personnel on scene.

If a fifth officer is available they will take a position of cover behind the engine block of the third vehicle. They shall not cover the suspect vehicle with a firearm from this position. They will function as the custody officer. As the suspects are turned over to them, they will conduct a thorough search from a position of cover. Additional officers arriving on scene shall not position themselves on the command vehicle or secondary vehicle unless authorized by a supervisor or unusual circumstances exist.

The command officer should control the occupants of the stopped vehicle by issuing commands to the driver of the stopped vehicle using the public address system. The command officer should direct the occupants of the stopped vehicle out of the car, one at a time, and back to the cuffing officer and other back-up officers so they can be searched and secured. The commands should be kept simple, clear, and direct, such as:

- "Driver of the car put your hands outside the window"
- "Driver, with your left hand, turn off the ignition and place the keys on the roof"

- “I am a Greenville Police Officer, you are under arrest”

Under no circumstances should police officers approach an occupied vehicle during a felony vehicle stop. If an occupant refuses to exit the vehicle or comply with instructions from the command officer, the situation then should be handled as a barricaded suspect incident and appropriate procedures followed.

At the completion of the felony vehicle stop, the command officer shall transmit the disposition of the stop and the status of police officers involved to the Communications Center.

Police officers should be prepared for circumstances that require different vehicle positions and different police officer positions during felony vehicle stops, i.e., night stops, terrain, etc.

### **61.1.8 POLICE OFFICER/VIOLATOR RELATIONSHIP**

CALEA Standard: 61.1.8

Traffic law enforcement is one of the many tasks performed by police officers. For the traffic violator, it is frequently a stressful experience. The police officer should be aware of this and should strive to make each contact positive. The police officer should leave the traffic violator with the impression that the police officer has performed a necessary task in a professional and friendly way.

Traffic stops have two (2) objectives that the police officer seeks to achieve. The first (1<sup>st</sup>) objective is to take appropriate enforcement action, and the second (2<sup>nd</sup>) is to alter favorably the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility on the part of the police officer. The following procedures are recommended to minimize conflict that may develop between the police officer and the traffic violator and to assist the police officer in achieving the two objectives. Once the police officer has stopped the traffic violator and approached to a point where communication can begin, the police officer should:

- Present a professional image in dress, grooming, language, bearing, and emotional stability
- Be certain that the observations of the violation were accurate
- Be prepared by having the necessary forms, if they are to be used, immediately available
- Greet the violator in a courteous manner
- Be alert for the unexpected, but not obviously apprehensive
- Inform the traffic violator of the reason for the stop and the intended enforcement action
- Ask for and accept the violator's driver's license, and vehicle registration card
- Obtain another documentation of identification, if necessary, to verify identity
- Reasonably allow the driver to discuss the violation
- Complete the forms appropriate for enforcement action
- Explain the requirements of the enforcement action, and the alternatives available
- Be alert for signs of emotional distress or physical impairment exhibited by the driver
- Assist the violator in reentering the traffic safely

### **61.1.9 SPEED MEASURING DEVICES**

CALEA Standard: 61.1.9

The North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of the North Carolina Department of Crime Control and Public Safety approve the use of specific speed-measuring instruments, adopt procedures for the operation of those instruments, and develop standards for the calibration, testing and equipment specifications of each approved instrument. The Greenville Police Department shall only use radar units selected from a list of speed-measuring instruments approved for use in North Carolina by the North Carolina Justice Education and Training Standards Commission and shall follow all procedures established by the Commission and Secretary of Crime Control and Public Safety relative to:

- Equipment specifications
- Operational procedures

- Proper care and upkeep
- Maintenance and calibration records
- Operator training and certification

**Operational Procedures for Speed Measuring Devices**

Statutory authority exists on each type of radar unit. Police officers shall follow the statutory authority for operational procedures for the type of radar unit being used. Radar operators must be certified through a formal Electronic Speed Detection course as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission. Criteria for determining a location where a radar unit will be operated includes:

- Crashes where speed has been a contributing factor
- Complaints from the public
- Supervisor's or police officer's knowledge of traffic conditions

Radar units and tuning forks shall be certified every twelve (12) months, or as needed, by personnel licensed by the Federal Communications Commission (FCC). Police officers shall notify the on-duty supervisor of any deficiencies found in the operation of a radar unit. Deficient or defective radar units shall be removed from service as soon as the deficiency is discovered.

**61.1.10 DRIVING WHILE IMPAIRED (DWI) COUNTERMEASURES**

CALEA Standard: 61.1.10

The Department's program focuses on the arrest of alcohol and/or drug related traffic offense violations by fielding specially trained and equipped personnel and by the identification of these offenses as a priority enforcement activity. Qualified police personnel are responsible for the development, implementation, and maintenance of several drug and alcohol awareness programs for adults, school-aged children, and concerned community interest groups. Police officers shall receive training in DWI enforcement through shift briefing training sessions, in-service training, and specialized courses.

Departmental Chemical Analysts receive detailed instruction in the administration of chemical analysis equipment and are certified in its operation by the North Carolina Department of Health and Human Services under North Carolina General Statute 20-139.1.

Efforts in the area of targeted enforcement pertaining to DWI violations will include:

- Assignment of personnel at the times and locations where significant numbers of violations and/or collisions involving impaired drivers have occurred
- Targeted surveillance of roadways with a high frequency of collisions involving impaired drivers
- Analysis of specific data about DWI violations by the Crime Analyst/Traffic Safety Supervisor and the dissemination of analysis to police officers
- Law Enforcement Checkpoints for deterrence purposes
- Enforcement of drunk driving laws through concentration on existing laws and the expeditious processing of violators

**61.1.11 ARREST AND PROCESSING OF IMPAIRED MOTORISTS**

CALEA Standard: 61.1.11

The State of North Carolina has established impaired driving offenses as "implied consent" offenses. For the purposes of this directive, an "implied consent offense" is any offense involving impaired driving or an alcohol-related offense made subject to the implied consent provisions.

The first step in the effective enforcement of Driving While Impaired (DWI) violations is the detection of those motorists under the influence of alcohol and/or other impairing substances. Police officers engaged in DWI enforcement should be mindful of the strict legal limitations surrounding the apprehension of impaired subjects and the scope of authority as it relates to enforcement.

A police officer's observations are crucial in establishing the requisite probable cause necessary to arrest a motorist for a DWI violation. Police officers must rely on their formal training and experience in this area, putting particular emphasis on those driving actions that give rise to the police officer's belief that a motorist is driving while impaired. Police officers should keep detailed notes of a violator's driving actions that establish probable cause. After a decision has been made to stop a motorist suspected of driving while impaired, a police officer shall follow the procedures for initiating a misdemeanor vehicle stop.

When the police officer is establishing probable cause for a DWI arrest, the police officer shall:

- Interview the driver and establish that the driver was or is in control of the vehicle
- Note any observations that add to the suspicion of intoxication and/or impairment. (e.g. slurred speech, red or "glassy" eyes, clothing in disarray, etc.)
- Request the driver to submit to a field sobriety test at a safe location and out of traffic

When a police officer has reasonable grounds to believe a driver has consumed a sufficient amount of some impairing substance or has been involved in a collision, or has committed an implied consent offense, such as an open container or driving after consuming, the police officer may request the driver to submit to an alcohol screening test in accordance with North Carolina General Statute 20-16.3. All screening devices used must be approved by the North Carolina Commission of Health and Human Services and used according to established procedures. (Requiring a person to submit to such a test is not an arrest.)

When a driver is arrested for DWI and asked to submit to a chemical analysis to determine their alcohol concentration, the driver must be requested to sign a rights form before the analysis is made. The document, "Rights of Person Requested to submit to a Chemical Analysis to Determine Alcohol Concentration under General Statute 20-16.2(a) Form", must be used to inform the driver of the driver's rights.

#### **Right to Chemical Analysis**

Police officers shall be aware of a driver's right to a request of a chemical analysis, prior to being charged whenever a driver is stopped or questioned by a police officer concerning the commission of an implied consent offense under North Carolina General Statute 20-16.2(1). The driver must make the request prior to being charged. The police officer must honor the pre-arrest request.

The pre-arrest request constitutes the drivers consent to be transported for testing purposes. If the driver refuses to be transported by the police officer, the drivers pre-arrest test is considered withdrawn. If this occurs, and the police officer has probable cause to believe an implied consent offense was committed, the police officer should charge the driver with DWI and follow the procedures outlined in this directive for processing a driver charged with an implied consent offense.

When a driver requests a pre-arrest test and the test results indicate a breath alcohol content of 0.08 percent or higher, (.004 for commercial drivers), the driver shall then be charged with the implied consent offense. The results of the pre-arrest test will be admissible as evidence and may be used against the person for an implied consent offense. If the driver then fails to cooperate at any time during the pre-arrest test, the officer may place a charge for any offense of which he has determined probable cause.

#### **Arrest Following Establishment of Probable Cause**

When the police officer has established probable cause that a driver has violated the DWI law, the police officer shall arrest the driver following Departmental arrest procedures and request the driver to submit to a chemical analysis in accordance with North Carolina General Statute 20-16.2. If the charging officer is not a chemical analyst, the driver will be taken before a chemical analyst who has been granted a valid permit by the North Carolina Department of Health and Human Services under North Carolina General Statute 20-139.1(b), to perform chemical analysis of a person's breath.

The following list cites the appropriate North Carolina General Statutes concerning impaired driving. Police officers should refer to Chapter 20 of the General Statutes of North Carolina for the elements of each offense:

- NCGS 20-138.1 Impaired driving
- NCGS 20-138.3 Driving by provisional licensee after consuming alcohol or any drugs



- NCGS 20-12.1 Impaired instruction
- NCGS 20-141.4(A1) Felony death by vehicle

**DWI RESULTING IN DEATH OR SERIOUS INJURY**

When a police officer suspects a death has, or may, result from a DWI, (for example, when an injured person is removed from a collision scene involving a drunk driver), then the police officer shall charge the offender with DWI so that implied consent statute, North Carolina General Statute 20-16.2, may go into effect and the chemical analysis can be obtained.

The police officer shall obtain a determination of the victim's condition and chances of survival as soon as possible. If a victim lingers near death, the police officer shall inform and consult with the District Attorney so that the DWI charge will not be adjudicated until the condition of the victim is finally determined. The police officer shall consult with the District Attorney whenever a death results from a DWI since the DWI is an element of the felony death by vehicle charge.

In cases where a felony death by vehicle charge is pending, or possible, and a driver charged with DWI refuses to submit to an analysis of breath test, the charging officer shall seek a warrant to require the offender to submit to a blood test, under North Carolina General Statute 20-16.2c.

**Administering Chemical Analysis**

Under North Carolina General Statute 20-16.2, any person who drives a vehicle on a highway, street, or public vehicular area who is "charged" (need not be "arrested" only "cited") with an implied consent offense is considered to have given consent to submit to a chemical analysis. DWI laws do not apply to persons riding animals or riding animal-drawn vehicles.

The charging officer may also be a chemical analyst. If the charging officer is a chemical analyst, he/she may administer the chemical analysis. If the charging officer is not an authorized chemical analyst, before the charging police officer may request a driver to submit to any chemical analysis, the charged person must in all cases, including those where a blood test is requested, be taken before a chemical analyst authorized to administer a test of a person's breath, who must inform the person orally and also give the person a notice in writing of the person's implied consent rights. The "Rights of Person Requested to Submit to a Chemical Analysis to Determine Alcohol Concentration Under General Statute 20-16-2(a) Form" must be used.

A driver may be given a blood test, or other chemical analysis without being advised of the implied consent rights if the driver is unconscious or, otherwise, incapable of refusal as long as the charging police officer has reasonable grounds to believe the driver has committed an implied consent offense. Implied consent provisions do not alter a police officer's right to apply for a search warrant authorizing seizure of a blood sample. Police officers shall use the following guidelines for test selection.

**Blood Test** – Withdrawal of blood must be by a nurse, doctor, qualified technician, etc., in accordance with North Carolina General Statute 20-139.1(c). The charging police officer shall obtain the identification of the person drawing the blood. The person drawing the blood may require written confirmation of the police officer's request. The person drawing blood is protected from civil liability.

Two samples of whole blood shall be collected in airtight vials. The drawing of the blood must be observed by the charging police officer. The police officer will take custody of the blood samples. Collected blood samples will be submitted into Property and Evidence to be tested later at a local laboratory

The police officer will request submission to a blood test when:

- Transporting the offender to the breath analysis facility is impractical due to the offender's physical condition.
- A breath test instrument is not available. At the time of arrest, there is reason to believe that the offender is under the influence of narcotics or dangerous drugs, or other controlled substances.

**Breath Test** – The breath test will be conducted by a chemical analyst having a valid permit issued by the North Carolina Department of Health and Human Services pursuant to analysis approved by the North Carolina Commission for Health Services pursuant to North Carolina GS 20-139.1. The breath test will be conducted following the procedures for analysis approved by the North Carolina Commission for Health Services pursuant to North Carolina GS 20-139.1.

The police officer will request submission to a breath test when:

- The offender is physically capable of being transported to the chemical analysis room
- The certified chemical analyst is available to perform the test and the breath testing instrument is available and in operating condition
- At the time of the arrest, the police officer believes the offender is under the influence of alcohol.

**Subsequent Tests** - When a driver submits to the implied consent chemical analysis and indicates he/she wants to have a subsequent test administered, the charging police officer must assist in contacting a person to give the test in accordance to North Carolina General Statute 20-139.1(d). Allowing the driver to use the telephone is sufficient, citing *State vs. Bunton*, 27 N.C. Appeal 705 (1975). The person who comes to give a subsequent test must be allowed access to the defendant.

All chemical analysis shall be conducted in accordance to North Carolina GS 20-139.1. The following rules shall be observed in the chemical analysis room:

- No smoking
- No food or drinks
- If the charging police officer is not a chemical analyst, he/she will introduce the arrestee to the chemical analyst. The charging police officer will not leave the presence of the arrestee without permission of the chemical analyst.

When a charging officer and a chemical analyst are involved, the charging police officer will be responsible for the following:

- Citation(s)
- Alcohol Influence report form
- Affidavit and Revocation Report of charging police officer
- Driving while impaired report
- Operator's license record check
- Court testimony sheet (optional)
- Chain of Custody form (if applicable)
- Arrest report and case investigation
- Fingerprinting and photographing of the arrestee (if applicable)

When a charging officer and a chemical analyst are involved, the chemical analyst will be responsible for the following:

- Ensuring the preventative maintenance is current on the instrument
- Conducting the test(s) in accordance to North Carolina GS 20-139.1 and the approved procedures for analysis of the North Carolina Commission for Health Services
- Advising the person requested to submit to a chemical analysis to determine alcohol concentration of his/her rights under North Carolina General Statute 20-16.2(a).
- Completing the affidavit and revocation report of chemical analyst
- Testifying as required for chemical analyst (optional)
- Blood Kit
- SBI form (if Applicable)
- Property report

## Juveniles

The same procedures shall be followed for a juvenile fourteen (14) years of age or older as for an adult with the following exceptions:

- The charging police officer shall notify the juvenile's parents or legal guardian of the juvenile's custody and request that they meet the police officer at the appropriate location. The juvenile will be released to them once the approved test has been administered.
- If the parent or legal guardian cannot be located or does not respond, the juvenile, after the administration of the test, shall be held until a determination can be made by either the N.C. Juvenile Division, Department of Social Services or District Court Judge.

#### **Procedures Following a DWI Arrest**

The charging police officer will take the driver before a magistrate. Both the charging police officer and the chemical analyst will respond to the magistrate's office to be sworn to their respective affidavits concerning the arrest. All applicable reports are to be filed with the judicial official conducting the initial appearance at the magistrate's office. All procedures following a DWI arrest, including initial appearance, shall be in accordance with North Carolina General Statutes 15A-511 and 15A-534.2

The chemical analyst shall appear in court for testimony when a subpoena is issued. Chemical analysts do not normally appear in district court cases. Chemical analyst should be prepared to appear in felony and superior court cases.

#### **61.1.12 REQUEST FOR RE-EXAMINATION**

CALEA Standard: 61.1.12

Police officers, who identify a driver appearing to be incompetent, physically or mentally disabled, suffering from a disease, or other condition that prevents the motorist from exercising reasonable and appropriate care over a motor vehicle, can request that notification be made to the Department of Motor Vehicles for reexamination of said driver pursuant to North Carolina General Statute 20-17.1. The police officer should submit a "Request for Re-examination" (HP-640 Form) detailing the following:

- Any physical defects (describe in detail)
- All information that indicates good cause for re-examination
- Copies of all related reports and citations

#### **61.1.13 PARKING ENFORCEMENT ACTIVITIES**

CALEA Standard: 61.1.13

Police officers and parking enforcement personnel shall enforce parking regulations in accordance with the General Statutes of North Carolina, Chapter 20, and the CODE OF ORDINANCES OF THE CITY OF GREENVILLE, Section 10. Parking Enforcement activities include the following elements:

- *Peak Traffic Hours* – Parking enforcement personnel normally concentrate enforcement efforts in the central business district and the areas surrounding East Carolina University during peak traffic hours from Monday through Friday, 7a.m. until 5 p.m. The patrol division enforces parking laws at all times, every day.
- *Tow-Away Zones* – Signs have been erected to indicate tow-away zones. There are instances in which vehicles may be towed outside of these designated areas. A parking citation will be issued to violators and the vehicle will be towed. If the operator of the vehicle returns to the vehicle before the arrival of a tow truck or before the tow-truck hooks up to the vehicle, the vehicle will not be towed unless the vehicle is on the scofflaw list for outstanding citations.
- *Time Zone Control* – Parking in time zones is controlled by the use of parking meters, pay stations and valve stem markings in the central business district and controlled residential parking areas. Parking enforcement personnel use valve stem markings to enforce the two-hour parking limit in residential sections. Violators will be issued parking citations, and vehicles will be towed when required. Police officers should be aware that residents living in areas where there is controlled residential parking can

purchase a parking decal from the City of Greenville. The parking decal allows parking in excess of two hours and also in the University area that has no parking except by permit A signage.

- *General Surveillance* – Police officers should be alert to parking violations they observe while on patrol and take appropriate action.
- *Vehicle, Segway or Foot Patrol* – Parking enforcement personnel use both types of vehicles and foot patrol to enforce parking laws and ordinances.
- *Temporary No Parking Zones* – Parking enforcement shall enforce temporary no parking zones established by the Chief of Police or designee.

### **61.2.1 COLLISION SCENE RESPONSE, INVESTIGATION, REPORTING, AND ON SCENE RESPONSIBILITIES**

CALEA Standard: 61.2.1, 61.2.2, 61.2.3

#### **Collision Response and Investigation**

A minimum of one Greenville Police Officer will respond, take a report, and investigate all reportable collisions within the jurisdiction of the Greenville Police Department. Additional police officers will respond to collisions to assist the investigating officer as required. The agency shall respond without delay to all collisions that involve the following:

- Death or injury
- Hit and run
- Impairment of an operator due to alcohol or drugs
- Damage to public or private property with a minimum of \$1000.00
- Hazardous materials
- Disturbances between principals
- Major traffic congestion as a result of the accident
- Damage to vehicles to the extent towing is required

The Chief of Police shall have the authority to suspend investigations of traffic collisions during designated times of emergency to include:

- Natural disasters
- Civil disturbances
- Other emergencies

Police officers assigned to investigate traffic collisions should take enforcement action whenever a violation of the laws of North Carolina or the Ordinances of the City of Greenville cause a collision, or when a driver involved in a collision is otherwise in violation of the laws or ordinances. The appropriate enforcement action may include:

- Written warnings
- Issuance of citations
- Physical arrest

#### **Collision Reporting**

All Greenville Police Officers assigned to investigate traffic collisions occurring within the jurisdiction of the Greenville Police Department shall complete the NORTH CAROLINA CRASH REPORT FORM (DMV – 349) via the eCrash reporting system, if the crash meets the definition of a reportable collision. The Greenville Police Department does not use an abbreviated collision report form.

Crash reports are not taken for collisions that occur on personal or private property. This does not include areas such as gated communities which are considered public property.

Police officers shall neither advise nor encourage, any person involved in a collision to forgo the completion of a collision investigation. Police officers shall assist all persons involved in any type of collision, at a minimum, with the exchange of pertinent driver/insurance information by providing exchange slips for each driver.

Members of the public who are involved in a *non-reportable collision* according to the guidelines set forth by the North Carolina Crash Report Form; DMV-349 who expressly want a report form completed for insurance purposes, will be advised of the requirements for *reportable collisions*. After the citizen has been provided with a driver's exchange slip, the citizen shall be informed that a report can be filed later, only after the following requirements are met:

- The dollar amount of the total damage exceeds \$1000.00 after the vehicle has been examined at a repair shop and an estimate for actual total repair costs has been received or the total damage of property and vehicle repairs exceed \$1000.00, and;
- The driver retains and presents the actual driver's exchange form that was provided at the scene or at the time of the initial report

Reports shall not be routinely taken for those collisions that do not meet the established requirements. Exceptions shall be on a case-by-case basis with the approval of a supervisor.

### **Collision Scene Responsibilities**

It is the responsibility of the first police officer arriving on the scene of a collision to provide the following services until properly relieved:

- Administer emergency first aid and basic life support to the injured
- Summon ambulance and/or additional assistance for the injured
- Protect the collision scene
- Preserve short-lived evidence
- Establish a safe traffic pattern around the scene
- Locate witnesses and record collision information
- Expedite the removal of vehicles, persons, and debris from the roadway

The police officer assigned to complete the collision investigation shall be the officer in charge of the collision scene. The officer in charge of the scene shall cooperate and provide assistance to EMS, Fire Department, and other emergency personnel as the circumstances of the collision require.

### **Property Belonging to Collision Victims**

The police officer in charge of the collision scene shall be responsible for taking control of property belonging to collision victims when the victims are not able to take care of the property. If the police officer in charge of the collision scene cannot immediately release the property to a collision victim or member of the victim's family, the police officer shall store the property in the Property and Evidence Room at the Greenville Police Department following the procedures for submission of property and evidence to the Property and Evidence Custodian as outlined in Chapter 84 of the Greenville Police Department Policy and Procedures Manual.

### **Collecting Collision Scene Information**

The police officer assigned to investigate a traffic collision shall collect the information necessary to complete the required NORTH CAROLINA CRASH REPORT FORM (DMV-349) via the eCRASH reporting system utilizing the following procedures:

- Interview principals and witnesses
- Examine/Estimate/Record vehicle damage
- Examine/record effects of collisions on the roadway

**Measurements**— Police officers will take and record collision scene measurements for all collision investigations except:

- Collisions where vehicles involved have been removed to a different location (Not just moved from the roadway) for example when a collision occurs on a PVA and the vehicles were driven to the police station.
- Collisions where a significant time lapse has occurred between the collision and the report of the collision. For example when a collision occurred one day and is reported the following day.

**Diagrams** - Police officers will generate diagrams for all collision investigations, unless there is a delay in reporting or the collision location is unknown. When scale diagrams are not practical, the investigating police officer should indicate on the crash report that the diagram is not to scale.

**Photographs** – Photographs shall be taken at collisions involving city vehicles, collisions involving on-scene fatalities, and where the potential for a fatality is obvious to the investigating officer, and other scenes if deemed necessary by the investigating officer.

**Collecting/Preserving Evidence** – Police officers will collect available evidence from collisions involving on-scene fatalities or where potential for a fatality is obvious to the investigating police officer. In other collision situations, police officers should consider the nature of the collision and make a determination based on their use of discretion as to the collection of physical evidence. Police officers will follow established policies and procedures for the collection, preservation, and submission of evidence as outlined in the Greenville Police Department Policy and Procedures Manual, Chapter 83, COLLECTION AND PRESERVATION OF EVIDENCE. The City of Greenville has external video cameras that are placed throughout various locations in the city. The video data stored on the cameras has the potential to be used as evidence in civil and criminal matters. The Department's point of contact for the retrieval of any video data from the City's external camera system is the Court Liaison Officer. All requests for video data from this system shall be directed to the Court Liaison Officer and employees should refer to *SOP 83.1.2 External Camera Data Retention & Retrieval* for guidelines on retrieving video data.

**Exchanging Information Among Principals** – Police officers will complete Driver Exchange Slips or the equivalent for all principals involved in the collision.

#### **Collision Scene Conditions**

For each circumstance listed below, the following collision scene procedures will apply:

**Injuries** – Until relieved by EMS personnel, police officers should provide emergency first aid and/or basic life support (not to exceed the level of training received by the police officer) to injured persons whenever possible without endangering the life of the police officer. Police officers shall notify the Communications Center if additional EMS personnel or police officers will be required to respond to the collision scene.

**Fire Hazards** – Police officers shall assess the fire hazard and determine if it can be suppressed by using a fire extinguisher. If the fire cannot be suppressed by the police officer, the police officer shall notify the Communications Center of the situation. Police officers should attempt to extinguish the fire, if they can do so without endangering themselves or others, until relieved by Fire Department personnel.

**Hazardous Materials** - Police officers responding to collisions involving possible hazardous material spills shall be responsible for securing a perimeter around the scene, evacuating all persons from within the perimeter, and notifying other responding units that a possible hazardous material spill has occurred.

Because Greenville Police Officers are only trained on Hazardous Materials Awareness and do not have proper protective gear, officers shall not attempt to approach the scene of a verified hazardous material spill. To the extent possible, officers should remain upwind at a distance of at least 500 feet and wait for response from the Fire Department, thus avoiding exposure of all gases, fumes, and smoke.

The police officer should attempt to identify the material by the container placard, container labels, shipping papers, and/or knowledgeable persons at the scene if possible, but shall not enter the perimeter in the attempt. The use of binoculars, interviewing the driver away from the scene, or viewing papers the driver may have on his person are all possible means of identification.

The police officer shall request Fire/Rescue personnel to respond to the collision scene. Hazardous material situations are usually under the direction and control of Greenville Fire/Rescue; therefore, Greenville Police Department personnel shall coordinate their efforts with Fire/Rescue personnel.

All Greenville Police Department Field Operations Bureau vehicles are assigned a U.S. Department of Transportation EMERGENCY RESPONSE GUIDEBOOK. This guidebook is designed to assist in making initial decisions upon arriving at the scene of a hazardous materials incident. All Greenville police officers should familiarize themselves with the guidebook and how to use it.

Computerized hazardous materials files are accessible through the DCI computer terminal. These files are maintained by the National Sheriff's Association computer system with updates provided by the U.S. Department of Transportation. Computerized hazardous materials files give DCI terminal operators the capability of receiving information on hazardous materials that a vehicle may be transporting. Every response also directs the user to contact CHEMTREC at 1-800-424-9300 if an actual emergency exists.

### 61.2.2 COLLISION INVESTIGATION FOLLOW-UP PROCEDURES

CALEA Standard: 61.2.4

Police officers assigned to investigate traffic collisions may temporarily suspend an investigation pending follow-up activities to develop additional information or evidence to include:

- **Collecting Off-Scene Data**– Driver's history information; vehicle title, registration, insurance or other status information; other necessary information and data.
- **Obtaining/Recording Formal Statements From Witnesses**– Individuals hospitalized from injuries; drivers, passengers, and other witnesses not immediately available for interview
- **Reconstructing Collisions**
- **Preparing Formal Reports To Support Any Criminal Charges Arising From The Collision**

#### Use of Expert or Technical Assistance

Police officers assigned to investigate traffic collisions are authorized to seek expert and technical assistance from sources within the Greenville Police Department and from other normally available resources. Police officers should consider the nature of the collision when seeking external technical assistance. Appropriate expert and technical assistance may include but is not limited to:

- Laboratory analysis of evidence from collisions
- Mechanical inspections of vehicles or vehicle parts
- Crash reconstruction assistance from qualified individuals or agencies

#### Collision Classifications

The Greenville Police Department uses the State of North Carolina collision classification system as found in the MANUAL ON CLASSIFICATION OF MOTOR VEHICLE TRAFFIC CRASHES. Collision classifications include:

- Property damage resulting in excess of \$1000.00
- Personal injury
- Fatality
- Pedestrian
- Car – train
- Fixed object
- Motorcycle
- Moped

### 61.2.3 DEPARTMENTAL MOTOR VEHICLE COLLISIONS

Greenville Police Department sworn officers and employees who are assigned department vehicles will receive training in proper driving techniques to minimize the frequency of motor vehicle collisions involving department vehicles. The Department will hold accountable those employees who are involved in an avoidable motor vehicle crash while correcting any identified driving related deficiencies through additional training, guidance, counseling and, if appropriate, disciplinary procedures.

#### PROCEDURES

1. Traffic crashes involving non-ranking or non-sworn police personnel shall be investigated by a member of the Traffic Safety Unit or by an on-duty supervisor.
2. Traffic crashes deemed 'reportable' under state law and involving ranking personnel shall be investigated by a superior officer. If no superior is available, the North Carolina State Highway Patrol will be contacted to conduct the investigation. 'Non-reportable' crashes will be documented on a DMV-349 by any sworn personnel.
3. North Carolina State Highway Patrol will be contacted to conduct all traffic crashes considered 'reportable' by state statute that involve command level supervisors. 'Non-reportable' crashes will be documented on a DMV-349 by any sworn personnel.
4. Enforcement guidelines shall be the same for police personnel as they are for the general public as set forth in Chapter 61 of the Policy and Procedures Manual.
5. A copy of all traffic crash reports involving departmental personnel, including those deemed 'non-reportable' by the State of North Carolina will be forwarded to the Office of Internal Affairs for inclusion in the Early Warning System tracking and for possible training considerations.
6. If investigated in-house, the designated officer assigned to investigate a department vehicle collision will complete the crash report prior to ending their shift. If additional follow-up is needed, a preliminary report will be submitted and supplemental reports will be filed as needed.

#### **INVOLVED EMPLOYEE'S RESPONSIBILITIES**

1. Any departmental employee involved in a motor vehicle crash while operating a departmental vehicle, regardless of duty status, injury, or amount of damage, will *immediately* notify the on-duty Watch Commander.
2. Employees shall make no statements except to the investigating officer, supervisor, risk manager, or other appropriate departmental or city official.

#### **SUPERVISOR'S CRASH REVIEW RESPONSIBILITIES**

1. An on-duty supervisor will respond to the scene of any departmental motor vehicle collision to ensure that a thorough crash investigation is conducted according to policy, and includes a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence.
2. When any departmental motor vehicle crash involves obvious significant injury to any person or property the on-duty Watch Commander shall contact Command Staff. Command Staff, or their designee, shall be responsible for contacting the North Carolina State Highway Patrol and requesting they respond to conduct the investigation.
3. Additionally, if the on-duty Watch Commander has reason to believe that potentially serious circumstances exist regarding the involved employee that is outside the "significant injury to a person or property" the supervisor shall contact the Command Staff regarding possible assistance from the North Carolina Highway Patrol. Command Staff, or their designee, shall make the determination if the North Carolina State Highway Patrol Office should be requested to respond for the crash investigation.
4. The on-duty Watch Commander is responsible for contacting the involved employee's supervisor and the City Risk Administrator. The City Risk Administrator will be notified of all collisions that occur during normal business hours. The on-duty Watch Commander will ensure that the City Risk Administrator is notified immediately, regardless of day or time, when any city owned vehicle is involved in a motor vehicle crash that involves personal injury or extensive property damage.



5. The on-duty Watch Commander will ensure that a copy of the completed crash investigation is forwarded to the City Risk Administrator.
6. The Chief of Police or designee will determine when and how the City Manager will be notified of departmental crashes.
7. The on-duty Watch Commander shall make arrangements to notify the owner of any property damaged in a crash involving any city vehicle. This notification or the attempt shall be noted in a supplement to the crash report.
8. A supervisor will complete a Crash Investigation Review for all collisions that indicate an employee had a contributing factor in causing the collision. A Crash Investigation Review will be completed within 30 days of the crash outlining the findings and assigned factors and forward it through the Chain of Command to the Chief of Police in written memorandum form. If the crash is investigated by the NCSHP, the responding Greenville Police Department supervisor will complete a Crash Investigation Review based on the submitted crash report and forward the review along with the completed crash investigation. The reviewing supervisor will make a determination and assign the appropriate factors as to:
  - a. Whether the crash was preventable or non-preventable on the part of the employee
  - b. Contributing factors involved
  - c. Injury factors involved
  - d. Damage factors
  - e. Existence of any extenuating circumstances

**REMEDIAL TRAINING**

The Chief of Police will determine if remedial training will be mandated. The type of training may consist of in-house training conducted by the Traffic Safety Unit and coordinated through the Training Unit for appropriate outside training.

**APPEAL PROCESS**

An employee who disagrees with the crash investigation or subsequent disciplinary action can file an appeal using the same appeal process outlined in City policy.

**61.3.1 LICENSE PLATE READER**

CALEA Standard: 41.3.9

The automated License Plate Reader (LPR) is intended to enhance the Department's ability to locate stolen vehicles and any other vehicle-related crimes. Therefore, guidelines have been established to ensure that each LPR is used in a manner consistent with departmental policy and to establish the responsibilities of the LPR Operator and Coordinator.

**GENERAL GUIDELINES FOR USE**

The License Plate Reader (LPR) shall be:

- Only installed or repaired by qualified persons
- Permanently mounted on a patrol vehicle
- Used only for legitimate law enforcement purposes
- Activated at all times when patrol activities are being conducted
- Not relied on, as the sole grounds for a stop, but the "hit" confirmed through DCI first
- Operated only by a properly trained operator

The databases used to compare data obtained by the LPR system include both the recorded list of scanned plates which is retained in-house and the DCI 'hot list' which is updated every 24 hours.

**OPERATOR RESPONSIBILITIES**

The LPR system shall be activated at the beginning of the shift and the LPR shall be operated at all times with regard to officer and public safety. The operator of a LPR shall ensure prior to use, the most current "Hot List" from DCI has been downloaded.

If the operator receives information in reference to a license plate of interest and the license plate has not yet been listed on the DCI Hot List, the operator shall bolo the license plate and may manually enter the plate into their LPR. The operator is responsible for removing all manually entered license plate data once the need for the entry no longer exists.

The operator shall upon receiving an alert/hit visually verify that the plate read and the actual plate are the same, to include characters and state. Once verification has been done, the operator shall confirm through DCI the status of the alert. The confirmation shall be used as the basis for any further appropriate action.

In the event the LPR appears to be malfunctioning, is damaged, or clearly becomes inoperable, the operator shall notify their supervisor and shall cease using the LPR. The operator shall contact the Police Technology Specialist or LPR Coordinator for further instructions.

#### **Police Technology Specialist or LPR Coordinator Responsibilities**

A list of LPR's and the patrol vehicle they are assigned to shall be maintained by the Police Technology Specialist.

The LPR Coordinator is responsible for conducting training on the LPR systems to ensure familiarization and operational protocol. All personnel are required to be trained prior to operating an LPR and the LPR coordinator shall maintain a roster of personnel who are trained.

The Police Technology Specialist will maintain any forms or electronic systems tracking LPR usage. An audit of the system and its use shall be submitted annually to the Chief of Police. The report should also address the effectiveness of the system.

The point of contact for all issues involving the LPR shall be the Police Technology Specialist and/or the LPR Coordinator who will attempt any troubleshooting that may be needed. If the problem is a matter that can't be handled in-house then he/she shall ensure that the LPR receives maintenance and repairs as needed. Maintenance of the system will be completed by the manufacturer. Calibration of the system is not currently recommended by the manufacturer. All maintenance records shall be maintained for the lifetime of each LPR system by the Police Technology Specialist.

The Coordinator shall be responsible for maintaining and tracking all license plate entry requests, and for ensuring entries are monitored and removed as necessary by the Coordinator or designee.

#### **INVESTIGATIVE ENTRIES**

Greenville Police Department personnel requesting that a license plate number be entered in the LPR System shall only do so when there is a clearly identified law enforcement need for the entry. The license plate number shall only remain in the system for thirty (30) days, unless a specific request is made by the requesting employee to include justification, requesting an extension for an additional thirty (30) days.

The requesting employee shall, at the time of the request, provide the Coordinator with the following information:

- Entry date
- Reason for entry
- Name and contact number of requesting employee
- License plate number
- State
- VIN, if available
- Make, if available
- Model, if available
- Year, if available

- Color, if available

The requesting employee shall notify the Coordinator once the need no longer exists and the Coordinator shall remove the entry within five (5) working days upon notification.

#### **CRIME ANALYSIS**

Greenville Police Department personnel may be authorized to have access to data stored in the LPR system, if prior approval has been, granted by the Chief of Police or designee. The access shall be for crime analysis and investigative purposes only and the requesting employee shall be identified as a system user, not an actual operator.

#### **DATA STORAGE, SECURITY, & RETRIEVAL**

The LPR server stores LPR generated data for ninety (90) days and archives every thirty (30) days. Any and all information gathered by the LPR is considered a confidential law enforcement record and not for public release. Data stored by the Department will only be shared with agencies having a legitimate law enforcement need to have access to this information. Data required for evidentiary purposes may be preserved longer than 90 days in accordance with the provisions of NCGS 20-183.24.

All LPR stored data is maintained on a City of Greenville Information Technology server that is separate from any other data retention server. Only active Coban Systems users and operators have access to the stored data. \_Once an operator/user separates from the Department or is no longer authorized to remain an LPR operator/user, the operator/user is immediately deactivated from the system.

### **61.3.2 TRAFFIC DIRECTION AND CONTROL**

#### **CALEA Standard: 61.3.2**

Greenville Police Department personnel shall perform traffic direction and control functions as necessary to provide for the safe, efficient, and effective flow of traffic throughout the City of Greenville. Manual traffic direction and control functions are performed by sworn Greenville Police Department personnel, Parking Enforcement personnel, and other authorized and trained personnel as designated by the Chief of Police.

Uniformed police officers shall be assigned to carry out manual traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is required to ensure the safe and efficient flow of traffic. Manual traffic direction may be used where traffic control signals or devices are inadequate, not present, or not working. Emergency conditions may necessitate manual traffic control and direction.

The North Carolina Department of Transportation and the City of Greenville Traffic Safety Unit share responsibility for maintaining traffic control signals, devices, signs, and markers in accordance with the Federal Highway Administration's MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, and supplements prepared by the North Carolina Department of Transportation, Division of Highways.

#### **Procedures for Manual Traffic Direction**

The position selected to direct traffic must be suited to the particular intersection and traffic patterns. It must command a full view of the intersection and the approaches. The police officer must be visible to the motorists and to the pedestrians. Usually, police officers assigned to traffic control will select a position in the center of the intersection or at one of the corners.

The center of the intersection position:

- Gives greatest visibility
- Is the most hazardous
- Is usually selected when the signals are not working or the flow of traffic is slow
- Should be avoided if it places the police officer in the flow of traffic or leaves little clearance between the vehicles

The corner position:

- Should be used where there is heavy pedestrian crossing or where the flow of traffic can be regulated by a police officer standing a few feet off the curb line
- Affords the police officer greater personal safety and better pedestrian control

### **SIGNALS AND GESTURES FOR DIRECTING TRAFFIC**

Posture communicates the fact that the police officer is in command of the situation. The police officer should assume a military bearing, with weight evenly distributed on both feet. When not engaged in signaling motorists, the police officer should stand at ease facing traffic and with hands at the side. When directing traffic, the shoulders should be in line with the flow of traffic and the police officer's attention must be directed to the vehicular movements.

Prompt compliance to hand signals is dependent upon the police officer's ability to use uniform, clearly defined, and understandable gestures. Control of intersections does not call for complicated choreography or wild arm movements. Improper hand signals may cause confusion, hesitation, and traffic collisions. The following standardized signals and gestures should be used when directing traffic:

- The first general rule of traffic control is for the police officer to stand with the sides of the body parallel with the traffic being allowed to move. The police officer's back will then be toward the stopped traffic.
- To stop traffic, two motions are used. First, point with the arm and finger straight at the driver who is to stop. Watch the driver and hold this point until the driver sees the signal, or at least has plenty of time to do so. Then raise the pointing hand (not the entire arm) so that the palm is toward the driver. Hold this position until the driver stops.
- Stop traffic from both directions to give traffic on the cross street a chance to move. Stop the traffic coming from one side first, then from the other. After traffic has been halted with one hand, hold that hand on the stop position and turn to the other side and repeat the process. Do not lower either arm until cars coming from both directions have stopped.
- To start traffic, be positioned so that the side is toward the traffic to be started. Point with the arm and finger toward the car you want to start. Hold it until the driver's attention is attained. Then, with palm up, swing the hand up and over the chin. Bend the arm only at the elbow. If the driver does not move, make the signal a second time. After traffic has been started from one side, drop the arm and start traffic from the other side in the same way. Use the signals to give the "go ahead" to slow and timid drivers.
- Right turn: Signals for a right turn usually are not required at an intersection. When it is necessary, the arm to be signaled with will be determined by the car's direction. If the car approaches from the right, point toward the driver with the right arm. Give the driver time to see the gesture and then swing the arm and finger to point in the direction the driver is to go. Keep pointing in that direction until the driver begins the turn.
- Left turn: In helping a driver make a left turn, the vehicle may need first to be stopped. Next, hold the opposing flow of traffic. If the turning vehicle is approaching from the police officer's left, the stop signal to opposing traffic should be given with the right arm and such stopped vehicles should be kept out of the path through which the turning vehicle will travel. When safe to do so, the turning gesture should be given with the left arm. Clearly indicate to the driver turning left to pass in front or inside of the police officer and not to turn out and around.
- If the car approaches from the right, turn around and face toward the direction the car making the turn is to go. Halt the traffic with the right arm and give the turning gesture with the left as described above.
- If opposing traffic from both directions is to make left turns, indicate so by swinging the other arm in the direction of the turn. However, such turns can be dangerous and must be watched carefully by the police officer to see that no conflict arises from the straight through traffic or pedestrians.

## **SIGNALING AIDS**

### **Whistle**

The police officer shall use the whistle to get the attention of drivers and pedestrians. The police officer should be sensible in the use of the whistle at all times. Whistle blasts directed toward pedestrians usually need not be as shrill as those to command attention of motorists. The whistle should be used as follows:

- One long blast with a STOP signal
- Two short blasts with the GO signal
- Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal

### **Verbal Commands**

Verbal commands are seldom used in directing traffic. Arm gestures and the whistle usually are sufficient. There are many reasons why verbal commands are not used. They are not easy to give or understand, and often lead to misinterpretations that are dangerous. An order shouted can antagonize a motorist. Occasionally a driver or pedestrian will not understand arm signals. When this happens, move close to the person and politely and briefly explain the command.

### **Illuminated Baton (Flashlight w/Traffic Wand)**

The baton is helpful in making signals and gestures at night or during bad weather when visibility is low.

To STOP a vehicle with the baton, face the moving line of traffic, standing slightly aside from its direct path. Hold the baton in the right hand in front of you with the elbow bent. The baton now is in a vertical position, and should be swung or wig-wagged from the left to the right side of the body in an arc of about forty-five (45) degrees.

The GO signal is given in the normal manner. Turn the body parallel to traffic that is to be moved and give the normal GO arm movement. When executed properly, the signal will give added STOP emphasis to opposing cross traffic.

To permit a left turn movement after stopping opposing traffic, point the lighted end of the baton to the car that is to make the turn. Next swing the baton in an arc toward the direction of the left turn movement. This signal also may have to be repeated. The light in the baton should be turned off when signals are not being made.

### **Flashlight**

The flashlight can be used to halt traffic in an emergency, but it is a poor substitute for an illuminated baton. To stop traffic, slowly swing the flashlight at arm's length across the path of the approaching car. The beam from the flashlight strikes the pavement as an elongated spot of moving light seen by the motorist. Do not stand directly in front of the approaching car. After the motorist has stopped, give arm signals in the usual manner. Illumination of headlights will make them visible.

### **Highway Flares**

Improper use of highway flares at a disaster scene can cause vehicles to become involved in collisions. The primary objective is to provide oncoming traffic with ample warning of danger ahead so that defensive tactics may be employed to negotiate the scene safely. By giving approaching traffic ample warning and allowing sufficient distance in which to start taking defensive measures, hazards can be reduced at a collision scene.

In ANY speed zone where flares are used to CHANNEL traffic from one lane to another, place them twenty (20) feet apart. This eliminates any doubt in the mind of the motorist about what is expected, and it will lessen the possibility of any motorist driving between flares into the wrong traffic lanes. The following table is the MINIMUM distance away from the disaster scene at which a line of flares should be started. Note that the distance at which oncoming traffic receives its first warning is dependent upon the speed limit on the roadway being traveled.

- 55 mile zone- 375 feet warning-then every forty (40) feet to scene
- 45 mile zone-300 feet warning-then every forty (40) feet to scene
- 35 mile zone-200 feet warning-then every thirty (30) feet to scene

Handle flares carefully. The flare burns at fifteen hundred (1500) degrees Fahrenheit and can damage uniforms and burn flesh severely. Also, plastic lane dividers will melt if a flare is placed on or near them.

**Two Police Officers Directing Traffic**

Sometimes there is a need for more than one police officer at a busy intersection. One police officer must originate all signals and gestures. One police officer is the leader and makes all the decisions while the other police officer assists by coordinating with and extending signals.

**Use of High Visibility Clothing While Directing Traffic**

The Greenville Police Department shall issue high visibility vests to all sworn police personnel. When directing traffic, Greenville Police Department personnel shall wear their Department issued high visibility vest or other OSHA/DOT approved high visibility clothing as the outer most garments.

**Manual Operation of Traffic Control Devices**

Greenville Police Department personnel are authorized to operate traffic signals through the use of manual traffic devices after authorization from the Traffic Safety Unit or a supervisor. In the event, manual traffic control is needed at an intersection having a traffic signal, the traffic lights may be switched to a flashing mode in conjunction with a police officer directing traffic. The on-duty supervisor should be notified that the traffic signal has been switched to a flashing mode.

If it is determined that a traffic signal is malfunctioning in the automatic mode, and traffic conditions do not warrant manual traffic control, the traffic lights may be switched to a flashing mode. The Communications Center and the on-duty supervisor shall be notified of the malfunction and that the traffic lights are in the flashing mode. Communications Center personnel shall attempt to contact the appropriate maintenance personnel.

**Temporary Traffic Control Devices**

The on-duty Watch Commander, other designated Field Operations Bureau personnel, or the designated event/incident commander shall be responsible for ensuring that temporary traffic control devices are placed into service or removed as necessary. The Greenville Police Department may use temporary traffic control devices to assist in the safe and efficient movement of vehicular or pedestrian traffic in some situations to include:

- Special events
- Sustained power outages
- Traffic collision scenes
- Other situations as deemed appropriate by supervisory personnel

**Traffic Direction and Control at Collision Scenes**

Police officers assigned to investigate traffic collisions shall ensure that traffic approaching the collision scene is routed around the collision by using manual direction, flares, traffic cones, and the position of the patrol vehicle to direct and control the traffic flow as necessary. Police officers requiring assistance with traffic control should request that the Communications Center dispatch additional police officers to the collision scene.

**Traffic Direction and Control during Special Events**

Prior to a special event, the Field Operations Bureau Commander or the designated event commander shall ensure that a contingency plan for traffic direction and control is developed and in place. Traffic direction and control plans should address the following problems and special circumstances:

- Ingress and egress of vehicles and pedestrians
- Provisions for parking
- Spectator control
- Public transportation
- Provisions for relief of police officers assigned to point control duties
- Provisions for news media
- Alternate routes for through traffic
- Temporary traffic controls and parking prohibitions
- Emergency vehicle access

**Traffic Direction and Control at Fire Scenes**

North Carolina General Statute 20-114.1(b) authorizes fire and rescue personnel (paid and volunteer) to perform traffic direction and control duties at the scene of fires, collisions, or other hazards in connection with their duties. In most instances within the jurisdiction of the Greenville Police Department, traffic direction and control at fire scenes will be the responsibility of Greenville Police Department personnel. Greenville Police Department personnel assigned traffic control duties at a fire scene shall coordinate their efforts with fire officials. Greenville Police Officers shall, however, maintain control over traffic direction. Traffic direction and control at fire scenes should be conducted so that:

- Unauthorized traffic is prohibited from entering the fire area
- Vehicles behind the established traffic control point are assisted in leaving the fire area
- Fire and rescue vehicles and other authorized vehicles are provided access to and from the fire scenes

**Traffic Direction and Control during Adverse Conditions**

Greenville Police Department personnel may be required to perform traffic direction and control duties when adverse or hazardous road or weather conditions exist. Examples of such conditions include:

- Bad weather occurrences such as fog, snow or ice on the roadway, flooding, etc.
- Accidental hazards such as downed trees, debris in the roadway, etc.
- Engineering hazards such as road construction, traffic light repair, downed power lines, etc.

When adverse conditions exist, the on-duty Watch Commander or Field Operations Bureau Commander shall:

- Determine what traffic control measures should be taken, to include manual control or the use of temporary traffic control devices, and implement those measures
- Ensure that appropriate agencies (NCDOT, Public Works, Utilities) are notified

**61.3.3 VEHICLE ESCORTS**

CALEA Standard: 61.3.3

**Escorts for Emergency Vehicles**

Police officers shall not initiate an emergency vehicle escort without first receiving clearance from the on-duty Watch Commander. Greenville Police Department personnel shall not provide escorts for emergency vehicles under normal circumstances. Exceptions may include:

- The emergency equipment on an emergency vehicle is malfunctioning
- The driver of an emergency vehicle is not familiar with the area and requests assistance to the destination

**Non-Emergency Escorts**

Requests for non-emergency escorts should be made in advance and directed to the Field Operations Bureau Commander for consideration on a case-by-case basis. Situations that potentially pose a risk to the motoring public's safety may necessitate a non-emergency escort. Such situations may include:

- Parades
- Oversized loads or equipment
- Special events

When a request for a non-emergency escort is approved, the Field Operations Bureau Commander or a designated supervisor shall plan and oversee the escort. The Field Operations Bureau Commander or the designee shall assign personnel as necessary to provide the escort and provide any other traffic control functions necessary to complete the escort. Factors to be considered when planning and conducting an escort include:

- Type of escort
- Route to be taken
- Speed and length of escort
- Expected traffic conditions

**Funeral Escorts**

The Greenville Police Department Policy and Procedures Manual, Chapter 41, *Patrol* sets forth procedures to ensure that all requests for funeral escorts are addressed in a proper and expedient manner. (Also refer to, SOP 41.5.1, Funeral Escorts)

**Escorting Civilian Vehicles in Medical Emergencies**

Greenville Police Department vehicles shall not be used to provide emergency escorts for civilian vehicles. If practical, the patient or victim should be transferred to a Greenville Fire/Rescue Emergency Medical Service (EMS) unit. If transfer to an EMS unit is not practical, the patient or victim may be transferred to the police vehicle for transport to the appropriate medical facility. The driver of the civilian vehicle should be directed to proceed at normal speed in compliance with all traffic regulations.

**61.3.4 USE OF ROADBLOCKS & LAW ENFORCEMENT CHECKPOINTS****CALEA Standard: 41.2.3**

For the purposes of this section, the following definitions shall apply:

- Law Enforcement Checkpoint – A temporary operation used by law enforcement officers to ensure the safety of the motoring public by detecting violations of, and ensuring compliance with, the provisions of NCGS chapter 20.
- Roadblock: A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.

The decision to establish a law enforcement checkpoint should be based on several factors. Officers shall complete a traffic checkpoint operations plan (GPD 156:07-14 / Document # 81884) prior to conducting any checkpoint.

**Checkpoints NCGS 20-16.3A**

There is no longer a distinction between a DWI and a “license checking station.” Instead, only one type of checkpoint exists for the purpose of detecting any and all NCGS chapter 20 (Motor Vehicle Law Violations). Every checkpoint designed to detect NCGS chapter 20 violations, regardless of what type of chapter 20 violation, must meet certain requirements as prescribed By NCGS 20-16.3A and both state and federal constitutions. These requirements are:

- That the pattern for stopping vehicles and asking stopped drivers to produce a driver’s license, registration, and insurance information be designated in advance of the execution of the checkpoint;
- That the checkpoint is conducted pursuant to general written policy that provides guidelines for the stopping pattern, which need not be in writing.
- That the checkpoint have, at a minimum, one law enforcement vehicle with its blue lights in operation at all times in order to advise the motoring public of the existence of the checkpoint.

**Roadblock**

The following additional guidelines govern the use of roadblocks by Greenville Police Department personnel.

- The use of moving or rolling roadblocks is prohibited.
- Police officers shall not establish a stationary roadblock in such a manner that provides a physical barrier across the entire width of the roadway.

Police officers should refer to Greenville Police Department Policy and Procedures Manual, Chapter 41, *Patrol*, “*Motor Vehicle Pursuit*” for procedures relative to the use of tire deflating devices such as “stop sticks” as a means for stopping a fleeing vehicle.

**Training**

Training in the use of the stinger spike system will be provided periodically or as needed.



### 61.3.5 AUTHORITY AND RESPONSIBILITY OF SCHOOL CROSSING GUARDS

CALEA Standard: 61.3.4, 61.3.5

School crossing guards are not agents or employees of the Greenville Police Department. North Carolina General Statute 20-114.1(c) governs civilian traffic control personnel including school crossing guards. The Greenville Police Department shall honor those responsibilities outlined in General Statute 20-114.1 (c) as they relate to the Department.

Pursuant to North Carolina General Statute 20-114.1 (c), the Pitt County School Board establishes the following provisions for school crossing guards:

- Selection Criteria
- Control and supervision
- Appropriate distinguishing attire
- Locations

Schools located in jurisdiction of the Greenville Police Department do not participate in student safety patrol programs.

### 61.3.6 TRAFFIC ENGINEERING RESPONSIBILITIES

CALEA Standard: 61.3.1

In an effort to maintain a safe and efficient street and highway system, the Greenville Police Department shall participate in data sharing with state and local traffic engineering authorities.

Traffic engineering functions of the Greenville Police Department shall be performed in conjunction with the North Carolina Department of Transportation, the City of Greenville Public Works Department Engineering Division and shall focus on the discovery and remedy of collision and congestion hazards. In cooperation with the Public Works Department Engineering Division and upon request by appropriate authorities, or as necessary, the Field Operations Bureau Commander shall ensure that the following obligations are met by the designated components of the Greenville Police Department:

- Traffic data is collected and compiled.
- Traffic surveys and studies are conducted.
- Collision and enforcement data are analyzed.
- Special reports are prepared and recommendations made concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements.
- Designated Department personnel participate in local and regional transportation system management planning. The Greenville Urban Area Metropolitan Planning Organization is the formal organization charged with local and regional planning.

**Providing Data To Traffic Engineering Authorities** - Greenville Police Department personnel provide copies of collision reports and/or summaries of collisions and enforcement data to local or regional traffic engineering authorities to include the Greenville Public Works Department and the North Carolina Department of Transportation.

**Complaints or Suggestions Regarding Traffic Engineering**— Persons contacting Greenville Police Department personnel wishing to register a complaint or make a suggestion concerning traffic engineering deficiencies shall be referred to the City of Greenville Public Works Department Engineering Division or the Public Works Director.

### 61.3.7 LOCAL REGION PLANNING

#### CALEA STANDARD: 61.3. 6

##### **Participation in Transportation System Planning**

Upon request or invitation, the Greenville Police Department shall participate in local and regional transportation system management planning organizations. Such organizations may include:

- NC Governor's Highway Safety Program
- Pitt County Safe Communities Coalition
- Greenville Urban Bicycle Task Force
- Bike Safe NC
- Pitt County Pedestrian Safety Task Force

##### **Traffic Safety Planning**

The Greenville Police Department recognizes that enforcement is not the sole factor to consider in traffic safety concerns. Traffic engineering and education also play key roles in the overall effort to reduce injury and damage on the public roadways.

The Field Operations Bureau Commander or a designee will attend meetings with the appropriate agencies to determine any traffic safety concerns, such as the North Carolina Department of Transportation or the City of Greenville Traffic Engineering Division. Information obtained from police officers regarding highway safety is forwarded to the North Carolina Department of Transportation through Incident Based Reporting.

### 61.4.1 AID TO MOTORISTS

#### CALEA Standard: 61.4.1

##### **General Assistance**

Greenville police officers shall be alert for and, when possible, stop and assist motorists in need of aid. If a police officer observes a motorist in need of assistance, and the officer is in route to, or on a call for service, the officer shall notify the Communications Center of the motorist's location so that a police officer may be dispatched to render assistance. Types of general assistance that may be provided to motorists by Greenville Police Department personnel include:

- Providing information or directions
- Providing protection to stranded motorists
- Contacting someone by telephone through the Communications Center
- Transporting stranded motorists with approval of the on-duty shift supervisor
- Changing flat tires
- Pushing vehicles out of the roadway

Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty shift supervisor:

- Providing mechanical repairs or using vehicles to push start cars
- Transporting gasoline or other petroleum products
- Unlocking vehicles unless conditions exist that jeopardize an individual's safety or welfare

Police officers shall have the police vehicle's emergency lights activated while providing assistance to, or standing by with a vehicle disabled in the roadway. When assisting motorists, police officers should remain alert to these possibilities:

- The vehicle in the possession of the motorist has not been authorized for their use.
- The vehicle is in unsafe operating condition.
- The driver is impaired or otherwise not capable of safely operating the vehicle.
- The driver is not properly licensed to drive.
- The vehicle's occupants have been engaged in recent criminal activity.

**Towing/Repair Services for Motorists**

Police officers may assist motorists in obtaining roadside repair or towing services. When assistance in obtaining such services is requested, the officer should determine if the motorists requested a specific service. If not, the officer should request the Communications Center to notify the next available service on the rotation list. Towing or repair services initiated by the motorist or at the request of the motorist do not require a Vehicle Storage Report.

**Providing Protection to Stranded Motorists**

Stranded motorists should not be abandoned when exposed to hazardous conditions. Police officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service when providing assistance to stranded motorists. Police officers may, with the approval of their supervisor, transport stranded motorists to a location where assistance may be obtained.

**Emergency Assistance to Motorists**

Police officers shall render all practical assistance to motorists who are involved in emergency situations.

Police officers encountering vehicle fires shall:

- Immediately advise the Communications Center of the location, type of vehicle, cargo (if applicable), and any other pertinent information.
- Request that fire/rescue personnel be dispatched.
- If possible, attempt to extinguish the fire.

Police officers encountering medical emergencies shall:

- Determine the nature of the medical emergency.
- Provide all pertinent information to the Communications Center
- Request EMS personnel when appropriate.
- Render first aid in accordance with the officer's level of training.

**61.4.2 HAZARDOUS HIGHWAY CONDITIONS**

CALEA Standard: 61.4.2

Roadway and roadside hazards are contributing factors in many traffic collisions. In order to mitigate these factors, the Greenville Police Department charges police officers with the responsibility to report and, when possible, correct hazardous conditions.

Conditions and situations considered roadway and roadside hazards include:

- Debris in the roadway
- Defects in the roadway
- Lack of or defects in highway safety features
- Lack of, improper, visually obstructed, down or damaged mechanical traffic control devices and/or traffic control and informational signs
- Lack of or defective roadway lighting systems
- Vehicle abandoned or parking on or near the roadway
- Any other situation or condition that may hamper, restrict, or endanger the flow of traffic

The following guidelines shall be used to govern identifying, reporting, and correcting hazardous road conditions:

- A police officer encountering a potential hazardous condition that can easily and safely be corrected should take the necessary action to correct the situation.
- When a police officer determines that a hazardous condition requires immediate correction and is beyond the scope of the officer's abilities, the police officer shall notify the Communications Center of the situation and request the appropriate resources or assistance. The police officer shall then establish a "lane of safety" and provide traffic direction and control as necessary until the hazardous condition is corrected.

- When a police officer determines that a potential hazardous condition exists, but does not require immediate correction, the police officer shall notify the Communications Center of the nature and location of the potential hazard. The Communications Center shall notify the proper authorities of the condition as soon as feasible.
- If a police officer encounters a situation and is unsure of the hazard potential, the on-duty shift supervisor shall make a determination as to the course of action.

### **61.4.3 TOWING**

CALEA Standard: 61.4.3

If an operator of a motor vehicle has been arrested or the vehicle is disabled as a result of a collision or mechanical failure and the vehicle can be left in a lawful location, the vehicle shall be secured and left in its current location unless the operator requests that it be towed. For vehicles operated by drivers who were arrested, a Vehicle Release and Waiver form shall be completed indicating the operator's choice and the operator shall be requested to sign the waiver form. In the event the operator refuses to sign the waiver form then "refused" shall be entered on the signature line. All completed Vehicle Release and Waiver forms shall be submitted to the Records Unit.

#### **Abandoned Vehicles**

The Greenville Police Department is authorized to administer the removal and disposition of junked or abandoned vehicles on public streets and highways within the city limits, and on property owned by the City. The City Of Greenville Code And Ordinances Book, Title 12, Chapter 4, governs and authorizes the removal of abandoned, junked, and nuisance vehicles.

The removal and disposition of abandoned junked, or nuisance vehicles on private property are governed by Title 12, Chapter 4, Section 1 of the City Code of the City of Greenville. Greenville Police Department personnel receiving complaints of abandoned junked, or nuisance vehicles on private property shall:

- Advise the person making the complaint that removal of vehicles on private property is the responsibility of the Code Enforcement Unit of the City of Greenville.
- Obtain all pertinent information and forward that information to the Code Enforcement Unit supervisor for follow-up activity.

Procedures for the removal of abandoned or junked vehicles on streets, highways or City property:

- Police officers or Parking Enforcement Officers encountering an abandoned or junked vehicle on a street, highway, or City property shall make a reasonable effort to determine ownership of the vehicle and notify the owner to remove the vehicle.
- If the owner of the vehicle cannot be located, an orange abandoned vehicle tag shall be completed and affixed to the left side of the rear of the window of the vehicle. Tagging information and reason(s) the vehicle is being tagged should be completed as soon as possible. The Vehicle Identification Number (VIN) should be included on the tag below the officer's name and number. The corresponding white portion of the tag shall be completed and submitted to the Parking Enforcement Unit.
- No sooner than seven days after the vehicle is tagged or the owner is notified, parking enforcement personnel shall have the vehicle removed by the service contracted by the City for that purpose and shall complete a Vehicle Storage Report.

#### **Towing or Removal of Vehicles by Police Personnel**

Title 11, Chapter 7 of the City of Greenville Code and Chapter 20, Article 7A of the North Carolina General Statutes govern police initiated tow service operations and post towing procedures. Recovered stolen vehicles and vehicles of evidentiary nature shall be processed prior to towing for the collection of evidence pursuant to Chapter 83 of the Greenville Police Department Policy and Procedures Manual.

Police and Parking Enforcement Officers are authorized to tow and impound vehicles when one or more of the following conditions exist:

- A vehicle, by virtue of its location, is in violation of a state statute or City ordinance that requires or allows towing.

- A vehicle is disabled as a result of a collision or mechanical failure.
- A stolen vehicle is recovered and the owner or other responsible person is not readily available to take possession.
- A vehicle is to be searched or seized as evidence.
- The operator of a vehicle has been arrested and, in the police officer's opinion, is unable to make a rational decision as to the disposition of the vehicle due to the extent of the impairment.

In circumstances other than those listed above, when a police officer believes it necessary to tow a vehicle, the officer shall contact a supervisor for guidance.

#### **RIGHT TO PROBABLE CAUSE HEARING**

It shall be the responsibility of the Records Unit to ensure that appropriate attempts are made to notify the registered owners of vehicles towed by authority of the Greenville Police Department of their right to a probable cause hearing pursuant to North Carolina General Statute 20-219.11. When a request for a probable cause hearing is made, it shall be the responsibility of the police officer or Parking Enforcement Officer authorizing the towing to appear and present testimony related to the legal justification for having the vehicle towed. If the court finds no probable cause for a vehicle being towed, the Greenville Police Department shall provide compensation to the towing service pursuant to North Carolina General Statute 20-219.14.

#### **TOW RECORDS**

When a vehicle is removed or towed at the direction of a police officer or Parking Enforcement Officer, it shall be the responsibility of the officer authorizing the tow to complete as fully as possible a Vehicle Storage Report. In addition to vehicle identification information, the Vehicle Storage Report shall, at a minimum, provide information to include:

- Date and time of the incident
- Case number (OCA)
- Violation or reason for tow
- Registered owner's name, address, and telephone number (if known)
- Location from which vehicle was towed
- Officer requesting or authorizing the tow
- Towing service
- Location vehicle is stored
- Notification or attempts at notification of the registered owner

The Vehicle Storage Report shall serve as a written record of the incident and copies shall be distributed as follows:

- The original (white) copy is immediately submitted to the Records Unit.
- The yellow and pink copies are retained at the Community Services desk until the registered owner or other responsible person retrieves the vehicle.
- When the individual retrieves the vehicle, the release section of the yellow and pink copies is completed; the pink copy goes to the individual retrieving the vehicle and the yellow copy is submitted to Records.

#### **INVENTORY AND STORAGE**

Procedures governing the inventory and storage of towed vehicles are as follows.

- A Vehicle Storage Report shall be completed pursuant to this directive on all vehicles towed under the authorization of a Greenville Police Officer, Parking Enforcement Officer or Code Enforcement.
- When an officer authorizes a vehicle to be towed, the officer shall ensure that an inventory of the vehicle and its contents is conducted.
- The service towing the vehicle assumes liability and responsibility for the vehicle and its contents for the vehicle and its contents upon taking custody of the vehicle.

The following guidelines govern the determination of what tow service may be used by Greenville Police Department personnel towing vehicles.

- In all police initiated towing of vehicles, the owner or operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his choice to tow or remove the vehicle.

- If the operator or owner of the vehicle is not present, or is incapacitated, or has no preference as to any specific tow service, the police officer or Parking Enforcement Officer ordering the tow shall request a service based on the rotation list maintained by the Communications Center.
- When emergency circumstances exist, the police officer may request towing services from the tow service nearest the scene of the collision or emergency.
- A police officer may also request towing services from any company operating large cranes or other heavy equipment if necessary to remove traffic obstructions involving large trucks or other heavy equipment.

#### **61.4.4 TRAFFIC SAFETY EDUCATIONAL MATERIALS**

CALEA Standard: 61.4.4

Traffic safety educational materials shall be made available, upon request and availability, through the Traffic Safety Unit.