

LINCOLN POLICE DEPARTMENT

TRAFFIC ENFORCEMENT

Date Issued: 09-11-2009

Review: 09-11-2011

Policy

- To promote traffic safety through voluntary compliance
- To observe, detect and prevent violations of traffic laws
- To take appropriate action when deemed necessary

Purpose

The purpose of this order is to cover:

- Guidelines
- Warnings
- Arrests
- Enforcement Practices
- Motor vehicle stops
- Citations
- Special situations
- Speed

Guidelines

- Officers should be consistent in enforcement practices
- Any violations serious to warrant a stop, must be issued a warning ticket if no other enforcement action is taken

Enforcement Practices (61.1.6)

Practices	Officer should
Visible Patrol (61.1.6a)	Be Familiar with the traffic pattern Make a reasonable effort to enforce traffic laws Follow directed patrols based on Special Attention Sheet
Stationary Observation (61.1.6b)	Monitor traffic from a fixed post Be visible to reinforce driver safety habits
Unmarked Cars (61.1.6c)	Not used for traffic enforcement Use only if the offense is serious to require action Have marked units respond to assist
Road Side safety checks (61.1.6d)	Set up at the direction of a supervisor or per special order

Special Situations (61.1.3)

Violations by individuals - unique by mandate of Federal or State law

Offender	Officer shall...
Non-resident (a)	Treated the same as resident
Foreign residents	See Diplomatic & Foreign National Order
Diplomat (d)	See Diplomatic & Foreign National Order
Military Personnel (e)	Not detain unreasonably if responding to a military alert Otherwise treat as any other citizen
State or Federal Legislators (c.)	Constitution of NH Part 2, Article 21 & Article 1 Sec. 6 of US Constitution – protect legislators from arrest going to, from and on business Violations – obtain information, a summons can be issued at a later date Criminal Cases – officers shall seek an arrest warrant Under the influence- do not let drive
Juveniles	16 and over: Treated as an adult – issue summons If arrested, refer to Juvenile Order & (RSA 169-B:32) Under 16: Taken into protective custody and use CHINS NOTE: if properly licensed by another state – issue a summons and notify guardian

Enforcement actions (61.1.2)

- Officers shall use discretion and may issue a summons in lieu of warning
- Summons & Arrest guidelines must be followed as noted in the Uniform Enforcement policies
- All enforcement actions must be on the required form

Uniform enforcement polices (61.1.5)

Action	Offense is...
Warning (c)	Minor in seriousness and danger An inadvertent or non-hazardous event (h) By a subject who has a clean record Newly enacted laws (j.) Off –road vehicle violations (e) Pedestrian & bicycle violation (l.) Violations resulting in accidents (k) multiple violations (i) Equipment violations (f)
Summons (b)	By a repetitive violator Any incident endangering public safety (h) Speed in excess of 30 MPH of posted limit (c.) Unlawful Transportation of explosives
Arrest (a)	Misdemeanor or Felony DWI (a) Under 21 years of Age – any Alcohol violations One that requires an arrest (warrants etc.) One in which the situation warrants it under the NH RSA's

- No warnings may be issued for alcohol offenses or driving after revocation or suspension (b)
- Commercial & Hazardous waste violation (d &g)
 - NHSP, Bureau of Enforcement should be requested
 - Enforcement is left to the discretion of the Trooper

Vehicle Stops. (61.1.7)

CAUTION. Officer Safety techniques shall be used on all motor vehicle stops – regardless of the time, violation or appearance of the occupants

- Officer shall attempt to choose a safe location
- The dispatcher will be advised – location, license plate of vehicle and number of occupants
- The cruiser shall be positioned behind the violator and the left front end is offset 2ft. to the left of the violator’s vehicle.
- Once stopped, front blues shall be turned off with takedown lights on
- Officer shall remain alert and check for any suspicious signs or movements
- Officer should be courteous at all times
- The reason for the stop shall be explained and the safety issue (61.1.8)

- Back up should be called if suspicious of anything
- Clear with dispatch when completed

Citing Drivers (61.1.4)

- The warning or summons system should be explained
- If a court appearance is necessary and the date (a & b)
- If the complaint can be answered by mail (plea or fine paid) (c.)
- Any other relevant information to assist the driver
(NOTE: do not hold court, but encourage the driver to follow the instructions on the summons)
- Corrective action – officer can provide driver 48 hrs to correct a problem. Must be entered into their notes and what must be complied with.

Traffic Safety

- The ultimate goal of the department
- Traffic safety material will be made available to the public
- Instructions & information will be provided interested parties

Reports

Warning Ticket	Issued to correct a non-serious incident Provide information to the driver seat belts, safety & wildlife – information turned in at end of tour
Summons - Complaint Form (violations only)	Defendant given – pink sheet, fine sheet and envelope Officer turns in all other copies at station by end of tour