
	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.7.4	
Subject:		Distribution:
Traffic Enforcement		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	General Order: 04-33 Directive: 11-41, 98-69
References:		
CALEA: 61.1.2 – 61.1.5, 61.1.7; PLEAC: 2.4.1		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish guidelines and procedures for the Lower Merion Police Department's effective enforcement of traffic laws. It will provide direction and accountability for the enforcement of all vehicle law violations.

POLICY

It is the policy of this department that all officers will adhere to the provisions of this Policy, by demonstrating fair and impartial enforcement of all vehicle laws.

A. ENFORCEMENT ACTIONS

Uniform Enforcement

A. Uniform enforcement is a critical element of an effective traffic law enforcement program. Uniform enforcement supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. The public will not protest when strict enforcement is justly and impartially administered. However, the public will object to a lack of uniformity in the application of the law. Officer discretion is important to an effective traffic law enforcement program. The intent of this policy is to provide guidelines for uniform traffic law enforcement for routine situations. In unusual circumstances, the officer must decide what enforcement action is proper based on a combination of training, experience and common sense.

1. Selective Enforcement and Traffic Activities

- a.** The Traffic Safety Unit Commander will periodically review the data derived from local crash statistics and data received from citizen

complaints. From this information, a list will be developed identifying locations that reveal a high crash potential or generate citizen complaints, to be targeted for enforcement.

- b. Patrol officers will be provided with a list of these locations and will actively enforce established Selective Enforcement and Traffic Activity zones. Each Traffic/Selective enforcement activity will be documented via the Alert reporting system.

2. Physical Arrest (CALEA 61.1.2a) (PLEAC 2.4.1a)

- a. Officers will affect a custodial arrest on any person in violation of those traffic laws pertaining to driving under the influence of alcohol and/or drugs and all other violations of the law requiring custodial arrest in the Commonwealth of Pennsylvania.
- b. In the event that a violator resides outside the Commonwealth, the violator may be taken into custody and transported to a District Justice office for adjudication, as permitted by law.
- c. There may be other incidents in which a violator should be arrested. The decision to arrest will be based upon Departmental Policy and sound legal principles as opposed to peripheral issues.

3. Traffic Citation (CALEA 61.1.2b) (PLEAC 2.4.1b)

- a. A traffic citation should be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations, and operating unsafe and/or improperly equipped vehicles.

4. Traffic Ordinance Violations (PLEAC 2.4.1c)

- a. Traffic ordinance violations shall be prepared on a traffic citation form approved under the Pennsylvania Rules of Criminal Procedure and issued by the courts.
- b. When a violation is chargeable under both the Pennsylvania Vehicle Code, Title 75, and a Township of Lower Merion Code, the Vehicle Code charge shall supersede the code violation. Exceptions to this will be established in Parking Ordinance/Codes utilizing the Traf-O-Teria (TOT's) form.

5. Written/Verbal Warnings (CALEA 61.1.2c) (PLEAC 2.4.1e)

- a. A written warning is a proper alternative to a traffic citation, which may be used based on the individual officer's discretion, professional judgment, training and experience.

- b. A verbal warning is appropriate when the violator commits an act that may be due to ignorance of Pennsylvania Law or Township Code. A verbal warning is also appropriate as an alternative to a traffic citation or written warning based on the officer's discretion, professional judgment, training, and/or experience.

6. Faulty Equipment Notice

- a. A Faulty Equipment Notice (FEN) should be issued for minor equipment violations and for drivers who do not have in their possession their driver's license, registration and or insurance card.
- b. All Faulty Equipment Notices shall be written on the Township issued Motor Vehicle Violation Report. Violators issued a FEN shall have the proper response to the repair card explained to them in order to avoid a traffic citation.

7. Parking Enforcement (PLEAC 2.4.1d)

- a. Parking enforcement activities of the Department are primarily undertaken by the use of Traf-O-Teria tickets (TOTs). TOTs are issued in place of Traffic Citations for violations of parking regulations that are both in the Pa. Vehicle Code and Lower Merion Code.

B. SPECIAL REQUIREMENTS FOR TRAFFIC ENFORCEMENT

1. Traffic enforcement will be conducted in a uniform and equal fashion without regard to the individual's residence, political position, or military status. **(CALEA 61.1.3 a, c, e)**
2. Foreign Diplomats, Consular Officials, and their families should be accorded their respective privileges, rights and immunities as directed by international law and federal statute. **(CALEA 61.1.3d)**
3. Juveniles will be handled according to Policy 3.8.9. **(CALEA 61.1.3b)**

C. INFORMING THE VIOLATOR

1. When traffic enforcement action is taken, the driver should be made aware of the following information to allow them to resolve the situation:
 - a. When a citation is issued, the officer shall provide a copy to the offender and explain their rights and obligations with regards to paying the citation (pleading guilty) or requesting a hearing (pleading not guilty) as explained on the back of the citation. **(CALEA 61.1.4 a, b, c)**

- b. When a Faulty Equipment Notice (FEN) is issued, the officer will advise the offender that they are required to provide proof that the necessary items have been repaired/updated within the time limits listed on the Faulty Equipment Notice. **(CALEA 61.1.4 d)**
- c. When a written or verbal Traffic Violation Notice is issued, the officer shall advise the offender if any further action is necessary. **(CALEA 61.1.4d)**

D. UNIFORM ENFORCEMENT

- 1. All Traffic enforcement actions shall be taken in a uniform and consistent manner. Enforcement shall be compatible with statutes, ordinances, and established rules and regulations for the use of streets and highways. Examples of these include, but are not limited to:
 - a. Violations involving drug/alcohol impairment **(CALEA 61.1.5 a)**
 - b. Speed Violations **(CALEA 61.1.5 c)**
 - c. Hazardous Violations **(CALEA 61.1.5 d)**
 - d. Off-road vehicle violations **(CALEA 61.1.5 e)**
 - e. Equipment violations **(CALEA 61.1.5 f)**
 - f. Public carrier and commercial vehicle violations **(CALEA 61.1.5 g)**
 - g. Non-hazardous violations **(CALEA 61.1.5 h)**
 - h. Multiple violations **(CALEA 61.1.5 i)**
 - i. Newly enacted laws and/or regulations **(CALEA 61.1.5 j)**
 - j. Violations resulting in traffic collisions **(CALEA 61.1.5 k)**
 - k. Pedestrian and bicycle violations **(CALEA 61.1.5 l)**

E. OPERATING WHILE NOT PROPERLY LICENSED (CALEA 61.1.5b)

A. Initial Investigations

- 1. When an investigating officer has reason to believe that the operator of a motor vehicle is not properly licensed, a reasonable effort should be made to determine the status of the operator's license during the initial stop or investigation. If it is determined that the operator is unlicensed, suspended or revoked, the operator's driver history is needed to properly file the charge.
- 2. If a C.L.E.A.N. license query indicates that an operator is not properly licensed, the investigating officer should attempt to immediately confirm the license status and review the operator's driver history through the Pennsylvania Justice Network (JNET).
- 3. During rare circumstances, the investigating officer may find it reasonable to release an operator from a scene without taking enforcement action. The officer should advise the operator, as is necessary or reasonable, that the investigation is continuing and charges may be filed at a later time.

4. When an operator is charged with driving while unlicensed, suspended or revoked, the investigating officer shall prepare an ALERT report to document the incident.

B. Summary Violations

1. Under Vehicle Code Section §6503 Subsequent Convictions of Certain Offenses, sliding fines are applied for repeat offenses of unlicensed, suspended or revoked operators. Therefore, officers should list prior convictions in the comments section of any citation issued for these offenses. Officers should also bring a certified JNET copy of the operator's driver history to any subsequent court proceedings. If the operator has no JNET record, this should be noted on the citation.
2. When an operator is arrested for a misdemeanor or felony offense, all related summary offenses shall be charged on the Criminal Complaint. Separate citations (traffic or non-traffic) are not to be issued.
3. Field Procedures - JNET Driver History Available
 - a. When the investigating officer determines that an operator does not have a valid license, in violation of Section §1501(a), the officer shall issue a citation at the scene. If the operator has no prior convictions of Section §1501(a) in the last seven (7) years, the fine shall be \$200. Otherwise, the fine shall be left blank.
 - b. When the investigating officer determines that the operator is suspended or revoked, in violation of Section §1543(a), the officer shall issue the citation at the scene. If the operator has no prior convictions of Section §1543(a), the officer shall enter a fine of \$200. Otherwise, the fine shall be left blank.
 - c. When the investigating officer determines that the operator is suspended or revoked - DUI related, in violation of Section §1543(b)(1), the officer shall issue the citation at the scene and leave the fine blank.
4. Field Procedures – JNET Driver History Unavailable
 - a. If the investigating officer is able to conduct a C.L.E.A.N. license query which indicates that an operator is unlicensed, suspended or revoked, the officer shall issue a citation at the scene. In such cases, any citation prepared for Section §1501 or Section §1543 shall be issued with the fine left blank. The officer shall make a later attempt to obtain the JNET driver history of the operator. Once the history is obtained, the proper notations can be added to the comments section of the citation, and the citation can be filed. The fine shall remain blank so that it is consistent with the defendant's copy. When computer checks are unavailable, but the officer

develops other Probable Cause to believe that the operator is not properly licensed (e.g. from current and reliable knowledge or an admission), a citation may still be issued and filed in this manner.

- b. If an operator claims to have a valid license but cannot produce it, and computer checks are unavailable, an FEN shall be issued for Vehicle Code Section §1511(a) Carrying and Exhibiting Driver's License on Demand. The operator should be instructed that charges will be filed if the follow-up investigation reveals that he is unlicensed, suspended or revoked. The officer shall note in the comments section of the FEN that no computer check was conducted. If the FEN is returned to the investigating officer from Auxiliary Services, the officer shall then confirm the operator's status through JNET and file the appropriate charges.
- c. Summary Vehicle Code offenses have a thirty (30) day Statute of Limitations. When charges are filed as the result of a follow-up investigation, the investigating officer should make a reasonable effort to contact and advise the operator.

C. DUI Related Suspension or Revocation and the Presence of Alcohol or Controlled Substances

1. Under Vehicle Code Section §1543(b)(1.1), a person who is suspended or revoked - DUI related - commits an offense if he operates a motor vehicle and has an amount of alcohol by weight in his blood that is equal to or greater than .02% or has an illegal or non-prescribed drug in his system. When the investigating officer has sufficient Probable Cause to believe that this threshold has been met, the operator shall be arrested for the purpose of chemical testing. The testing procedures are described in the DUI Incidents Policy.
2. A first violation of Section §1543(b)(1.1) is a summary offense. Citations for this section shall be issued with the fine left blank. A second violation of this section constitutes a misdemeanor of the third degree, and a third violation constitutes a misdemeanor of the first degree.

D. Habitual Offenders

A "Habitual Offender" is a person who has accumulated the requisite number of convictions explained and enumerated in Vehicle Code Section §1542. The revoked status of a habitual offender's license can be found in the "ACTION" line of the driver history. Below is a JNET example:

VIOLATION DATE: AUG 24 1999
VIOLATION: VEHICLE CODE: 7122
DESCRIPTION: ALTERED DOCUMENTS/PLATES
CONVICTION DATE: MAY 27 2000

ACTION: HABITUAL OFFENDER REVO FOR 2 YEAR(S) EFFECTIVE FEB
05 2008
OFFICIAL NOTICE MAILED JUN 24 2000

When an investigating officer determines that a person was operating under a habitual offender revocation, the officer shall confirm that the requisite convictions are listed in the driver history. The operator can then be charged with Vehicle Code Section §6503.1 Habitual Offenders. This offense is a misdemeanor of the second degree.

E. Crashes Involving Death or Personal Injury While Not Properly Licensed

Under Vehicle Code Section §3742.1, an operator commits an offense if he causes a crash involving death or injury while not being properly licensed. If the crash results in death or serious bodily injury, the offense is a felony of the third degree. Otherwise, the offense is a misdemeanor of the second degree.

REGISTRATION PLATES

A. Recovered Stolen Registration Plates

1. The Pennsylvania Bureau of Motor Vehicles will not reinstate registration plates that have been reported stolen and then recovered.
2. Anyone reporting a stolen registration plate should be advised to apply to the Bureau of Motor Vehicles for a new registration plate because the stolen plate will be carried as dead registration plates. Do not return the old registration plates to them if they are recovered.
3. All recovered stolen plates are to be turned over to TSU to be returned to PennDOT.

B. Seizure of Registration Plates

When an officer determines that a vehicle registration plate is a suspended, stolen, dead plate or unauthorized plate displayed by another and confirms this through the CLEAN computer, they will adhere to the following:

1. The registration plate is to be seized, and the vehicle operator is to be furnished with a copy of the DL-640 (Acknowledgment of Seized Registration).
2. The operator is to be cited for the applicable violation(s) of Vehicle Code.
3. The seized registration plate is to be placed in Report Review with a copy of form DL-640 attached which shall include the incident number assigned.

4. An Alert report of the seizure shall be filed and is to indicate what action was taken.
5. The Report Review Officer will forward the registration plate and the seizure form to the Traffic Safety Unit for return to Penn DOT.

C. PROSECUTION OF PAVC SECTION 1371, OPERATION FOLLOWING SUSPENSION OF REGISTRATION

When an offender requests a hearing on a citation issued for Section 1371, the issuing officer shall bring the downloaded certification to the hearing.

TRAFFIC STOP PROCEDURES

- A. Vehicle stops may be made for suspected violations of the Pennsylvania Vehicle Code and when reasonable suspicion exists to believe that the vehicle or occupants are or have been involved in criminal or suspected criminal activity. **(CALEA 61.1.7a)**
- B. Not all situations can be addressed in a policy when dealing with the variety of traffic/unknown risk stop variables. Officers are encouraged to use their training and experience to determine the best approach to stops involving traffic violators and other criminal behavior. Officers shall use universally accepted and academy/departement trained approaches, vehicle positioning, and safe methods of contact and cover. Officers are required to make the safety of themselves, violators, and the public a top concern.
- C. When initiating a traffic/unknown risk stop, it is recommended that officers advise County Dispatch of the location of the stop, vehicle registration, vehicle description, number of occupants and any other pertinent information. **(CALEA 61.1.7 b)**
- D. In making high-risk traffic stops, all practices and principles taught through the academy and department shall be followed. When initiating a high-risk traffic stop, officers will notify back-up units of their intention to make the high-risk stop. The high-risk stop shall not be conducted until sufficient units are on scene. **(CALEA 61.1.7 c)**
- E. When making a high-risk stop, vehicle occupants shall be removed one at a time, secured (handcuffed) and searched prior to removal of other occupants. **(CALEA 61.1.7 c)**
- F. When appropriate, traffic controls should be put in place as soon as practical during or following the high-risk stop. Officers shall consider officer, violator, and public safety in this determination including cross fire situations and background. **(CALEA 61.1.7 c)**

RESPONSIBILITIES

A. Auxiliary Services Clerk

- 1.** After receipt of an FEN, from Patrol, for failure to produce an operator's license, the clerk shall place the FEN into a pending file for a period of 15 business days. If the operator fails to respond within the 15 day period a copy of the FEN is forwarded to the issuing officer for issuance of a citation.
 - 2.** When an operator responds to an FEN by presenting their license at the front counter, the receiving clerk shall time stamp the FEN and make photocopies of it and the license. The FEN is then removed from the 15 day pending file and placed into the 3 year file. In the case of an FEN issued during an accident investigation, the clerk shall forward photocopies to issuing officer for their report.
- B.** It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.

This page intentionally left blank.