

BRICK TOWNSHIP POLICE DEPARTMENT GENERAL ORDER			
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SUBJECT: UNIFORM TRAFFIC ENFORCEMENT AND CONTROL			
BY THE ORDER OF: Chief James Riccio		ACCREDITATION STANDARDS: 3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5	
Effective Date: April 22, 2019		SUPERSEDES ORDER #: V3C19 (07/18/16)	

PURPOSE: To establish guidelines for stopping and contacting traffic law violators that ensures the safety of both the violator and the police officer. The purpose of this policy is to establish uniform guidelines for officers to follow regarding traffic direction, control, and enforcement action(s) incidental to a violation.

POLICY: It is the policy of this department to enforce traffic laws for the purpose of reducing the number of traffic accidents and related injuries and deaths. Therefore, officers' enforcement actions, and their decisions about the type of enforcement action to take in any given situation, should include careful consideration of the nature and seriousness of the violation, the intent of the driver, and the effect of the violation on the violator, other motorists, and/or pedestrians.

Officers will initiate enforcement action based on a combination of training, experience, and common sense. In the absence of specific direction elsewhere, officers should operate on the premise that deliberate violations of traffic laws, and hazardous violations, deserve a more vigorous enforcement effort than do inadvertent violations or nonhazardous violations.

Further, the department places greater emphasis on the quality of an officer's traffic law enforcement efforts, rather than the quantity. All uniformed officers share responsibility for traffic law enforcement. Supervisors will consider these factors in evaluating the traffic enforcement work of subordinates. The department expects all uniformed officers to contribute to the traffic enforcement effort, but does not establish quantitative objectives for individual officers, such as ticket quotas.

PROCEDURES

I. Procedures for Traffic Enforcement Action

- A. **PROFILING PROHIBITED:** Profiling (including but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups) is strictly prohibited as a justification for any police officer to conduct any type of stop or seizure of a citizen. Traffic enforcement shall be based solely on the basis of the violation observed and not the profile of the operator and/or occupants. See the department policy on ***Profiling & Discriminatory Practices***.
- B. The role of the officer is to observe and prevent violations of traffic laws and to take appropriate enforcement action when violations are observed. Enforcement policies cannot and should not supplant the officer's discretion, based on professional judgment, training, and experience. Remember that both qualitative and quantitative emphasis is integral to the success of the traffic enforcement program. All officers shall take appropriate enforcement action for each violation witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner, and may encompass the following: a verbal or written warning, a traffic citation, or actual physical arrest. Officers have the discretionary authority as to which form of enforcement is to be taken by them. These include but are not limited to the following:
 - 1. **Verbal or Written warning** - used by the officer when it is obvious that the violation was unintentional and that the violator will now comply with the law due to the officer's warning. Officers shall explain the violation to the violator but shall not lecture them.
 - 2. **Traffic summons** – The following procedures shall be used when issuing a traffic summons:
 - a. There are two methods to issuing a motor vehicle summons, handwritten or through E-Ticket. The use of the E-Ticket system will be the primary method used by officers to issue a motor vehicle summons. If the E-Ticket system is not operable or available then officers are authorized to use a handwritten summons.
 - 1). With E-Ticketing, once the Summons is issued, it is electronically forwarded to the Court and automatically entered into AEGIS Records.
 - 2). With handwritten tickets the following shall be followed:
 - a) Officers will retain their copy (yellow) of the summons in accordance with New Jersey Records Retention Schedule. The officers shall record their observations and notes on the reverse side in the appropriate section. Officers may discard their copy 30 days after final disposition of the case. The blue "department" copy of the summons will be retained by the Department for their records. Officers will forward the remaining copies to the court.
 - b. All traffic summonses will be issued in compliance with this policy.

- c. All summonses shall be completed in detail in its entirety.
 - d. Officers shall only use the court dates and times published by the court.
 - e. All summonses shall be carefully reviewed for accuracy prior to issuance.
 - f. Officers shall void a citation when the offense is resolved prior to its issuance. For example, if a violator produces proof of insurance after a citation is written but before it is served, the officer shall not cite the person for that offense. If the summons is signed, it cannot be voided. It must then be dismissed by filling out the appropriate form and submitting it to the court.
 - g. When issuing citations, officers shall explain the procedure the violator needs to follow in order to handle the citation, and educate the driver about the violation. Officers shall not lecture the violator.
3. **Physical arrest** - this form of enforcement action is to be used in the case of only the **most serious** of motor vehicle violations.
- a. In accordance with Title 39:5-25, police **may not** routinely arrest a motorist for a minor motor vehicle violation. An arrest is only authorized under the following two conditions (established in State of New Jersey v. Pierce):
 - 1) Protect public safety (i.e. "serious" motor vehicle violations). A serious motor vehicle violation is one that poses a "grave danger" to the public and includes a provision for license suspension. Examples include, but are not limited to the following:
 - a) Driving while Intoxicated DWI;
 - b) Possession of CDS in a Motor Vehicle;
 - c) Driving while Suspended or Revoked;
 - d) Speeding;
 - e) Reckless driving;
 - f) Careless driving;
 - g) Leaving the Scene of an Crash with Death or Serious bodily injury; and
 - h) Willfully disabling and abandoning vehicles.
 - 2) Assure the motorist will respond to a summons (Rules 7:2-2(b) & 3:3-1(c)) or appear for court.

- a) Defendant has been served with a summons and has failed to appear;
 - b) There is reason to believe that the defendant is dangerous to self, other persons, or property;
 - c) There is an outstanding warrant for the defendant;
 - d) Defendants identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
 - e) There is reason (articulable) to believe that the defendant will not appear in response to a summons.
- b. When arresting the driver of a motor vehicle for an allowable offense (see above) the officer shall follow department policy in regards to the following:
 - 1) Completion of an investigation report;
 - 2) Completion of an arrest report;
 - 3) Completion and issuance of a criminal complaint (complaint warrant, compliant summons, or special form complaint summons);
 - 4) Taking a written or verbal statement from the accused.
 - 5) Fingerprinting; and
 - 6) Photographing.
- C. Officers should strive to make each traffic contact educational. It is the Department's intent to leave violators with the feeling that officers have performed a necessary task in a professional and friendly manner.

II. Traffic Law Violations by Special Classes of Violators

- A. The procedures outlined in Section II of this policy shall also be used in performing traffic enforcement related activities with any of the following special classes of drivers/violators. Listed below are additional "special" considerations an officer should take into account.
- B. **Non-Residents** - Residents and non-resident will be treated the same; fairly and impartially, in regards to motor vehicle enforcement. Officers may consider use of warnings for residents and non-residents who commit a minor non-hazardous violation. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances. If the officer "feels" the violator will not appear in court they should follow the procedure outlined in Section I of this policy.
- C. **Juveniles** – Juveniles may be issued a warning of a traffic summons. Officers should consider use of warnings for juveniles who commit a minor, non-hazardous

violation. Warnings may include advice to parents. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances. In some circumstances, the officer may make contact with the parent or guardian of a juvenile (person under the age of 18) to inform them of the incident and the enforcement action taken.

D. Request for Driver's Re-Examination.

1. If a police officer encounters a driver who appears to be physically and/or mentally incapable of operating a motor vehicle, the officer will notify the New Jersey Motor Vehicle Commission (NJMVC) using the MR-5 Driver Examination and/or Medical Evaluation Request form provided by the NJMVC.
2. Reexamination may be required of drivers in the categories below. Please check any on the NJMVC form that apply to this driver:
 - a. Persons having mental or physical disorders which may affect their ability to safely operate a motor vehicle;
 - b. Persons involved in a traffic accident resulting in a fatality where a violation of any of the provisions of N.J.S.A. 39:4-1 et seq. is established;
 - c. Persons who have accumulated 12 or more points as provided in N.J.A.C. 13:19-10.1; or
 - d. Persons convicted of violating any of the provisions of N.J.S.A. 39:4-1 et. Seq., where the judge determines that the offense was of such a careless, reckless or indifferent nature as to require reexamination.
3. All of the information boxes on the form must be completed in detail. The officer will submit the form to his or her supervisor for review and approval. Police Records will be responsible for submitting the form to the NJMVC. A copy of the form will be retained by the agency in Records.
4. If the driver's condition is such that continued operation of the motor vehicle will imminently endanger the motoring public, or the driver himself, further operation will not be allowed. The vehicle should be safely secured by parking it legally, if possible, or by impoundment and arrangements made for the operator. If a medical condition is present and requires the need of emergency attention an ambulance will be dispatched to the location.

- E. Government Officials:** Members of the United States Congress going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (U.S. Constitution, Article I, Section VI). Members of the State Senate and Assembly going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (N.J. Constitution, Article IV, Section IV, Paragraph 9). For enforcement purposes, members of the U.S. Congress and the State Senate and Assembly will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.

- F. **Foreign Diplomats and Consular Officials:** Diplomatic immunity is granted by the United States government under provisions of the Vienna Convention on diplomatic relations. Generally, these provisions apply to two (2) classes of immunity: Foreign Diplomats and Consular Officials. Any of the following contacts with a Foreign Diplomat and Consular Official will require notification to the United States Department of State at 202-647-4000 (main switchboard).
1. **Traffic Summons:** Foreign Diplomats and Consular Officials may be given a verbal warning or issued a traffic summons for motor vehicle violations. For enforcement purposes, Foreign Diplomats and Consular Officials will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.
 2. **Physical Arrest:** Foreign Diplomats (Diplomatic agents and members of administrative and technical staff) may not be arrested or detained. Reasonable restraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts. Career Consular Officers may be arrested and detained only for an indictable offence pursuant to a warrant. Honorary Consular Officer and Consular Employees may be detained and arrested.
- G. **Military Personnel:** Military Personnel who are passing through our service area may be treated as non-residents or if from our service area, as residents. However, if any active member of the United States Armed Forces commits a serious offense necessitating an arrest, the appropriate Provost Marshal's Office will be notified by the Chief of Police or his designee. Military personnel, who are passing through our service area, while operating military vehicles, are exempt from certain moving violations in accordance with N.J.S.A. Title 39:4-103.

III. Uniform Enforcement Policies

- A. **Driving Under the Influence of Alcohol/Drugs (DWI):** During every traffic stop, and while investigating every traffic accident, officer(s) shall check drivers for signs of impairment due to alcohol and/or drugs and make arrests when appropriate. Officers shall aggressively enforce laws relating to alcohol/drug use by all motorists.
- B. **Driving/Registration Privilege Suspended or Revoked:** A traffic summons may be issued when an officer has stopped a vehicle and identified the driver as operating with a revoked or suspended license or a suspended registration. In certain circumstances an arrest may be warranted:
1. Operating motor vehicle during period of license suspension, fourth degree crime as follows (2C:40-26):
 - a. It shall be a crime of the fourth degree to operate a motor vehicle during the period of license suspension in violation of R.S.39:3-40, if the actor's license was suspended or revoked for a first violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and the actor had previously been convicted of violating R.S.39:3-40 while under suspension for that first offense.
 - b. It shall be a crime of the fourth degree to operate a motor vehicle during the period of license suspension in violation of R.S.39:3-40,

if the actor's license was suspended or revoked for a second or subsequent violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a).

2. Should the prosecuting attorney determine the suspension fits the criteria of 2C:40-26, the violator can be charged accordingly and processed as an arrest.

C. **Speed Violations:** Excessive speed is the second greatest cause of death and injury on the American highways. Uniform methods of enforcement of speed laws should be applied by all officers and range from a warning for minor violation to a traffic summons for serious violations. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. **Pacing:** The officer should follow the vehicle being paced at a constant interval for an adequate distance to obtain a reading on the speedometer indicating a speed exceeding that posted. All speedometers must be calibrated annually in accordance with Division of Criminal Justice recommendations.
2. **Radar:** Radar may be utilized whenever possible for speed enforcement with concentration on specific known problem areas.

D. **Hazardous Moving Violations:** When handling a situation involving other hazardous violations, officers should consider the degree of the hazard, place, previous accident history of location, and the current directed patrol emphasis when making an enforcement decision.

E. **Off-Road or Off-Road Vehicle Violations:** Off-road recreational vehicles include snowmobiles, dirt-bikes, mini-bikes, and all-terrain vehicles.

1. Any off-road recreational vehicle driven upon a public roadway is subject to traffic laws as specified in the New Jersey motor vehicle code or equivalent ordinance.
2. Officers will take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed or reported.

F. **Equipment and Inspection Violations:** When deciding between issuing a warning or a summons, the following factors should be considered.

1. Circumstances are clear that driver would have not been aware of the equipment or inspection violation.
2. Multiple violations versus a singular violation.
3. Obvious indications that equipment was deliberately removed, altered or neglected.
4. Obvious indications of disregard for inspection laws.

G. **Public Carrier / Commercial Vehicle Violations:** Officers should use their discretion in enforcing any public carrier or commercial motor vehicle violations. If the violation is serious, a traffic summons should be issued. If the violation or

violations are non-serious but of a repetitive nature, a summons should be issued. In all other cases a warning should be considered.

H. Licensing, Registration, or Insurance Violations: When deciding between issuing a warning or a summons, the following factors should be considered.

1. Circumstances are clear that the driver would have not been aware of the Licensing, Registration, or Insurance violation.
2. Multiple violations versus a singular violation.
3. Obvious indications that document(s) was deliberately removed, altered or neglected.
4. If an operator is found to be driving a vehicle without possession a valid insurance card or without liability insurance he/she may take enforcement action in one of the following ways.
 - a. Issue the driver a summons or warning for N.J.S.A. 39:3-29.
 - b. Issue the driver a summons for N.J.S.A. 39:3-29 and require them to produce proof of insurance within 24 hours or have a warrant issued for the impoundment of their vehicle in accordance with N.J.S.A. 39:3-29.1a.
 - 1). N.J.S.A. 39:3-29.1a states that upon the issuance of a summons for failing to possess or exhibit an insurance identification card in violation of R.S.39:3-29, the violator or registrant shall have 24 hours from the time of the citation to provide the issuing law enforcement agency with the insurance identification card, or other satisfactory proof of insurance. Failure to provide the insurance identification card or other satisfactory proof of insurance within the 24-hour time frame shall result in the issuance of a warrant for the immediate impoundment of the vehicle that was being operated when the summons was issued. A motor vehicle impounded pursuant to the provisions of this subsection shall be removed to a storage space or garage. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.
 - c. There is no specific statute or case law in the State of New Jersey that authorizes or prohibits the impoundment of a motor vehicle for being operated on a highway without liability insurance. If an officer chooses to impound a motor vehicle at the time of a stop for not having liability insurance it must be articulated in a report as to why the vehicle could not be parked safely and why it was critical that it be impounded. Failure to do so opens both the officer and the agency to liability for improperly impounding a motor vehicle.
5. Impoundment of motor vehicles (N.J.S.A. 39:3-40.3).
 - a. A motor vehicle may be impounded by any law enforcement officer if the registrant:

- 1). Knowingly permits an unlicensed driver to operate that motor vehicle;
 - 2). Operates or permits the operation of that motor vehicle without a valid temporary registration or valid temporary registration plates as authorized under section 3 of P.L.1995, c.286 (C.39:3-40.2); or
 - 3). Fails to surrender a registration certificate and registration plates in accordance with the provisions of subsection b. or c. of section 2 of P.L.1995, c.286 (C.39:3-40.1).
- b. A motor vehicle impounded under the provisions of this subsection shall be removed to a storage space or garage and its registration certificate and registration plates seized. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.
 - c. Proof of valid motor vehicle insurance before release of impounded vehicle (N.J.S.A. 39:3-40.6).
 - 1). No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the State or local law enforcement authority which impounded the vehicle unless proof of valid motor vehicle insurance for that vehicle is presented to the law enforcement authority. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.
- I. **Parking Enforcement:** Non-emergency parking regulations, including tow away zones, time controlled zones, and handicapped parking will be enforced with reasonableness and impartiality in all areas our jurisdiction. Vehicles parked in fire lanes, and vehicles parked illegally presenting an immediate hazard to traffic, will be ticketed and towed immediately.
 - J. **Newly Enacted Laws or Regulations:** The Chief of Police or designee will announce grace periods for newly-enacted laws, during which only warnings are given. After the expiration of the grace period, the officer will use discretion according to the circumstances.
 - K. **Violations Resulting in Traffic Collisions:** It is suggested that Officers should issue a traffic summons as a result of all motor vehicle collisions that involve personal injury, property damage, leaving the scene of the crash and other related violations. All other collisions an officer should use their discretion in deciding to issue a summons to the driver of the vehicle deemed to have caused the collision due to the violation of a traffic law.
 - L. **Pedestrian Violations:** Officers shall use their discretion when dealing with pedestrians. Depending on the seriousness of the pedestrian's action, warnings may be used as well as summonses when enforcing State laws regarding pedestrians.

1. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the department.
 2. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and/or severe.
 3. With regard to pedestrian traffic laws, the spirit of the law will supersede the letter of the law and application will be made accordingly.
 4. Pedestrian violations resulting in traffic accidents should be cited.
- M. **Bicycle and Motorized Bicycle Violations:** The use of bicycles (muscle and engine powered) as a major means of transportation, both for business and recreation, has resulted in an increase in traffic accidents involving bicycles and an attendant increase in traffic fatality and personal injury accidents. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying those laws. The following procedures are guidelines to discretion that should result in a more uniform and consistent application of the law:
1. In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced.
 2. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience low, officers will exercise discretion in the application of those laws regarding safe operation of bicycles.
 3. Officers should be less tolerant with older offenders, age 15 and older, who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, under age 15, who may not be fully aware of their responsibility in the safe operation of bicycles. Summonses will not be issued to bicyclists under age 15.
 4. Summonses should be issued to bicyclists for violations resulting in traffic accidents except as noted above.
- N. **Non-Hazardous Violations:** Generally, a violator may receive a summons or a warning for non-hazardous violations. Where in the opinion of the officer the violation is intentional, flagrant, or hazardous the officer should issue the violator a summons for the violation.
- O. **Multiple Violations:** When encountering a traffic stop where multiple violations are identified, the officer should use their discretion, training and experience, and the violator's demeanor in formulating a decision on enforcement action. Generally, a violator may receive a summons or a warning for each type of violation observed in an incident for non-hazardous violations stemming from the same operation. For instances where, in the opinion of the officer, multiple violations are intentional, flagrant or hazardous, officers may charge violators for each violation. When issuing charges for multiple violations, only one violation may be charged on each traffic citation. Officer will cross reference each related citations.

IV. Procedures for Motor Vehicle Stops

- A. In preparing to stop a motorist, officers will consider the existing conditions, including, but not limited to, the roadway design, the road conditions, weather, lighting, and the current traffic flow, in order to create the safest possible environment for the traffic stop.
- B. Once a violator has been selected to be stopped, officers will use the patrol car's emergency lights and other necessary equipment to make the stop. Upon stopping, the patrol vehicle will be positioned in a way to afford maximum protection to the officer and to the violator's vehicle during the stop. At all times, officer safety will be considered.
- C. In most instances, the violator will be directed to pull to the far right side of the roadway to stop. However, officers will be prepared to deal with the driver who stops elsewhere, possibly creating a hazard.
- D. Upon initiating the traffic stop, officers will notify the dispatch center of their location, number of occupants in the vehicle and a description of the vehicle being stopped, including its registration state and number. The dispatcher will acknowledge the message prior to the officer's approaching the violator's vehicle.
- E. When walking to the violator's vehicle, officers will approach with caution and position themselves in a safe location to communicate effectively with the driver and still view any other occupants of the car. Officers will be aware that any traffic stop can elevate to a high-risk situation at any time.
- F. In greeting the violator, officers will present a professional image and treat the motorist with respect and courtesy. This will include giving a greeting, identifying them-selves by rank and name, providing the reason(s) for the stop, and requesting the motorist's driver's license, vehicle registration and insurance card. During the course of the contact, officers will remain cognizant that criminal activity unrelated to the traffic stop may be present and as a result may warrant additional enforcement action.
- G. The contact will be closed once appropriate law enforcement action has been undertaken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.
- H. If a consent search is requested, the motorist will be informed of his/her right to refuse to permit the search and the right to stop the search at any time. Such a request will occur after the violator's driver's license and registration card have been returned in order to ensure that if the motorist consents to the search, there is no question as to its voluntariness. The request for consent to search must be based on reasonable articulate suspicion.
- I. Upon closure of the contact, if appropriate, officers should thank the motorist for his/her cooperation; if appropriate, will provide the violator with information as to how to respond to the chosen enforcement action(s); and will assist the violator in pulling safely back into traffic.
- J. In the event the violator encounter is an unknown or high risk motor vehicle stop, officers will take additional pre-cautions by keeping the dispatch center informed,

by utilizing the public address system to instruct the occupant(s) of the vehicle, by requesting backup officers, by having firearm and other law enforcement tools at the ready, by affording protection to nearby innocent citizens, and by keeping themselves in a safe position while accomplishing the stop.

1. **Unknown Risk** - Unknown risk vehicle stops involve the action of an officer contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the officer. All vehicle stops should be considered to have some type of risk. Officers should use heightened awareness when approaching all vehicles and should also keep in mind the dangers that are posed by other vehicles in the area.
2. **High Risk** - The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
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V. Procedures for Traffic Direction

- A. **Manual Traffic Direction and Control:** Posture serves to communicate the fact that the officer is in command of the situation. The officer must therefore assume a military bearing, with his/her weight evenly distributed on both feet. When not engaged in signaling motorists, the officer must stand at ease facing the traffic and with hands at their side. When directing traffic, the officer's shoulders must be in line with the flow of traffic and their attention must be directed to the vehicular movements.
1. **Hand Signals:** Prompt compliance to hand signals are dependent upon the officer's ability to use uniform, clearly defined and understandable gestures.
 - a. **Stopping Traffic:** Two clearly defined motions are required to stop traffic. First, the officer selects the vehicle to be stopped. Looking directly at the driver, the officer points at the driver with the arm fully extended. The position is retained until the officer is observed by the driver. The officer then raises their hand so that the palm is toward the driver and the arm is slightly bent at the elbow. The officer maintains this position until the oncoming traffic has stopped. With the one arm still raised, the officer turns their head and repeats the procedure with their other hand to stop the traffic moving in the opposite direction. The arms are not lowered until all traffic has been stopped.
 - b. **Starting Traffic:** To start vehicular movement on the cross street, the officer pivots a quarter of a turn to place his/her shoulders parallel with the vehicles waiting to move. When the intersection is cleared, the officer turns their head to one side facing the waiting traffic. The officer attracts attention by pointing to the lead car. Then, turning the palm inward, the hand is brought up and over to the chin, bending the arm at the elbow. If the driver's attention has been properly obtained, it will be necessary to make only a few motions. After traffic begins to move, the arm is dropped to the side. The opposing traffic is then started in the same manner, but with the other arm.
 - c. **Turning Traffic:** Point towards driver, motion to start, other hand pointing in the direction of turn.
 - d. **Dangerous Condition:** Stop all traffic and address the condition (with all traffic stopped).
 - e. **Flashlight signals during darkness.**
 - 1) Due to reduced visibility officers should be extra cautious when directing traffic at night. The emergency lights and flares should be utilized to warn approaching motorists of

the officer's presence. Also, officers should be aware that being back lit by bright lights may reduce the ability of approaching motorists to see them.

- 2) The red flashlight baton should be used to enhance signals given with a flashlight.
- 3) The beam of the flashlight may be aimed at and across the pavement in front of approaching cars as a signal to stop.
- 4) The beam may be rapidly flashed in the direction of the approaching vehicle to get the driver's attention.
- 5) The beam should be moved along the roadway in a small come-along arc to indicate the path the vehicle should precede.

f. **Use of Whistle.**

- 1) The use of a whistle during traffic control or direction is optional.
- 2) **Stop Signal** - Use one blast of the whistle and the manual "stop" signal while standing sideways to the flow of traffic.
- 3) **Go Signal** - Use two blasts of the whistle with hand signal.
- 4) Use short, rapid blasts of the whistle to warn of unusual or hazardous conditions or for person's not responding to a hand signal.

- B. **Scenes of Traffic Collisions:** Officers directing traffic at the scene of an accident will route traffic safely around wrecked vehicles and debris. Wearing high visibility vests or rain coats, officers will maintain an orderly flow of traffic until wreckage is cleared. Maximum use of emergency lights and flares/cones is strongly encouraged at accident scenes.
- C. **Scenes of Critical Incidents:** The primary task of personnel engaged in traffic direction services at critical incidents (such as fires, utility emergencies, or other events) is to stop unauthorized vehicles and pedestrians from entering the area and maintain access avenues for emergency vehicles. This agency will coordinate its efforts with other emergency service organizations at emergency scenes to provide crowd control and adequate safety measures for vehicular and pedestrian traffic. In performing traffic control, personnel shall use temporary traffic control devices as needed and shall manually direct and control the flow of all traffic in accordance with this policy. If additional assistance is needed at a location for any reason, personnel shall contact their supervisor and advise them of the situation and what is needed.
- D. **Hazardous Roadway/Sidewalk Conditions:** One of the primary responsibilities for an officer is to assure the safe passage of vehicles, bicyclists, and pedestrians upon the municipality's roads and sidewalks. Any hazardous condition existing upon a road or sidewalk must be addressed as soon as possible. Such hazards are any condition that obstructs or prevents the proper flow of traffic (vehicular,

bicycle, and pedestrian) and/or risks damage to vehicles/property as well as injury to any person(s).

1. Examples: Hazard conditions include, but are not limited to the following:

- a. Environmental conditions such as snow, ice, flooding, etc.
- b. Physical conditions such as an object in the road (tree, pole, or wires), pothole(s), washed away road sections, disabled vehicles, a substance on the roadway, etc.
- c. Utility Repair conditions such as a road opening for access to public utilities (e.g., water, electric, gas, sewer, etc.)

2. Response: The officer who is assigned to investigate a hazardous condition shall immediately respond to the location unless authorized by his/her supervisor to deviate for an emergency.

3. Mitigation: It is the responsibility of the officer who finds, or who is assigned to investigate, to act within reason to mitigate the hazard and to effect proper notification to correct it. When an officer arrives at the location of a hazardous condition he/she will use temporary traffic control devices at his/her disposal (flares, cones, barricades, etc.) to properly identify the hazard to the public, isolate it, and to limit their ability to come into contact and or access the area. The purpose of this is to prevent injury or damage to property. This is critical because once a hazard is brought to the attention of an officer (an agent of the municipality) civil liability is attached and failure to act properly and reasonably (negligence) opens the municipality to payment of damages (both compensatory and punitive). If an officer needs help isolating a hazard he/she may request additional officers to the location. If there are any questions regarding the proper isolation of a roadway hazard, officers shall contact their supervisor.

- a. The New Jersey Department of Transportation Work Zone Safety Set-Up Guide shall be referenced, if needed, to comply with state law in setting up safe work zones.
- b. **Caution:** Officers shall only use road flares when there is no risk of fire or explosion. Accident scenes may cause the release of combustible substances (e.g., gasoline, oil, battery acid, etc.) and road flares should not be used. Additionally, some utility repairs done in the roadway may also see/cause the presence of a combustible substance (e.g., natural gas pipeline ruptures/leaks) and road flares should not be used. If there is any doubt that a flare should be used, the officer should side with caution and not use road flares. Road flares will not be left unattended while burning.

4. Notifications: The officer who finds or is assigned to investigate a hazardous condition shall assess the condition and request through communications that notification(s) be made to the appropriate authorities responsible for correcting the hazard. The communications operator shall document the condition and what notifications are made. The officer handling the incident shall also add to the record any further information that may help mitigate the municipality's legal responsibilities.

5. Clearing from Location: The officer may only clear the location when:
 - a. The hazardous condition has been corrected,
 - b. When he/she is properly relieved by an appropriate authority who will conduct the repair,
 - c. When he/she is properly relieved by another officer, or
 - d. When authorized by a supervisor.
- E. **Manual Operation of Traffic Control Devices**: On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control devices only in the following situations:
 1. When traffic light malfunctions;
 2. To facilitate movement at traffic accidents or other emergencies;
 3. To provide a thoroughfare for a motorcade, funeral procession, etc.;
 4. To alleviate congestion particularly during planned special events.
- F. **Temporary Traffic Control Devices**: Normally, temporary traffic control devices (such as flares, cones, barricades or other temporary traffic control devices) will only be used with the approval of the shift supervisor for control of traffic during peak rush hours, special events or in the event a key signal light malfunctions. Signs may be requested from public works. Shift supervisors will ensure return of all signs as soon as no longer required. Use of temporary stop signs will be limited to those key intersections at which a traffic signal has failed completely. If the traffic signal can be placed on four-way blink or flash, this is preferred over use of the temporary stop sign. Temporary traffic control devices shall be deployed in compliance with manufacturers' recommendations.
- G. **High-Visibility Safety Apparel**: In accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and applicable accreditation standards all officers shall wear high-visibility safety apparel during any of the following activities:
 1. Whenever they are exposed to moving traffic, work vehicles or construction equipment,
 2. When they are directing motor vehicle traffic, or
 3. When they are in a roadway controlling motor vehicle traffic.

The apparel must meet the standards requirements promulgated by the American National Standards Institute through the American National Standard for High-Visibility Safety Apparel and Accessories.

VI. Traffic Enforcement Goals, Objectives, and Activities

- A. The goal of the traffic enforcement function is improve motoring safety in the community by reducing the likelihood of injury producing crashes through voluntary

compliance with traffic laws. This goal will be accomplished through a multi-faceted approach that minimally entails the use of selective enforcement, education and engineering.

1. **Selective Enforcement:** The objective of selective enforcement is to foster an environment in which the motoring public complies with traffic laws to avoid enforcement action. This is accomplished by creating an environment where motorists believe if they commit a traffic violation enforcement action is likely. While all violations of motor vehicle laws are subject to enforcement, personnel should target the majority of their efforts on violations that are likely to result in motor vehicle crashes. During their tour of duty, officers should continually monitor traffic conditions and take appropriate enforcement action when traffic violations are observed. These activities can be both self-initiated or directed as part of an officer's overall workday. Traffic enforcement activities may include, but are not necessarily limited to, the following.
 - a. Monitoring traffic conditions in areas particularly prone to accidents or accident producing violations and taking appropriate enforcement action when violations are observed.
 - b. Routinely observing traffic during regular patrol activities and taking enforcement action when required.
 - c. Conducting directed details that target specific violations including parking, speeding, DWI, disregard of traffic control devices, etc.
 - d. Studying crash data to determine where injury producing accidents occur and directing traffic enforcement efforts to those areas.
 - e. Evaluating citizen complaints concerning areas prone to traffic violations and directing enforcement efforts accordingly.
 - f. Concentrating monitoring and enforcement activities in areas and / or during times increased safety is desirable (School zones, playgrounds, etc.)
2. **Education:** The objective of education is to gain compliance with traffic laws by making the public aware of conditions and behaviors that may contribute to injury producing accidents so they can avoid them. Educational efforts may be spontaneous and short term as in the case of a warning for a traffic violation or may be extensively planned and managed as in the case of participation in Statewide or national enforcement campaigns (e.g., Click it or Ticket, Driver Sober or Get Pulled over etc.). Educational activities may include, but are not necessarily limited to, the following:
 - a. Issuing warnings for traffic violations when appropriate.
 - b. Making motorists aware of vehicle conditions that could be potentially unsafe (vehicle lights out, worn tires, etc.)
 - c. Using technology such as signboards, speed trailers etc. to advise the motoring public of conditions or behaviors that contribute to unsafe road conditions.

- d. Participating in Statewide or national enforcement campaigns that combine concerted enforcement activities with publicity efforts to apprehend offenders and make the general motoring public aware of conditions or behaviors that contribute to unsafe road conditions.
 - e. Making police personnel available to attend driver safety speaking engagements at the local high school.
 - f. Utilizing social media to make the public aware of adverse road conditions.
3. **Engineering:** The objective of traffic enforcement through engineering is to evaluate environmental factors that may contribute to traffic violations and to implement design changes that will foster compliance with traffic laws. Personnel are encouraged to monitor conditions in their area of responsibility and make recommendations regarding changes that could enhance voluntary compliance and motoring safety. Additionally, design modification shall be considered when addressing complaints from the public about adverse traffic conditions. The Chief of Police shall assign personnel to evaluate suggestions and to work with the municipal engineer to conduct feasibility studies and implementation strategies when appropriate. Engineering design activities may include, but are not necessarily limited to, the following:
- a. Installation of traffic calming tables.
 - b. Traffic control device installation or reconfiguration.
 - c. Installation or improvement of physical roadway channelization.
 - d. Improvement of signage or lane markings.
- B. The Chief of Police and/or his/her designee(s) should periodically review and evaluate vehicular, pedestrian, and bicycle traffic within the municipality to identify dangerous trends or safety issues that need remediation. This review should include a determination of whether the goals and objectives of this directive are being met along with any corrective recommendations which may include redirecting resources to accomplish stated traffic enforcement activities, additional training of personnel in the traffic enforcement strategies, equipment modifications, discipline or policy modifications.

VII. Reference Material

- A. 2C: 40-26: Operating motor vehicle during period of license suspension.
- B. 39:3-40.3: Impoundment of motor vehicles.
- C. American National Standard for High Visibility Safety Apparel.
- D. Manual on Uniform Traffic Control Devices (MUTCD).
- E. New Jersey Constitution, Article IV, Section IV, Paragraph 9.

- F. New Jersey Motor Vehicle Commission (NJMVC) MR-5 Driver Examination and/or Medical Evaluation Request form.
- G. State v. Pierce.
- H. Uniform Traffic Ticket.
- I. U.S. Constitution, Article I, Section VI.
- J. U. S. State Department – Diplomatic and Consular Immunities.

