

CLINTON TOWNSHIP POLICE DEPARTMENT

DEPARTMENTAL RULES AND REGULATIONS/POLICIES AND PROCEDURES

VOLUME: 9	CHAPTER: 1	# OF PAGES: 38	LAST REVISION: 5-7-15 6-25-20	PAGE # 9 & 16
SUBJECT: TRAFFIC CONTROL AND ENFORCEMENT RESPONSIBILITIES			<u>Standards</u> 3.6.1 thru 3.6.5	
EFFECTIVE DATE: January 8, 1996		Chief of Police: Thomas DeRosa		
CROSS REFERENCE #: Volume 9		POLICE DEPARTMENT: CLINTON TOWNSHIP		

POLICY

The Clinton Township Police Department believes that visible, aggressive traffic patrol facilitates safety and deters criminal activity. The Clinton Township Police Department therefore advocates visible, aggressive traffic patrol as the most effective strategy for accomplishing these goals. However, traffic enforcement must occur in a lawful and professional manner, with respect for the public's right to be free from unnecessary government intrusion.

Effective traffic enforcement can best be facilitated through public understanding and support. Such understanding and support are often difficult to achieve, however, in-part because a motor vehicle stop is often viewed as a routine task by the police officer while such an encounter typically causes apprehension for the motorist. Therefore, motor vehicle stops necessitate a high degree of responsibility, accountability, and professionalism. The courtesy and positive image that is shown by the officer will not only make the traffic stop less confrontational but it will also enhance the image of the officer and the agency.

In that light, complaints of differential treatment can be mitigated with consistent policies and procedures. Equal and uniform treatment of traffic law violators is critical not only to the public's perception of the agency but also to its ability to properly prosecute a violation. Thus, the severity of the violation and/or number of violations committed should be taken into account when the officer considers the best course of action. Physical arrests should be restricted to only the most serious motor vehicle violations as provided and permitted by New Jersey law and/or constitutional interpretation by the courts. In summary, the Clinton Township Police Department's traffic enforcement goals are best achieved through the public's *voluntary* compliance with traffic laws. And such voluntary compliance is best achieved by officers' uniform enforcement, appropriate use of discretion, and tolerance.

To complicate matters, traffic control and enforcement activities can be very dangerous to both the officer and the motoring public. Not only do police officers face a potential threat from the occupants of every stopped motor vehicle, but they and the motorists they have detained (or are directing) also face a serious threat from passing traffic. Officer safety is therefore paramount and officers shall take all precautions

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

necessary to ensure their safety during traffic stops and traffic control activities. To maximize safety, therefore, officers shall always adhere to all relevant established procedures.

I. DEFINITIONS

- A. Arrest—an occurrence wherein a person’s liberty and freedom have been significantly impeded by law enforcement officers due to the officers’ law enforcement activities. Criteria typically signifying arrest include, but are not limited to, a verbal notification that the person is under arrest, handcuffing, non-consensual removal of the person from where the person was found, or a combination of each.
- B. Frisk—a limited, protective search whereby an officer pats a suspect’s outer clothing solely for the purpose of ensuring that the suspect does not possess a weapon. A frisk can also include an immediate area, such as with a “vehicle frisk,” or the frisk of handbags, suitcases, or sacks directly within the suspect’s control.
- C. High Risk or “Felony” Stop—the stopping of a vehicle under circumstances which reasonably causes the officer making the stop to believe that the employment of high risk stop tactics, as described herein, are reasonably necessary to protect the police and the public from harm during the course of the stop.
- D. Motorist Aid—an attempt to provide assistance to a motor vehicle operator or occupant who has already stopped and who appears to be in need of such assistance. An officer has a legal duty to render such aid to a motorist in need.
- E. Probable Cause—sufficient evidence, based upon the totality of the circumstances known to the officer at the time, that would cause a reasonable person to believe that a particular person is responsible for specific criminal activity or that a particular motor vehicle contains contraband. Probable cause is not a complex legal formula understandable only by those trained in the law. Rather, it is arrived at by collecting facts of such quality that logic and common sense point with reasonable certainty in the direction of guilt. Probable cause is the legal threshold required for a law enforcement officer to affect an arrest or conduct a search.
- F. Radar—an acronym for radio detection and ranging, “radar” is an object-detection system that uses radio waves to determine the range, angle, or velocity of objects.
- G. Reasonable Suspicion—facts or circumstances known to an officer which would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances. An objective assessment based upon how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene. (See e.g. N.J.S.A. 2C:1-14, the definition of “reasonable belief”).
- H. Search—the intrusion into the personal space and/or privacy interest of another by an agent

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

of the government. Such intrusion is typically, but not always, physical.

- I. Seizure—the exercising of custody and/or control over the property of another by an agent of the government, thereby depriving or significantly interfering with the person’s enjoyment of, and privacy interest in, such seized property.
- J. Stop—occurs when a police officer utilizes his or her authority to detain an individual or otherwise halt their movement. In the context of traffic enforcement, the officer typically positions his or her patrol vehicle behind a suspected violator, activates the vehicle’s emergency warning devices, and follows the vehicle to a stop on the shoulder of the road.
- K. Supervisor—members of the department assigned to a position requiring exercise of immediate supervision over the activities of employees. “Shift supervisor” and “supervisory officer” are included within the definition of “supervisor.”
- L. Unmarked police vehicle—a vehicle that does not display the decals and auxiliary markings typical of police patrol vehicles.

II. INTRODUCTION

A. General Principles

- 1. A police officer may only stop a motor vehicle when:
 - a. the vehicle or an occupant is believed to be in violation of the law, or
 - b. the officer reasonably believes that the stop is necessary as a caretaking function (e.g., the operator is clearly lost, is suspected of suffering from a medical emergency, is unaware of a dangerous situation, etc.), or
 - c. when the stop is pursuant to an approved, random schedule occurring during the course of a checkpoint detail (see the Clinton Township Police Department’s ‘*Traffic Enforcement Checkpoints*’ general order at Volume 9, Chapter 25, for more information).
- 2. Traffic regulations set the boundaries of acceptable motor vehicle usage. They should be enforced at a level sufficient to deter drivers from committing offenses.
- 3. The constitutional rights and privileges of all people, regardless of age, race, creed, sex, ethnicity, gender, sexual orientation, religion, economic status, culture, handicap, or any other immutable characteristic of a person or group or class of persons, including a person’s country, region, state, city, or town, shall not be cause for different treatment.
- 4. Rather, these and any other distinguishing features or factors shall be faithfully

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

respected by all members of the Clinton Township Police Department during all encounters. (see the Clinton Township Police Department's '*Biased Based Policing*' general order at Volume 7, Chapter 18).

5. Conversely, the Clinton Township Police Department is opposed to the *preferential* adjudication of traffic cases due to a violator's position, status, authority, etc.
6. To the extent possible, all motorists shall be treated equally.
7. Along these same lines, violator "attitude" or demeanor should not be taken into account unless the violator's attitude and demeanor clearly indicate that a warning will not have the desired deterrent effect.
 - a. This mandate is not intended to supplant the discretion afforded to all members but should be viewed as the departmental philosophy of education and enforcement creating compliance.
 - b. The situation dictates which disposition is more prudent and reasonable for achieving compliance.
8. Evaluation of patrol officers' performance shall not be based exclusively on quantity of enforcement activity.
9. Last, the observation of a traffic violation, even one that is flagrantly dangerous, does not provide the officer with the prerogative to scold or belittle the violator. All enforcement actions shall be accomplished in a firm and fair, yet courteous manner.

B. Specific Principals

1. The Clinton Township Police Department has as its basic traffic enforcement objectives:
 - a. Identifying and removing from the roadways those drivers whose operation creates an imminent danger to the public (e.g., intoxicated drivers, reckless drivers, etc.),
 - b. Correcting illegal and/or unsafe driving behavior through direct enforcement actions as well as observation of police enforcement activities by the motoring public, thereby
 - c. Developing and encouraging voluntary compliance with traffic laws and ordinances through a continuing enforcement program.
2. The patrol function is the cornerstone of the Clinton Township Police Department's law enforcement activities. All uniformed, on-duty officers of the Patrol Division

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

shall take all reasonable and appropriate enforcement actions for observed violations of traffic laws and regulations.

3. Although the patrol officer shall perform the majority of traffic enforcement duties, all sworn officers are responsible for traffic law enforcement, unless a specific situation or written directive dictates otherwise.
4. The Clinton Township Police Department's efforts shall be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes will be prevented through proactive patrol.
5. Officers shall receive initial and continuing training in proactive enforcement tactics, officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communication skills.

C. Supervisory Oversight

1. Supervisors shall not be responsible for controlling the judgment of subordinates regarding the issuance of motor vehicle summonses.
2. There will be differences of opinion concerning the existence of a violation and/or the propriety of enforcement action.
 - a. Therefore, this general order shall not supplant an officer's judgment.
 - b. Ultimately, the court will decide the propriety of enforcement decisions.
3. Although it is impossible to foresee every conceivable situation involving traffic law violations, supervisors shall nevertheless make sufficient inquiry of their subordinates when they suspect that summonses are being issued when not clearly justified, when there is clear indication that an officer is writing improper tickets, or when an officer is clearly writing too many tickets.
4. In such situations, supervisors shall take appropriate corrective measures. In other words, traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
5. In determining the "parameters of reasonableness," supervisors shall rely upon:
 - a. The officer's historical enforcement activities,
 - b. The department's historical enforcement activities,
 - c. Law enforcement's general enforcement activities, and

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- d. Other relevant factors, such as the supervisor's own experiences.

III. METHODOLOGY

- A. As an initial matter, officers should be certain that they have observed a traffic violation prior to conducting a motor vehicle stop.
- B. Accordingly, the Clinton Township Police Department shall strive to utilize all legal and reliable methods and equipment available to enforce traffic laws.
- C. Such methods and equipment include but are not limited to, the use of:
 1. speed measuring devices, such as radar (mounted, hand-held, etc.),
 2. speed sign trailers,
 3. stationary speed signs,
 4. traffic enforcement checkpoints,
 5. special details such as aggressive driver, intoxicated driver enforcement, or seatbelt enforcement details, and
 6. both marked and unmarked patrol vehicles (unmarked police vehicles used for traffic enforcement shall be equipped with emergency lights and sirens that conform to legal standards).
- D. Radar and other speed measuring devices
 1. The Clinton Township Police Department shall use radar and/or other speed measuring devices as a speeding deterrent, as well as for data collection, at locations where:
 - a. there is a high frequency of crashes,
 - b. speed limit violations are prevalent,
 - c. citizens have complained about speeding,
 - d. traffic volume and speed percentile studies necessitate it, and
 - e. any other location deemed necessary by the Chief Executive Officer or his or her designee.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

2. The effective use of speed measuring devices is dependent upon the operator's training and understanding of their limitations.
 - a. Officers shall successfully complete the basic operator training program and receive certification in conformance with manufacturer and New Jersey Division of Criminal Justice guidelines prior to utilizing radar or other speed measuring devices.
 - b. Officers shall also be re-trained and re-certified in such devices in conformance with manufacturer and New Jersey Division of Criminal Justice guidelines.
3. Speed measuring devices shall be properly installed into the police vehicles and connected to an appropriate power supply. Once a stationary device (as opposed to a hand-held device) is assigned to a specific vehicle, it shall not be removed and/or placed into a different vehicle.
4. Officers shall calibrate their speed measuring devices, *and document said calibrations*, before and after use in conformance with their training and manufacturer recommendations.
5. Officers shall choose an appropriate location that is conducive to safety when operating speed measuring devices.
6. Officers issuing summonses for speeding shall be prepared to establish the following elements in court:
 - a. the speed limit at the location of the violation,
 - b. the time, place, and location of the vehicle,
 - c. the description of the vehicle,
 - d. the vehicle visibly appeared to be speeding,
 - e. the identity of the operator,
 - f. the officer's qualifications and training,
 - g. the device was tested for accuracy prior to use and after its use by an approved method, and
 - h. the device was operating properly at the time of the violation,

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- E. The Clinton Township Police Department shall also utilize various *techniques* for the effective enforcement of traffic laws.
 - 1. “Regular” patrol involves visible patrol by members who observe and handle traffic violations during the performance of their normal duties.
 - 2. “Directed” patrol involves the concentration of enforcement activities in an identified area or along a specific roadway, as determined by the nature of the hazard/violations being targeted. The Clinton Township Police Department refers to such “directed patrol” as Traffic Enforcement Posts.
 - 3. “Stationary observation” of traffic is a common practice for observing the nature and flow of traffic at a given location.
 - 4. Officers are encouraged to conspicuously park their patrol vehicles at high traffic or problematic locations during periods of down-time.
 - 5. This intentional visibility is intended to act as a deterrent to unsafe and/or unlawful operation.
- F. The use of concealment in traffic enforcement, although sometimes necessary to address specific problems, is generally frowned upon by the public.
- G. The stationing of a police vehicle on top of any highway median strip for the purpose of monitoring traffic and/or observing traffic law violations is prohibited. This prohibition does not apply to median “cut-throughs.”
- H. Officers shall not utilize their patrol vehicle spotlights to ascertain the race, ethnicity, gender, or national origin of occupants prior to initiating a stop unless that information is necessary to confirm that the occupants match the description of specific suspects identified on a wanted bulletin or BOLO. However, once an officer decides to stop a vehicle, the spotlight may be used to illuminate the occupants for safety and identification purposes.

IV. PROCEDURES FOR CONDUCTING THE MOTOR VEHICLE STOP, MOTORIST AID, OR PEDESTRIAN CONTACT

- A. The following procedures shall be followed when practical. It is recognized that varying conditions, such as roadway construction, traffic volume, and the urgency of making the motor vehicle stop, may require officers to adjust these procedures to the situation.
- B. Motor vehicle stops shall be conducted in compliance with the law. They shall be conducted in such a manner as to provide for the safety of the officers, vehicle occupants, other motorists, and the general public.
- C. Motor vehicle stops shall also be performed in compliance with the procedures described in applicable Clinton Township Police Department directives.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- D. For all motor vehicle stops, motorist aids, or pedestrian contacts, officers conducting the stop shall contact Hunterdon County Communications via radio and advise the dispatcher of:
1. their patrol vehicle number and the activity (motor vehicle stop, motorist aid, etc.).
 2. the location of the stop, including direction of travel, mile post, and/or cross-street.
 3. the registration and description of the stopped vehicle.
 4. At the officers discretion and during certain emergency situations, E.g. B.O.L.O's, High Risk Stops and/or Felony Stops, officers shall provide the race, description, and number of the occupants, when reasonably ascertained.
 - a. Racial classification shall be based upon the officer's good faith belief, as determined by observation of skin and hair color, and/or facial characteristics.
 - b. Race/ethnicity codes are as follows (*it is recognized that these classifications, to be provided to the dispatcher, are not all found in UCR or the Clinton Township Police Department's records management system forms):
 - (i) White
 - (ii) Black
 - (iii) Hispanic/Latino
 - (iv) Asian Indian
 - (v) Other Asian
 - (vi) American Indian
 - c. If existing circumstances or conditions preclude the officer from observing the race/ethnicity or sex of the driver or other occupants, the officer may state that he or she is "unable to observe" instead of speculating as to the race/ethnicity codes listed above.
 5. whether the stop was for a moving or non-moving violation, or the precise violation if the officer so desires, and,
 6. additional information as appropriate, such as the stop being the result of a BOLO, etc.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- E. When practical, officers shall broadcast this information to the dispatcher prior to activating their emergency warning devices.
- F. All radio messages shall be transmitted as soon as practical.
- G. However, officers shall retain the discretion to take immediate law enforcement action (ordering or requesting occupants out of the vehicle, frisking, seizing, arresting, and/or conducting a non-consensual search) prior to transmitting radio messages when in the officer's opinion an evaluation of the totality of the circumstances indicates that such action(s) are reasonable in furtherance of anyone's safety or preservation of evidence.
- H. The dispatcher is not responsible for requesting or otherwise obtaining the information required by this directive. The officer conducting the motor vehicle stop shall be responsible for providing such information to the dispatcher. Failure to do so may be grounds for disciplinary action.
- I. When The Violator's Vehicle Is In Front of the Officer's Vehicle
 - 1. When an officer decides to conduct a motor vehicle stop of a vehicle that is in front of the officer's vehicle, the officer shall position his or her patrol vehicle behind the violator's vehicle.
 - 2. The officer shall select an area for the stop that provides a reasonable measure of safety, avoiding curves, hills, heavily trafficked areas, poorly lit areas, and roadways without shoulders.
 - 3. Whenever possible, the officer shall avoid the use of private driveways, business locations, and areas where a large volume of spectators is likely to gather.
 - 4. If not already provided, the officer shall provide the dispatcher with all necessary information, as outlined above, concerning the stop.
 - 5. The officer shall signal the violator to stop by activating the patrol vehicle's emergency lights and siren. Vehicles that are not equipped with approved emergency warning devices should not be utilized to conduct motor vehicle stops.
 - 6. The violator shall be guided to the right side of the roadway, adjacent to the curb.
 - 7. The officer shall remain behind the violator as the violator is pulling to the side of the road. If the violator stops in the wrong lane or in an unsafe or improper location, the officer shall use his or her public address system, hand signals, or any other safe and effective means to immediately advise the violator where to proceed.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

8. On multi-lane roadways, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
9. When the violator's vehicle has come to a complete stop, the officer shall provide Hunterdon County Communications with the location of the stop, if not already provided. This shall include, at a minimum, the street name and the name of the nearest cross street or a known landmark.
10. Once the violator has stopped in an appropriate/safe location, the officer shall position his or her patrol vehicle at a safe distance behind the violator's vehicle. The patrol vehicle shall also be "off-set" to provide coverage/protection of the driver's side of the stopped vehicle.
11. While conducting stops during hours of darkness, the spotlight shall not be used as a means of directing the violator. It may, however, be useful in illuminating the interior of the violator's vehicle.
12. During the traffic stop, the police vehicle should not remain standing with high beams activated because the lights may blind oncoming drivers.
13. Upon exiting his or her patrol vehicle, the officer shall visually scan the stopped vehicle for any signs of danger as the officer approaches, remaining alert for any suspicious movements or actions by the driver or passengers.
14. As a general rule, officers should make a passenger's side approach on all stopped vehicles unless the attendant circumstances suggest a passenger's side approach would be more hazardous to the officer than a driver's side approach.
15. Upon arrival at the stopped vehicle, the officer should stop at a position slightly to the rear of the front door. This position will facilitate communication with the driver while providing for observation of passengers.
16. Upon approaching any stopped vehicle (other than high risk vehicles), the officer shall request the driver's license, vehicle registration, and vehicle insurance card. The officer shall then advise the driver of the reason for the stop.
17. Officers shall not request identification from a passenger unless the passenger has committed a violation or unless the officer develops reasonable suspicion that the passenger is involved in illegal activity.
18. Officers shall provide their names and badge numbers to the occupants of a vehicle, if requested.
19. Officers may conduct computerized checks for validity, warrants, etc. on the vehicle and those occupants in violation.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

20. Officers shall not permit citizens (pedestrians, violators, occupants of disabled motor vehicles, etc.) to sit in patrol vehicles except under justifiable circumstances (weather conditions, safety concerns, investigative purposes, transportation purposes, etc.).
21. Officers are authorized to transport stranded motorists, passengers, and pedestrians when such transportation is required by statute, regulation, or as a caretaking function.
 - a. Any person entering a police vehicle for the purposes of a transport (as opposed to an arrestee), shall satisfactorily identify themselves and/or provide valid identification.
 - b. Information regarding the transport, including but not limited to the person's identity, destination, and the patrol vehicle's odometer reading, shall be transmitted to Hunterdon County Communications.

J. When The Violator's Vehicle Is Approaching The Officer's Vehicle

In the event an officer intends to stop a vehicle in oncoming traffic, the officer shall initiate the following actions:

1. Drive the police vehicle to the extreme right side of the roadway and signal the violator to stop by utilizing hand signals and emergency lights.
2. Due to the attendant hazard, an officer shall never leave his or her vehicle while attempting to stop oncoming motorists.
3. If the motorist stops, the officer may carefully turn around when traffic is clear and position the police vehicle behind the violator's vehicle.
4. If the motorist fails to stop, the officer may carefully turn around when traffic is clear and proceed after the violator, safety permitting.
5. If it would be unsafe for the officer to immediately turn around and proceed after the violator, the officer may radio for other units in the area to stop the vehicle.

K. When The Violator's Vehicle Is Behind The Officer's Vehicle

In the event an officer intends to stop a vehicle that is behind the police vehicle, the officer shall perform the following actions:

1. The officer shall drive to the right side of the roadway and, as the violator approaches, signal him or her to stop.
2. Due to the attendant hazard, an officer shall never leave the police vehicle in an attempt to stop the violator.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

3. In the event the violator fails to stop as directed, the officer shall return to the roadway and initiate a motor vehicle stop consistent with this written directive.

L. Completing of the Traffic Stop

1. Upon completing the traffic stop, officers shall return all documents to the violator.
2. Officers shall then instruct the violator to safely return to the lane of travel.
3. Officers shall avoid following the violator after the completion of the traffic stop, when practical.

M. Traffic Enforcement Posts

1. The Clinton Township Police Department shall designate one or more ‘Traffic Officers.’ See relevant Personnel Orders as well as the Appendix to the Clinton Township Police Department’s *‘Equipment Use, Assignment, and Maintenance’* general order at Volume 4, Chapter 16, for more information.
2. The Traffic Officer shall intermittently generate a list of traffic enforcement posts to be conducted. This list shall be collated based upon citizen complaints, increased traffic crashes, or other traffic-related problems at specific locations.
3. Officers operating a stationary traffic enforcement post shall park in a safe location.
4. The officer must remain at a position of safety near the side of the road at all times while signaling vehicle operators.

N. Oversized Vehicles

In the event officers attempt to stop an unusually large vehicle, the following procedures shall be followed:

1. Follow the vehicle from the rear in the usual manner.
2. Position the police vehicle so that the violator’s attention can be gained and activate the patrol vehicle’s emergency warning devices.
3. If necessary, pull the police vehicle in front of the violator’s vehicle and lead it to a place which is safe and capable of supporting the weight of the special vehicle.

O. Stops of Unknown Risk

1. Officers engaged in investigative or enforcement activities which fall somewhere between routine traffic enforcement measures and felony stops must rely upon their

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

training and experience to determine the level of risk, as well as the appropriate operational tactics, of a particular stop.

2. Stops conducted pursuant to activities of unknown risk must be accomplished with maximum consideration for officer and civilian safety.
3. In so doing, officers should employ a safe and cautious approach utilizing a combination of the tactics herein set forth for traffic violations and high risk stops.

P. High Risk Vehicle Stops

The following procedure shall be employed when an officer initiating a motor vehicle stop believes that occupants of a vehicle presents a danger of serious injury or death:

1. When planning to stop the vehicle, the officer shall notify Hunterdon County Communications of his or her intent to conduct a high-risk stop, the reason(s) for the stop, provide a physical description of the vehicle, its registration number and state of issue, and provide a description of the occupants, including the number, race, and gender if known.
2. Appropriate assistance shall be requested with the initial communication advising of the intent to stop.
3. The location selected for the stop should be one that presents minimal danger to innocent bystanders.
4. Unless the urgency of the situation demands immediate action, an officer shall not initiate a high-risk motor vehicle stop until a sufficient number of back-up units are in position to provide immediate assistance.
5. Once all units are in place and the primary unit indicates that it is time to conduct the high-risk stop, all police vehicles shall activate their emergency lights.
6. As the suspect vehicle is coming to a stop, officers should position police vehicles approximately thirty (30) feet behind the suspect vehicle in a manner that maximizes cover and fully illuminates the interior of the suspect vehicle.
7. Once the vehicle has been successfully stopped, all officers shall quickly exit their vehicles and assume positions of cover and concealment.
8. Officers shall be aware of the possibility of crossfire throughout the encounter.
9. The officer initiating the stop shall issue verbal commands to the vehicle's occupants through the public address system of the police vehicle.
 - a. Only one officer, the primary officer, shall issue commands.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- b. He or she shall be deemed to be “in charge” of the stop.
- 10. The officer “in charge” shall inform the occupants of the high-risk vehicle that all instructions are to be followed without hesitation or unnecessary movements.
- 11. The operator of the suspect vehicle shall be ordered, in separate commands, to:
 - a. Lower his or her driver’s side window;
 - b. Remove the ignition keys;
 - c. Hold the keys out of the driver’s side window with his or her left hand and drop them on the ground;
 - d. Open the driver’s door using the outside handle;
 - e. Step out of the vehicle with his or her hands raised;
 - f. Slowly turn completely around;
 - g. Face away from the police vehicles;
 - h. Walk backward until commanded to stop;
 - i. Lie face down on the ground with hands stretched far out to the sides;
 - j. A backup officer shall then handcuff and search the driver while the other officers provide cover.
- 12. All subsequent passengers should be issued similar commands until all occupants are prone out in a position to be searched and handcuffed.
- 13. If probable cause exists to believe that a search of any part of the vehicle is necessary for the *immediate* safety of the officers, the public, or a victim, officers shall carefully approach the suspect vehicle, with backup officers providing cover, to conduct a search of the passenger compartment and trunk.
- 14. The officer in charge of the stop shall notify Hunterdon County Communications of the outcome of the stop.

V. SEARCHES AND OTHER INVESTIGATIVE ACTIVITIES

A. Questioning the Occupants

- 1. Once a vehicle has been stopped, an officer may engage in brief and routine questioning of the occupants. Brief and routine questioning during motor vehicle stops, even when such questioning relates to criminal activity, *does not* invoke the

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

Miranda Rule. State v. Hickman, 335 N.J. Super. 623 (App. Div. 2000).

2. However, when an officer's questioning goes beyond "threshold" inquiries of identification, general information gathering, and other routine questioning, courts may find that the situation has "ripened" into a criminal investigation and that the Miranda rule applies.

B. Removal of Occupants

1. The driver may be ordered out of the vehicle for safety or investigative reasons. See e.g., Pennsylvania v. Mimms 434 U.S. 106 (1983); State v. Smith, 134 N.J. 599, 618 (1994). However, officers shall not simply order drivers to step from their vehicles at random; officers shall point to some reason or reasons for doing so.
2. Passengers may not be ordered to exit the vehicle unless there is some fact or facts, based upon the totality of circumstances, which would create heightened awareness of danger or a concern for the officer's safety. *Id.* Smith.

C. Utilization of a K-9 Unit

1. Officers may radio for a trained and certified drug-sniffing K-9 to respond to the scene of a traffic stop only after a supervisor has determined that reasonable suspicion exists to further investigate the presence of drugs inside of the vehicle.
2. A K-9 sniff of a car stopped only for a traffic violation which is conducted after the expiration of the time necessary to issue a ticket or warning for a traffic violation, absent reasonable suspicion ordinarily demanded to justify the continued detention of the occupants, is an unconstitutional seizure under the Fourth Amendment. Rodriguez v. United States ___ U.S. ___ (2015).
3. All activities of the K-9 and its handler shall be recorded by the officer's patrol vehicle mobile video recorder, when practical.
4. All activities of the K-9 and its handler shall be documented in the officer's required reports.
5. If the K-9 unit is from another jurisdiction, Clinton Township officers shall defer to the K-9 officer's protocol for K-9 activities at the scene.

D. Vehicle Frisks and Searches

1. See the definitions of "frisk" and "vehicle frisk" above for more information.
2. See the Clinton Township Police Department's '*Arrest, Search, and Seizure*' general order at Volume 7, Chapter 1 for more information.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

3. See the Clinton Township Police Department's '*Biased Based Policing*' general order at Volume 7, Chapter 18 for more information.

VI. PROCEDURES FOR DOCUMENTING THE MOTOR VEHICLE STOP

- A. Officers shall document the following information into the Clinton Township Police Department's Records Management System:
 1. the location of the stop,
 2. the registration of the stopped vehicle,
 3. all reason(s) for the stop, specifically
 4. the race, ethnicity, and gender of the driver and occupants,
 5. whether a summons or a warning was issued,
 6. the summons or warning numbers of any summonses or written warnings issued,
 7. the times and dates of the stop, and
 8. additional information as appropriate.
- B. The dispatcher is not responsible for requesting or otherwise documenting the information above. The officer conducting the motor vehicle stop shall be responsible for documenting such information. Failure to do so will be grounds for disciplinary action.

VII. VIOLATORS NECESSITATING ALTERED PROTOCOL

- A. Military Personnel
 1. Generally, no member of the organized militia shall be arrested for any traffic violation or traffic warrant while going to, remaining at, or returning from any place at which he or she may be required to attend for military duty.
 2. However, on occasion, it will be necessary to issue a traffic summons, affect a physical arrest, or investigate a traffic collision involving a member of the armed forces. Armed forces personnel, for these purposes, shall include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard and Reservists on active duty.
 3. When a physical arrest is made, the investigating officer's supervisor shall ensure notification of the nearest armed forces investigative headquarters division.
 4. This does not apply to the issuance of a traffic summons.

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

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

B. Juveniles

1. Generally, juveniles shall be treated the same as any other violator.
2. In all cases when a juvenile is taken into custody, provided with medical treatment, or transported to a hospital, the investigating officer is responsible for notifying the juvenile's parents as soon as possible.
3. If the officer deems that further custody is required (as with an arrested for Driving While Intoxicated), he or she must implement the Juvenile Procedures and contact the Clinton Township Police Department 'Juvenile Officer' for guidance.
4. See the Clinton Township Police Department's '*Juvenile Procedures*' general order at Volume 7, Chapter 2 for more information.

C. Physicians En Route to an Emergency

1. In the event an officer observes a traffic violation committed by a physician en route to an emergency, the following procedures shall be taken:
 - a. Upon determining that the driver is a physician, the officer shall obtain the identity and intended destination of the physician.
 - b. If the officer deems it necessary, the physician shall be given a police escort, provided the action is approved by the shift supervisor and the physician's destination is local.
2. In the event the traffic violation was of a serious and dangerous nature, the officer shall verify the nature of the emergency and the physician's identity. At the officer's discretion, the officer may take appropriate enforcement action or release the physician and take enforcement action at a later time.
3. If, in the officer's judgment, the violation was of a minor, non-hazardous nature, a verbal warning may suffice.

D. Non-resident drivers

1. In general, non-resident drivers shall be treated the same as resident drivers.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

2. N.J.S.A. 39:3-15 exempts a vehicle licensed in another state and owned by a resident of that state from the automobile equipment standards of Title 39.
3. However, in the interest of safety as well as to determine whether the vehicle owner is in fact an out-of-state resident, officers may nevertheless *stop* out-of-state vehicles for both moving and non-moving violations. State v. Forgione, 265 N.J. Super. 63 (App. Div. 1993).
4. In determining whether to issue a summons to a non-resident motorist for an equipment violation, officers shall first determine whether the non-resident's vehicle conforms to the registering state's equipment requirements; N.J.S.A. 39:3-15 only grants reciprocity privileges to out-of-state vehicles that conform to the registering state's equipment requirements. *Id.* Forgione.

E. Foreign Diplomats and Consular Officers

1. Foreign diplomats and consular officers are generally immune from detention or arrest for any offense except serious crimes that endanger public safety.
2. Foreign diplomats and consular officers shall not be issued summonses for violating motor vehicle laws. If a vehicle operated or occupied by a foreign diplomat or consular officer is stopped for a motor vehicle violation, the stopping officer shall, immediately after confirming the identity of the operator/occupant, release the vehicle without further action.
 - a. Nevertheless, if a foreign diplomat or consular officer is found to be operating while intoxicated or, due to some other condition or circumstance, creates a hazard to public safety, the officer shall immediately notify his or her supervisor and then take whatever steps are necessary to minimize that hazard. Under no circumstances shall a foreign diplomat or consular officer who is found to be intoxicated to be permitted to operate a motor vehicle.
 - b. The supervisor shall insure that the foreign diplomat or consular officer is dealt with professionally and courteously and, further, shall contact the Hunterdon County Prosecutors Office for guidance.
 - c. The supervisor shall also notify the Operations Commander who will make other notifications as deemed necessary.
3. However, the immunity detailed herein does not extend to the families of foreign diplomats and consular officers or to honorary consuls and their families.
4. Therefore, when officers take motor vehicle law enforcement action against a family member of a foreign diplomat or consular officer, they shall record the information needed for the issuance of a summons and immediately release the vehicle without issuing the summons at the scene.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- a. The officer who conducted the stop shall answer any questions regarding the stop and procedures and actions to be followed.
 - b. As soon as possible following the stop, the officer shall confer with the shift supervisor regarding the appropriateness of issuing the summons.
 - c. If issuing a summons is determined to be the appropriate action, the officer shall complete the summons, ensure that it is served upon the violator, and forward it to the municipal court for service.
 - d. See Clinton Township Police Department's '*Exemption From Traffic Arrest/Special Processing Requirements*' general order at Volume 9, Chapter 9, for more information.
5. See the *US Department of State's 'Publication 10969'* and the *US Department of State's 'Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities'* for more information.

F. Legislators

1. Members of the New Jersey and United States legislatures are not exempted from compliance with motor vehicle law except when enroute to, returning from, or while in attendance at a session of their respective bodies during a state of emergency.
2. However, if a legislator is found to be operating while intoxicated or is, due to some other condition or circumstance, a hazard to public safety, the officer is to immediately notify the shift supervisor and take whatever steps are necessary to minimize that hazard.
 - a. Under no circumstances will a legislator who is found to be intoxicated be permitted to operate a motor vehicle.
 - b. If a legislator is found to be operating a motor vehicle while intoxicated, the shift supervisor shall notify the Operations Commander who, in-turn, may make other notifications as deemed necessary.
3. Legislators may be issued summonses for violating motor vehicle laws except as described above. However, when doing so officers shall:
 - a. record the information needed for the issuance of a summons and immediately release the vehicle without issuing the summons at the scene.
 - b. answer any question regarding the stop and procedures and actions to be followed.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

4. As soon as possible following the stop, the officer shall confer with the shift supervisor regarding the appropriateness of issuing the summons.
 5. If issuing a summons is found to be the appropriate action, the officer shall complete the summons, ensure that it is served upon the violator, and forward it to the municipal court for service.
- G. Procedures and Criteria for Referral to the New Jersey Motor Vehicle Commission for Re-Examination
1. Officers who desire that a driver submit to a re-examination or medical evaluation shall complete a New Jersey Motor Vehicle Commission '*Driver Examination and/or Medical Evaluation Request*' form, otherwise known as an MR-5 form.
 2. Forms are located in the form bin in the Patrol Room.
 3. Re-examination may be required of drivers who:
 - a. have a mental or physical disorder which may affect their ability to safely operate a motor vehicle,
 - b. were involved in a traffic crash resulting in a fatality where they were established to have been in violation of any of the provisions of N.J.S.A. 39:4-1 et. seq.,
 - c. have accumulated twelve (12) or more points as established by the schedule contained in the New Jersey Administrative Code (see N.J.A.C. 13:19-10.1), or
 - d. have been convicted of violation 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 re-examination.
 4. Officers shall complete the form in its entirety, both front and back.
 5. As per the form, if the incident which led the officer to request re-examination involves a motor vehicle crash, a copy of the report shall be attached to the form.
 6. As per the form, if the incident which led the officer to request re-examination involved the officer issuing a motor vehicle summons, the statute and motor vehicle summons shall be noted on the form.
 7. Once the form has been completed, it shall be sent to the Medical Review Unit. The address is in the top right corner of the form.

VIII. SUPPLY AND CONTROL OF MOTOR VEHICLE SUMMONSES

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- A. Officers shall primarily use the 'E-Ticket' system for issuing motor vehicle summonses.
- B. Most, if not all, Clinton Township patrol vehicles and MDTs have E-Ticket capability.
- C. Nevertheless, officers shall maintain an adequate supply of motor vehicle summonses to ensure availability when needed.
- D. Motor vehicle summons books are provided by Clinton Township Municipal Court staff.
- E. During business hours, officers requiring summons books shall report to the Clinton Township Municipal Court to request the needed amount.
- F. Upon receipt of summons books, officers shall check the books to ensure that the numbering of the summonses is accurate.
- G. The Court Administrator will maintain a ledger indicating which summons books were issued to which officers.
- H. After hours, officers in need of summonses shall either move to a patrol vehicle that is E-Ticket equipped or utilize their spare summons books.
- I. Due to the availability of E-Tickets, spare summons books and the sign-out ledger are no longer kept in the patrol room.

IX. ISSUANCE OF MOTOR VEHICLE SUMMONSES

- A. When issuing a motor vehicle summons, officers shall fill the summons out completely and accurately before providing the appropriate copy to the violator.
- B. Upon issuing a summons, officers shall explain all relevant information to the violator, including making sure that the violator knows where and when to appear in court if necessary.
- C. Officers who require the appearance of a witness for the prosecution of a motor vehicle case shall attach a completed subpoena list to the court's copy of the motor vehicle summons. This will assist court personnel with providing notice to the identified witness.
- D. Completed copies of motor vehicle summonses shall be forwarded to the Court Administrator via the Police Receptionist on the first business day following the issuance of the summons.
- E. The Police Receptionist shall enter into the records management system the following information for each summons issued:
 - 1. citation number,

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

2. date issued,
3. defendant's name and address,
4. violation title and appropriate statute number,
5. court date, and
6. issuing officer

X. VOIDING MOTOR VEHICLE SUMMONSES

- A. Motor vehicle summonses may be voided when an officer makes a mistake in completing the summons or when the summons is accidentally torn, mutilated, or otherwise rendered unfit for issuance.
- B. When an un-issued summons is voided, a corrected summons must be issued as a replacement for the voided summons.
- C. An issued summons can only be voided by the Municipal Court Judge. To accomplish this, officers must file a request with the Municipal Court Judge explaining the reason for the request to void the summons.
- D. The request form shall be completed by the officer who prepared the summons and shall fully disclose the reason and circumstances of the request.
- E. The request form shall also be signed by the requesting officer and forwarded to his or her immediate supervisor for review and approval. Once approved, the request form shall be attached to the summons(es) being voided and forwarded to the Court Administrator.
- F. No summons can be voided if the issue involves a matter of defense, interpretation of the law, or some other mitigating circumstance. Such summonses shall be turned in to the court, docketed, and disposed of by the court on the record.
- G. In the event a summons or a summons book is lost or stolen, the officer to whom it was issued shall immediately notify his or her supervisor in writing.

XI. MOBILE DATA COMPUTERS (MDTs) AND MOBILE VIDEO RECORDERS (MVRs)

- A. For information regarding the Clinton Township Police Department's policy and procedures pertaining to mobile data computers, see the '*Mobil Data Terminal*' general order at Volume 4, Chapter 19.
- B. For information regarding the Clinton Township police department's policy and procedures pertaining to mobile video recorders, see the '*Mobile Electronic Recording Systems*' general order at Volume 9, Chapter 24.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

XII. ENFORCEMENT OPTIONS

A. Arrest

1. N.J.S. 39:5-25 authorizes an arrest for certain motor vehicle violations. However, the statute provides little guidance as to when an arrest is appropriate as opposed to a summons.
2. In State v. Pierce, the New Jersey Supreme Court referenced other sources of law (such as the New Jersey Rules of Court) that suggest an officer's authority to arrest under N.J.S. 39:5-25 is, and should be, narrowly restricted to those offenses in which an "arrest is necessary to protect public safety or to assure that the offender will respond to a summons." In short, an arrest purely for motor vehicle violations shall be considered a very rare exception.
3. In Pierce, the court identified several motor vehicle violations that it classified as "serious offenses" or offenses that "implicate the public safety." The following is a list of such offenses recognized by the Clinton Township Police Department:
 - a. Driving While Intoxicated (N.J.S. 39:4-50)—the driver of an automobile shall be taken into custody when an officer develops probable cause to believe the individual is intoxicated;
 - b. Operation of a Motor Vehicle While In Possession of a Controlled Dangerous Substance (N.J.S. 39:4-49.1); or
 - c. Reckless Driving (N.J.S. 39:4-96) or any other related dangerous motor vehicle violation when such violation has resulted in death or serious bodily injury to another and when the officer deems it necessary to effect an arrest in the interest of safety or until the serious injury or fatality has been properly investigated;
 - d. Driving While Suspended when the operator is suspended due to a conviction for Driving While Intoxicated (N.J.S.A 39:3-40; N.J.S.A 2C:40-26). Although Driving While Suspended is a motor vehicle offense, in this situation the offense transforms into a crime of the 4th degree.
 - (i) Prior to effecting the arrest of a motorist who is suspected of driving while suspended as a result of a conviction for Driving While Intoxicated, the investigating officer shall first confirm through Hunterdon County Communications that the motorist is indeed operating a motor vehicle while suspended.
 - (ii) The officer shall then confirm that the suspension occurred as a direct result of a Driving While Intoxicated conviction.
 - (iii) The officer shall then confirm the date of the suspension.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- (iv) Last, the officer shall confirm the period (i.e., length) of the suspension. For example, a motorist who is suspended as a result of their first and only conviction for Driving While Intoxicated will typically be suspended for a period of ninety (90) days from the date of the conviction.
- (v) Officers shall be careful not to consider periods of suspension that go beyond the initial suspension period for the Driving While Intoxicated conviction resulting from failure to comply with administrative requirements, such as failure to pay associated fines.
- (vi) By way of example only, if a motorist is sentenced to a ninety (90) day suspension as a result of a Driving While Intoxicated conviction, and is determined to be driving while suspended ninety-five (95) days after the order because their license is still suspended for failing to pay associated fees, an officer shall not arrest the motorist for a violation of N.J.S. 2C:40-26.

B. Issuance of a Motor Vehicle Summons

1. Officers shall issue a summons for the underlying violation(s) any time they effect the arrest of a motorist for a motor vehicle violation, as outlined above.
2. Further, officers shall issue a motor vehicle summons to a violators whose hazardous operation imminently jeopardizes the safe and efficient flow of vehicular and/or pedestrian traffic. By way of example only, a motorist who is determined to be in violation of 'Reckless Driving' shall be issued a motor vehicle summons.
3. Driving While License is Suspended or Revoked
 - a. The driver of a motor vehicle whose license is suspended or revoked shall be issued a summons for the violation.
 - b. Officers are also encouraged to issue the driver a motor vehicle summons for any underlying violations which may have led to the stop.
 - c. Although a custodial arrest is not warranted for this type of violation, the driver cannot be allowed to continue to operate the motor vehicle in question.
4. Consistent with sound discretion and objective reasonableness, officers may issue a motor vehicle summons for any other violation of the motor vehicle laws.

C Issuance of a Written Warning

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

1. It is proper to warn a violator (as opposed to issuing a summons) when, in the opinion of the officer, the violation is unintentional and relatively minor, as defined by the tolerance generally allowed by the agency, or when conditions indicate that the department's ultimate goals are achieved as effectively as if a summons was issued.
2. In fact, a written warning can be *more* effective than any other type of enforcement. Written warnings also tend to build rapport with the public.
3. Although verbal warnings are permitted, officers are strongly encouraged to issue written warnings when practical.
4. A warning may also be issued to a violator who commits a violation in an area where traffic collision incidents are minimal or when the violation may be due to ignorance of a local ordinance that may be unique or new.

D. Issuance of a Verbal Warning

1. The standards for issuing a verbal warning shall be the same as those for issuing a written warning.
2. Verbal warnings are most appropriate with the most minor of violations and when a pressing need exists to end the traffic stop as soon as possible.
3. Nevertheless, information regarding verbal warnings shall be entered into the records management system.

XIII. UNIFORM ENFORCEMENT PROTOCOL

- A. Uniform enforcement is critical to an effective traffic law enforcement program.
- B. To obtain a high degree of uniform enforcement, a standard must be established to determine what type of action will be taken following a given traffic law violation.
- C. The tolerances identified herein shall be followed whenever possible.
 1. However, attendant circumstances may change the seriousness of the violation.
 2. Therefore, the provisions of this directive do not preclude the reliance upon sound, professional judgment, training, and experience by the involved officer in evaluating the seriousness of the violation in relation to the circumstances and conditions existing at the time of the violation.
 3. Driving While Intoxicated

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

- a. The driver of an automobile shall be arrested when an officer develops probable cause to believe the individual is intoxicated within the meaning of N.J.S.A. 39:4-50.
- b. See the Clinton Township Police Department's '*Driving Under The Influence*' general order at Volume 9, Chapter 5 for additional information.

4. Driving While License is Suspended/Revoked

- a. A driver whose license is suspended or revoked shall be issued a summons for the violation in addition to any underlying violations which may have led to the stop.
- b. Although a custodial arrest is not warranted for this type of violation, the driver cannot be allowed to continue to operate the motor vehicle in question. This fact should be communicated to the driver in direct fashion.
- c. However, if the operator of the vehicle demonstrates to the satisfaction of the officer that a question exists whether his or her license, despite being listed as suspended or revoked, is actually valid and the suspension or revocation is merely due to an error or misunderstanding, the officer shall communicate all circumstances to the dispatcher and record all circumstances in the Clinton Township Police Department Records Management System prior to allowing the operator to drive the vehicle away.

5. Speed Violations

- a. It shall be the practice to issue warnings for speed violations up to five miles per hour over the posted speed limit. Any person exceeding the speed limit by six to nine miles per hour may be issued a warning or summons depending on the seriousness of the violation as determined from the attendant circumstances.
- b. It shall be policy that when speeds exceed the legal posted speed limit by fifteen or more miles per hour, a summons shall be issued, unless extraordinary circumstances exist.

6. Hazardous Violations

- a. The enforcement of hazardous violations should be accomplished in accordance with the officer's best judgment and the principles associated with officer discretion.
- b. As a general rule, hazardous violations can place the safety of the public at risk. In order to create a deterrent capable of mitigating this risk, officers

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

should issue a summons for the identified violation, and not some lesser violation that could also be appropriate.

7. Off-Road Violations

- a. Enforcement of off-road violations involves some unique circumstances.
- b. Off-road vehicles are frequently operated on private property (with or without permission). Therefore, officers shall consider the possibility of trespassing and property damage complaints, in addition to violations of the motor vehicle code.
- c. Violations associated with registration, licensing, equipment, and operation may all be relevant when dealing with off-road violations.
- d. Officers should issue summons for all of the violations observed or identified as a result of contact with an off-road vehicle. In some instances, arrest and vehicle impoundment may also be warranted.

8. Equipment Violations

- a. The enforcement of equipment violations affords the officer a little more latitude in most situations.
- b. Unless extenuating circumstances exist, officers are encouraged to exercise discretion in determining the most appropriate enforcement measure for the identified violation.
- c. Extenuating circumstances which suggest that a summons should be issued include, but are not limited to situations where the violation:
 - (i) resulted from willful negligence or disregard of vehicle maintenance requirements,
 - (ii) Created an imminently hazardous condition for other drivers or pedestrians,
 - (iii) was a contributing factor to a motor vehicle crash,
 - (iv) has obviously existed for an extended period of time, or
 - (v) has not been corrected following a previously issued warning.
- d. Individual minor equipment violations should ordinarily be grounds for a warning and the owner or operator should be instructed to have the vehicle repaired.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

9. Commercial Vehicles/Public Carriers

- a. The ‘*Commercial Driver’s License Act*’ at N.J.S.A. 39:3-10.9 et. seq. defines the types of vehicles that are classified as “commercial vehicles” for purposes of enforcing the Act.
- b. As a general rule, violations by operators of commercial vehicles and public carriers should be enforced in the same manner as those for other drivers.
- c. However, certain regulatory and statutory requirements associated with commercial vehicles are contained in various state and federal regulations and statutes that are not commonly enforced by municipal police officers.
- d. The New Jersey ‘*Commercial Driver’s License Act*’ establishes significantly lower permissible blood alcohol concentration levels for operators of commercial vehicles.
- e. Commercial vehicles operators found to be in violation of the modified Driving While Intoxicated standards shall be prosecuted without exception.
- f. Officers should request assistance from the New Jersey State Police Commercial Vehicle Inspection Unit when technical assistance is needed.
- g. This would be particularly relevant when investigating a serious motor vehicle crash involving a commercial vehicle.

10. Non-hazardous and Parking Violations

- a. The enforcement of non-hazardous and parking violations provides officers with a degree of flexibility with regard to enforcement options.
- b. Officers should utilize good judgment in arriving at fair and equitable decisions concerning the enforcement measures deemed appropriate for a particular identified violation.
- c. In the absence of extenuating circumstances, similar violations should be treated in a like manner, regardless of the operator.

11. Licensing, Registration, and Insurance Violations

- a. New Jersey law provides extensive provisions regarding driver’s licenses, including but not limited to provisional driver’s licenses, regular driver’s licenses, and specialized licenses such as motorcycle and omnibus licenses. See by way of example only N.J.S.A. 39:3-9 through 39:3-17.1

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- (i) Thus, it is clear that the New Jersey Legislature views the licensing of motor vehicle operators as an important function that shall be complied with.
 - (ii) Therefore, it shall be the policy of the Clinton Township Police Department to strictly enforce all violations pertaining to the licensing of drivers.
 - (iii) However, a person who drives without a license or proper endorsement shall be distinguished from the situation in which a driver has simply allowed their driver's license to expire. In such situations, the officer may still issue the appropriate summons but is encouraged to make some form of note to the judge or court to indicate that the motorist was "expired", not "unlicensed."
- b. Motorists shall not operate, let stand, or park a motor vehicle unless it has been properly registered. See N.J.S.A. 39:3-4.
 - (i) As with driver's licensing violations, officers shall determine whether they are dealing with a bona fide "unregistered" vehicle or one in which the vehicle's registration has merely expired.
 - (ii) Officers *may* remove any unregistered vehicle from the public highway to a storage space or garage, and the expense involved in such removal and storing of the vehicle shall be borne by the owner of the vehicle, except that the expense shall be borne by the lessee of a leased vehicle. N.J.S.A. 39:3-4.
 - (iii) However, if the vehicle has merely expired, officers shall consider allowing the motorist to drive the vehicle away as opposed to towing the vehicle, especially if the person lives locally and the vehicle has only been expired for a short time.
 - (iv) Stated differently, officers should only tow and impound an expired motor vehicle if the violation is a flagrant one. Some factors to consider are whether the registration has been expired for an extensive period of time, whether it displays fictitious plates, whether multiple other violations are present, and/or if the person lives a substantial distance from Clinton Township, etc.
- c. As per N.J.S.A. 39:6B-2, every owner of a motor vehicle registered or principally garaged *in this state* shall maintain adequate motor vehicle liability insurance coverage. (Emphasis added).
 - (i) Any officer who encounters an uninsured motor vehicle that is registered or principally garaged in New Jersey shall issue the driver a motor vehicle summons for a violation of N.J.S.A. 39:6B-2.

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

- (ii) However, officers shall exercise due diligence in determining whether the motor vehicle is truly uninsured or whether the owner simply allowed the insurance to lapse briefly. In such situations, a summons for N.J.S.A. 39:3-29 would be more appropriate.

12. Multiple Hazardous and Non-hazardous Violations

- a. In situations where multiple violations are observed or identified, officers are encouraged to use good judgment in determining the number of violations that need to be cited, versus those that would be more appropriately handled using a warning.
- b. Absent extenuating circumstances, the most serious violations should be cited and the lesser violations may be considered for a warning.
- c. Issuing multiple summonses for non-hazardous violations is discouraged unless the officer can identify a specific need for the action.

13. Newly Created Statutes

Officers shall issue warnings for a period of ninety (90) days after the date a new law or regulation becomes effective, notwithstanding special orders to the contrary.

14. Traffic Collisions

Officers are strongly encouraged to issue a driver a summons for an identified violation when the investigation of a motor vehicle crash reveals that the driver's improper actions contributed to the cause of the collision.

15. Pedestrian and Bicycle Violations

- a. Most pedestrian, bicycle, and motorized bicycle violations are governed by Title 39. (See e.g. N.J.S.A. 39:4-10 through 39:4-14.15).
- b. In general, officers shall enforce pedestrian, bicycle, and motorized bicycle violations as strictly as they would any other general class of motor vehicle violations, giving due consideration to the dangerousness of the act that led to the violation.
- c. Officers shall concentrate their enforcement efforts in those areas where pedestrian, bicycle, and motorized bicycle violations have been most frequent and/or where they are most likely to occur.
- d. Prior to any substantial increase in pedestrian, bicycle, or motorized bicycle

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

enforcement, sufficient publicity and community awareness campaigns shall be conducted by or in conjunction with the Public Information Officer.

- e. See the Clinton Township Police Department's "*Pedestrian and Bicycle Traffic Law*" general order at Volume 9, Chapter 13 for more information.

16. Hours of Darkness

For the purpose of enforcing any statute in which an hour of darkness is an element, a tolerance of fifteen minutes shall be granted.

17. Police Organization Cards

- a. The decision not to issue a summons to a motorist who produces a police organization card should be based upon good judgment. The mere production or possession of any such card should not infer immunity from enforcement action.
- b. The nature of the offense committed and the attendant circumstances shall be weighed when reaching a decision on enforcement action.
- c. Under no circumstances shall a police organization card exempt a person from enforcement action in a situation where the offense committed would otherwise justify a physical arrest.
- d. No member of this department shall confiscate any police organization card. The department has no legal grounds to support confiscation of these cards regardless of the information printed on the card concerning "forfeiture for violations of the law."

XIV. ESCALATION OF A MOTORIST AID OR CRASH INVESTIGATION INTO A MOTOR VEHICLE STOP

- A. A motorist aid will be considered a motor vehicle stop if the officer continues to detain the motorist after any of the following occurs:
 - 1. It becomes apparent that the motorist does not require any further assistance, or
 - 2. The motorist expresses a desire to depart
- B. An officer's actions in taking a motorist's credentials may escalate a motorist aid into a motor vehicle stop since the motorist may not feel free to leave without those driving credentials.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

- C. A motor vehicle crash investigation may become a motor vehicle stop if the officer has completed all crash investigative duties, including the removal of the vehicles from the roadway, and there is no longer a crash investigation-related basis for holding the motorist's credentials or otherwise detaining the motorist.
- D. In either instance wherein a motorist aid or crash investigation escalates into a motor vehicle stop, the officer shall notify Hunterdon County Communications of this development.

XV. TRAFFIC DIRECTION AND CONTROL AT CERTAIN SCENES OR UNDER CERTAIN CONDITIONS

- A. Traffic direction or control may be required in various situations including, but not limited to:

- 1. Traffic collision scenes;
- 2. Fire scenes;
- 3. Adverse weather conditions;
- 4. Damaged, missing or malfunctioning traffic control devices;
- 5. Special events;
- 6. Man-made or natural disasters;
- 7. Other events that adversely affect the orderly flow of traffic.

- B. Crash Scenes

- 1. Officers controlling traffic at or near the scene of a motor vehicle crash shall consider all of the situational variables and determine how they relate to the principles herein established. In particular, officers should consider:
 - a. The number of additional emergency response vehicles that will likely be needed to control the situation and the amount of roadway space available to accommodate the vehicles.
 - b. Additional hazards that may be present as a result of the crash, including, but not limited to:
 - (i) Downed electrical wires, transformers, etc.
 - (ii) Oil, gasoline, fluids, and other hazardous materials that may leak onto the roadway.

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

- (iii) The atmospheric conditions that could diminish the ability of approaching vehicles to see the officers controlling traffic.
 - (iv) The roadway's features (hills, rises, bends, etc.) that could diminish the ability of approaching vehicles to see the officers controlling traffic.
 - c. The need for and viability of detouring traffic off the affected roadway.
- 2. Maintaining the flow of traffic in the area of a motor vehicle crash can be a hazardous assignment and all officers so assigned shall remain alert and anticipate danger being that drivers approaching the scene are often distracted by the presence of emergency vehicles and related activities.
- 3. At serious crash scenes, where the efficient flow of traffic will be adversely impacted for a considerable length of time, the shift supervisor should consider designating the responsibility for strategic traffic mitigation to one individual who will coordinate the overall effort.

C. Traffic Control Hand Signals

- 1. When manually controlling traffic, it is essential that both the officer and the drivers know exactly what is expected of them. Officers shall start by selecting a position that allows the greatest number of pedestrians and drivers to have an unobstructed view of the officer's position and signals.
- 2. To achieve clarity, officers shall utilize the following hand signals when conducting manual traffic control (signals valid for pedestrian and vehicular traffic control):
 - a. Ready Position – the officer shall display command presence and be completely focused on the task at hand. Posture should demonstrate the officer is in charge at the scene.
 - b. To Stop Traffic – with arms out-stretched, point your finger and look directly at the driver of the vehicle you intend to stop.
 - (i) Continue pointing until you are certain the driver sees you; then raise the palm of your hand up as if you were placing it flat against a wall.
 - (ii) Once that vehicle and the others behind it are stopped, turn your head toward the vehicles coming in the opposite direction and repeat the process with your other hand.
 - (iii) Once vehicles coming from both directions are stopped, the opposing traffic may be signaled to proceed.

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

- c. To Start Traffic – turn so that you are facing the stopped traffic, and your right and left sides are addressing the traffic you are going to signal to go.
 - (i) With your outstretched hand and arm, point directly at the driver of the vehicle you are directing to go.
 - (ii) When the driver sees you, swing your hand up and over your chin, bending your arm only at the elbow.
 - (iii) If necessary to get the driver's attention, officers may give a short yell or whistle.
 - (iv) Once that vehicle has started, repeat the same procedure with your other hand to start traffic going in the opposite direction on the same street.
 - (v) Repeat the movements for slow or timid drivers and to indicate to all moving vehicles drivers that they still have the right of way.
 - (vi) Do not swing your arms in full arcs like a windmill motion as it is both tiring and confusing to drivers.
- d. Right Turn – signals for the driver turning right are usually not necessary unless the driver needs reassurance that it is permissible to turn. With you arm closest to the driver, point at the driver of the vehicle and swing your arm to point in the direction he or she intends to turn.
- e. Left Turn – In order to allow for a left turn, it is necessary to first stop any traffic coming in the opposite direction. For that purpose use the hand signal described in # 1 above.
 - (i) Once you have waited for a gap to appear and have stopped that traffic, you then move the vehicle intending to turn left.
 - (ii) When you are ready to allow the vehicle to turn, point your arm at the driver of the vehicle turning left and swing your arm in the direction of the left turn to authorize the turn.
 - (iii) If left turns would slow traffic too much for the heavy volume you may have at a particular time, you may decide to not allow left turns at all and waive all vehicle straight through the intersection.

D. Critical Incidents

- 1. Traffic control activities associated with critical incidents will depend on the nature and scope of the incident. There is no one way to define the procedures and

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

responsibilities that shall be utilized. However, by applying sound principles to the situation at hand, officers can effectively mitigate most traffic conditions.

2. The incident commander should be consulted to identify the area of impact and explain the extent of traffic interruption required for the operation.
3. When a substantial and lengthy disruption of traffic flow is anticipated, the incident commander should designate one individual to coordinate the traffic control responsibilities. Consideration shall be given to:
 - a. Establishing detour routes, if necessary, to reroute the flow of traffic onto roadways that are capable of handling the traffic volume.
 - b. Request barricades, arrow boards, and other temporary traffic control devices from state, county and local highway departments, as applicable.
 - c. Arrange for a press release concerning road closures and detours to alert the media and public.
 - d. Project staffing requirements for the traffic control points and develop a schedule to ensure continuity of the operation.
4. Traffic posts should be established outside the hazard area to ensure that officers assigned to the posts can devote their full attention to traffic control activities.
5. Traffic control plans must also provide for easy access to the affected area for any emergency services providers that may be queued at a staging area, as well as easy egress for departing units.

E. Adverse Road and Weather Conditions

1. Inclement weather and other unforeseen events can create serious traffic problems as a result of deteriorating roadway conditions and/or traffic signal malfunctions.
2. When traffic control/flow issues arise, the shift supervisor shall develop a mitigation plan that focuses on traffic safety as a first priority.
3. Thereafter, the plan should seek to reestablish a manageable flow of traffic, with the goal of incremental improvement until normal traffic patterns have been restored.
4. The Shift Supervisor may assign a 'traffic control coordinator.'
 - a. Manual traffic control shall be established at locations identified by the officer in charge of the shift or his designee based upon the priority assigned to the locations, following an analysis of the overall problem.

Traffic Control & Enforcement Responsibilities

Volume 9, Chapter 1

- b. Manual traffic control points should be augmented with barricades, signs, flares, cones, lights, etc. as soon as practical. Additional resources for this task can be requested from state, county, and local departments, as applicable. Refer to the written directives related to this issue for additional information.
- c. Officers assigned to manual traffic control responsibilities must continuously monitor and evaluate the roadway conditions to remain attentive to changes that could have a negative impact on officer safety.
- d. Adjustments to the traffic control plan may become necessary and should be brought to the attention of the officer in charge of the shift or his/her designee as soon as possible.

F. Manual Operation of Traffic Control Devices

The use of any equipment to manually control traffic control devices is prohibited without the expressed consent of the Shift Supervisor. By way of example only, if an officer intends to use the key to manually control the traffic signal at Regional Road and Route 31 following a football game at North Hunterdon High School, that officer must obtain permission from the Shift Supervisor first.

G. Temporary Traffic Control Devices

- 1. Temporary traffic control devices may be deployed as needed, with the consent of the officer in charge of the shift.
- 2. For the purpose of this written directive, references to temporary traffic control devices shall include any equipment or supplies deployed by an officer for the expressed purpose of assisting with the orderly and safe flow of traffic.
- 3. Examples of temporary traffic control devices include, but are not limited to:
 - a. Portable traffic signs (Stop, Yield, Do Not Enter, etc.)
 - b. Traffic cones
 - c. Flares
 - d. Barricades and flashers
 - e. Arrow Boards, etc.
- 4. Any personnel who are directing traffic or otherwise in the roadway controlling traffic, or who are exposed to traffic during activities such as but not limited to crash investigations, work zone safety details, etc., shall wear a reflective vest at all times.

Traffic Control & Enforcement Responsibilities
Volume 9, Chapter 1

5. The reflective vest shall meet the minimum requirements of Class 2 ANSI 107.2004 or ANSI 207.2006, which the Clinton Township Police Department now issues to all of its officers.

XVI. PROCEDURES FOR CITIZEN MOTOR VEHICLE COMPLAINTS

- A. Upon a citizen's request, an officer shall be dispatched to meet with the complaining party in order to obtain all pertinent information.
- B. The officer shall confirm that the citizen desires that a summons be issued and that the incident occurred in Clinton Township.
- C. If the citizen desires that a summons be issued, the officer shall obtain all required information, including but not limited to the complainant's name, address, and phone number, the location of the incident, and any information related to the accused (vehicle description, driver description, etc.).
- D. As per the Court Clerk, the officer shall then refer the complaining citizen to the Clinton Township Municipal Court for the issuance of the summons. If the court is closed, the complaining citizen shall return to sign the complaint during regular business hours.
- E. The officer shall then complete a GC report providing all details.

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.