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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

To establish guidelines for enforcement of motor vehicle laws and ordinances; for operation and maintenance of traffic enforcement equipment.

II. POLICY

The Wilkesboro Police Department will enforce traffic laws and regulations in a fair and equitable manner in an effort to increase voluntary compliance with motor vehicle laws, deter collision-causing violations, and promote the safe and efficient flow of traffic. This shall be the basic objective and goal of traffic enforcement activities.

III. SELECTIVE TRAFFIC ENFORCEMENT ACTIVITIES

A. Analysis of Traffic Accident/Enforcement Activities

The Captain of Patrol Operations or designee shall on an ongoing basis, conduct surveys to determine areas of special traffic need. Enforcement data is maintained in the computer Records Management System. The Patrol Captain or designee shall periodically, (as necessary), review and analyze agency records of traffic accident/enforcement actions in order to plan and initiate effective problem solving selective enforcement programs. Traffic records will be analyzed with special emphasis on the following:

1. Time of accident/violation
2. Location
3. Type of violation
4. Causative factors, to include;
 - a. Kinds/types vehicles involved
 - b. traffic volume
 - c. environmental factors
 - d. other

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The results of the analysis shall be distributed to all affected supervisors and personnel as a guide in deployment of enforcement personnel and resources.

B. Implementation of Selective Enforcement Techniques and Procedures.

1. Patrol Officers of this department have the responsibility to enforce all traffic laws as set forth in the North Carolina General Statutes (chapter 20) and the Wilkesboro Town Code. This does not preclude other non-patrol personnel from taking action when necessary.
2. Officers should enforce all traffic laws and regulations with fairness and uniformity in order to promote efficient traffic flow, reduce vehicular accidents and to provide effective police service to the community.
3. Traffic enforcement involves all police activities that relate to the observance, detection, and the prevention of traffic violations. Enforcement not only involves arrest and citations, but includes education of the public, to include effective warnings to drivers and pedestrians which help prevent minor and inadvertent violations. Traffic enforcement can be reactive to observed violations, at accident scenes, in response to citizen complaints, or proactive to effectively prevent traffic violations and accidents. Officers must evaluate all elements of each violation and apply the correct level of enforcement.

C. Deployment of Traffic Enforcement Personnel.

Patrol Supervisors shall deploy traffic enforcement personnel to areas having the greatest need, based on accident data, citizen complaints, and frequent traffic violations.

D. Evaluation of Selective Traffic Enforcement Activities.

The Patrol Operations Commander/or designee shall perform an annual written evaluation of the departmental selective traffic enforcement program. The report shall be forwarded to the Chief of Police. This report shall include measurable problem solving plans, programs in the deterrent of high incident accident/traffic related intersections and areas within the City.

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IV. PROCEDURE

- A. When a motor vehicle violation occurs, officers should use discretion as guided by Departmental Policy and State Law to warn, issue a citation, or arrest the violator.
- B. North Carolina Resident Violators

- 1. Felonies

Officers may make warrantless arrests for felony motor vehicle violations when they have probable cause to believe that the offense occurred and a warrantless arrest is lawful and appropriate. The arresting officer is responsible for preparing and presenting the case to the District Attorney.

- 2. Misdemeanors

- a. Assuming probable cause to arrest exists; officers are authorized to make warrantless arrests for any non-waivable misdemeanor.
- b. For waivable misdemeanor motor vehicle violations, officers will issue citations to traffic violators who are residents of North Carolina. In unusual or aggravated circumstances, a lawful warrantless arrest may be made with the approval of a supervisor.

- 3. Infractions

An officer may issue a citation to any person who the officer has probable cause to believe has committed only an infraction. Under no circumstance will an officer arrest a violator for only an infraction.

- C. Non-Resident Violators

- 1. Felonies

Officers may make warrantless arrests of any non-resident violator for felony motor vehicle violations when they have probable cause to believe that the offense occurred and a warrantless arrest is lawful and appropriate. The arresting officer is responsible for preparing and presenting the case to the District Attorney.

- 2. Reciprocating States

Misdemeanors and Infractions

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Non-resident violators from reciprocating state may be issued a citation for all traffic misdemeanors and infractions, except those which would result in a license suspension or revocation under North Carolina law. Non-resident violators should sign the “Acknowledgement/Non-resident Personal Recognizance for Appearance” section of the citation, but if the violator refuses he/she may be transported to the Magistrates Office for a bond determination.

3. Non-Reciprocating States (listed on the citation book)

a. Misdemeanors

Traffic violators who are residents of states which do not have reciprocal agreements with North Carolina can be arrested without a warrant and taken before a Magistrate, as long as the arrest is lawful.

b. Infractions

If a violator from a non-reciprocating state is charged with an infraction, the violator can be required to accompany the officer to a Magistrate for the purpose of setting bond. If the Magistrate finds that the violator is unable to post a secured bond, State law requires the Magistrate to release the violator upon the execution of an unsecured bond.

D. Juveniles

Generally, juveniles who have committed a traffic violation will not be taken into custody. The parents, custodian, or legal guardian will be notified and the juvenile released into their custody. The officer will obtain the juvenile's name and date of birth, the parents' names, the address of both parents, and a telephone number for both parents. The officer may seek a juvenile petition from a juvenile intake officer. In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents of the circumstances as soon as possible. If the officer deems that further custody is required pending a hearing, he/she must contact the juvenile court intake officer for authorization. All juvenile custody situations will be handled in accordance with North Carolina General Statute 7B. Officers will follow the guidelines set forth in G.S. 15A-505 as to when to contact the parents, custodian, or legal guardian of any person between the ages of 16-18.

V. NORTH CAROLINA UNIFORM CITATIONS

A. The Wilkes County Clerk of Courts will issue citation books to officers.

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1. Officers who need to be issued citation books will be required to report to the Clerk of Courts Office and sign for the citation book.
2. The citation book will be assigned to that officer making the request and will not be used by another officer.
3. Completed citation books and any voided citations will be returned to the Clerk of Court once all citations have been issued from that book.
4. Officers trained to use the state e-citation program may also utilize this tool to issue citations for traffic violations.

B. Issuing Uniform Citations

1. Citations will be issued in numerical order without skipping citations.
2. When a defendant is charged with two offenses arising from one incident, only one citation is to be used. If more than two offenses are to be charged arising from the same incident, two offenses will be placed on one citation and the remainder of the charges on additional citations with no more than two charges per citation.
3. Prior to the completion of their tour of duty, officers will submit all citations to their supervisor to be forwarded to the records section. If an arrest is made in conjunction with the citation, the white citation copy will be submitted to the Magistrate at the Court House at the time of arrest.
4. The records section will enter the white copy of the citation into the database, and then the citation will be forwarded to the Clerk of Courts Office for entry into their system.
5. At the time a motorist is charged with a violation, the officer will give him/her a copy of the citation. The delivering officer will make a reasonable effort to explain to the violator:
 - a. The charge;
 - b. Court date and time;
 - c. If court appearance is mandatory or if citation can be paid at magistrate's office;

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- d. If the officer is uncertain if the court appearance is mandatory or can be waived, he/she should instruct the motorist to contact the Clerk of Court's Office to determine if the appearance is mandatory or if they may enter a plea and pay the fine and cost by mail;
- e. Court costs and fine;
- f. The officer should make every effort to provide any other information to maintain the motorist has understood the instructions and has no questions.

VI. UNIFORM TRAFFIC ENFORCEMENT

Uniform enforcement of motor vehicle law is intended to deter motorists from committing violations and to encourage voluntary compliance with traffic laws. Officers will use good judgment when considering what type of enforcement actions to take. Officers should consider all circumstances and conditions that exist at the time of the violation, before deciding on the appropriate course of action. Officers will adhere to the following guidelines for various types of violations:

A. Driving While Impaired

Officers will aggressively enforce impaired driving laws. Violators will ordinarily be arrested once an officer has developed the opinion that the violator is appreciably impaired. The determination to arrest will be made after considering the driver's actions with the vehicle, the driver's demeanor, statements, appearance, and the outcome of field sobriety tests.

B. Driving While License Revoked or Suspended

Officers will issue citations to violators who have operated a vehicle on a street or highway after their driving privileges have been revoked or suspended. The officer may arrest the violator for this violation.

C. Speeding Violations

Officers will issue citations to violators who have operated their vehicle at a speed that creates a significantly increased danger to persons and property. The officer will consider the factors such as road design, traffic density, time of day, and location.

Officers will follow the following procedures established for the speed enforcement in compliant areas:

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1. Identify the location and time of day of the Traffic/Speeding problem;
2. Take the following corrective actions that are applicable to the problem area:
 - a. Set speed trailer up in the problem area;
 - b. Setup warning signs that are visible to the public;
 - c. Setup traffic checkpoints in the problem areas;
 - d. Use public service announcements if needed;
 - e. Enforcement with radar/warnings;
 - f. Enforcement with radar/citations;
3. Determine if there are other factors that may contribute to the complaint;
4. Document the actions taken;
5. Review to determine if complaint/problem(s) was solved or other action is needed.

D. Hazardous Violations

Officer will consider the severity of the hazard, location, and previous accident history.

E. Equipment Violations

Officers will consider the nature of the equipment defect and overall condition of the vehicle. Many equipment violations are not known to the operator and will be corrected when brought to the operator's attention. Most equipment violations can be appropriately handled with warnings.

F. Off-Road Vehicles

Off-road vehicles are subject to the same legal standards as other motor vehicles when operated on streets and highways. Registration, financial responsibility, equipment and helmet violations are common, flagrant violations that often create substantial danger and financial risk to motorists when involved in collisions. Officers will consider these offenses seriously.

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G. Commercial Vehicle Violations

With few exceptions, commercial vehicle violations will be considered in the same manner as private vehicles. In some cases, officers should consider that the type of vehicle and cargo might create a significantly more hazardous situation than a car under similar conditions. Some laws apply to special vehicles such as State law requiring blood alcohol concentration of .04 for commercial vehicle Driving While Impaired charges.

H. Non-Hazardous Violations

Warnings are usually appropriate for other non-hazardous violations.

I. Multiple Violations

Officers may use discretion in multiple violations and may cite as many as is appropriate. However, officers should normally arrest or cite for the most serious violations and consider warnings for others. In cases involving pursuits or Driving While Impaired, officers should not feel compelled to charge every violation.

J. Newly Enacted Laws and Regulations

Typically, grace periods are established during which warnings are appropriate. After the grace period, officers will use their discretion dependant upon the nature of the violation.

K. Pedestrian and Bicycle Violations

Bicycle operators are subject to many of the same laws that apply to motor vehicles. Officers will consider the nature and severity of the violation when deciding whether or not to cite an individual for a pedestrian or bicycle violation. Often a violation will occur when citizens lack understanding of the law. In such instances, providing the violator with information on the law may be the appropriate course of action. Officers will be conscious of pedestrian safety during patrol. Pedestrians should be encouraged to walk on sidewalks if available, and to walk facing traffic in the absence of sidewalks. Officer should also encourage pedestrians to cross at intersections or marked crosswalks whenever possible. In residential areas officers should discourage persons from playing in the streets.

VII. TRAFFIC PATROL

A. The following types of traffic patrol may be used for traffic enforcement:

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1. Area Patrol: Moving or stationary observation in the officer's area of assigned responsibility.
 2. Line Patrol: Moving or stationary observation on a specified route between two points, usually on one Town Street or a section of highway.
 3. Stationary Patrol: Observation of specified locations due to collision history or specific traffic flow problems for the purpose of detecting violators and deterring possible violators.
 4. Directed Patrol: Area, line, or stationary patrol at the direction of a supervisor for specified times and violations.
 5. Roadside Safety Check: Preplanned, systematic stopping of vehicles to check motorists for compliance with motor vehicle laws.
- B. Stationary observations may be made from covert or overt locations dependant upon the nature of the problem and the type of location to be observed. Observation from conspicuous locations will serve to deter violators. Covert observations will likely offer the opportunity to detect more violators.
- C. The use of unmarked vehicles will serve little department purpose but will likely afford greater opportunity for detecting violators. Use of unmarked vehicles in traffic enforcement will be at the discretion of the Chief of Police or designee. Officers should park their vehicles in conspicuous locations near intersections and street with significant traffic problems to serve as a deterrent to motor vehicle violations while carrying on routine operations such as report writing.
- D. Roadside safety checks require approval by a Lieutenant or higher. The request to conduct a road for a safety check must contain:
1. The location for the check point;
 2. Specific reason(s) the check point is needed;
 3. The date and time of the check point, and;
 4. Roadside safety checks must have a minimum of two officers to conduct the check point;

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5. A systematic plan that designates a pattern for stopping vehicles and routing normal traffic, with considerations given to visibility and stopping distance, traffic volume, call volume, and staffing levels.

VIII. VEHICLE STOPS

A. Duties During a Traffic Stop

The goals of a traffic stop are to take proper enforcement action and to alter the violator's future driving behavior. Officers should accomplish these goals with minimal conflict with the violator by conducting the traffic stop in an organized and professional manner. Officers will:

1. Present a confident and professional image;
2. Approach the violator and greet him/her with an appropriate title;
3. Introduce themselves by name and rank;
4. Inform the violator of the purpose of the traffic stop;
5. Ask if there is any legal justifications of the violation;
6. Request the violator's operator license and registration;
7. Discuss the violation and required actions in a civil and courteous manner;
8. Note any signs of impairment, emotional distress, or illness;
9. Make a reasonable effort to answer the violator's questions and to assist him/her with entering back into a flow of traffic.

B. Location of Traffic Stops

Officers must consider many facts when determining the location of a motor vehicle stop, including the following:

1. Traffic Congestion: Officers should attempt to stop vehicles in areas of lowest congestion. If a vehicle must be stopped on a busy thoroughfare, the officer should make certain not to stop the vehicle near intersections or in blind spots such as hillcrests. Officers will attempt to leave the following motorist's ample room to brake in and order to avoid the stopped vehicle. Whenever possible, the officer should select a stop location where both the officer's and the motorist's vehicles may be pulled

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entirely out of travel lanes. Purposeful attempts should be made not to stop vehicles in locations that block or obstruct the flow of traffic to business or public vehicular areas.

2. Pedestrians: Officers will consider the safety of pedestrians, avoiding stops that will obstruct crosswalks or interfere with school crossings.
3. Road Conditions: Officers will take into consideration weather and road conditions when stopping vehicles, allowing sufficient braking distance for the officer and following motorists.
4. Light Conditions: Officers will take light conditions into consideration, avoiding locations where motorists may be blinded by sunlight and glare. At night, officers should attempt to stop vehicles in well-light areas.
5. Tactical Conditions: Officers should consider the neighborhood, distance from buildings, and motorists' access to buildings and accomplices.

C. Radio Traffic

For vehicle stops and roadside emergency assistance, officers will provide the following information to the Communications Center and should receive acknowledgement of the stop from the Communications Center, or another officer or supervisor, before exiting their vehicle:

1. Location of the stop, giving the road name and nearest intersecting street, the block number, or other landmarks that identify the location.
2. License number of the vehicle and state of origin; Officers should also provide a description of the vehicle and its occupants, including the make, model, color, and number of occupants.

D. Position of Patrol Vehicle

1. During traffic stops and roadside emergency assistance, the patrol vehicle should be stopped between 10 and 15 feet behind the motorists' vehicle. The officer should be able to see the motorist's license plate from his/her seated position.
2. Officers should attempt to offset the left side of their patrol vehicle about two to three feet left of the suspect vehicle, with the front wheels turned to the left.

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3. In other situations where the patrol vehicle is not parked to the extreme right of the road such as collision scenes, the officer should be careful to position the patrol vehicle in a location where the reflective striping and emergency lights will provide the greatest visibility to approaching vehicles. If a lane of travel has been obstructed, care should be taken to block that lane to prevent motorists from colliding with road obstructions.
4. Officers should position their vehicle far enough from the obstruction that emergency workers can work safely.

E. Approaching Vehicles

1. The officer should quickly check his/her rear-view mirror for traffic. When traffic slows, the officer should exit the patrol vehicle while watching the occupants of the vehicle. Special care should be taken to keep attention focused on movements and actions of the vehicle's occupants. The officer should activate his/her mobile –vision microphone.
2. The officer should approach in a manner that affords occupants of the vehicle as small as target as possible. When the officer passes the trunk area, a check should be made to make sure it is closed. This check can be accomplished by pulling gently up on the edge. The officer should follow this movement by placing his/her right hand flat on the trunk lid in order to leave fingerprints on the vehicle in the event the occupants harm the officer and flee the scene.
3. The officer should visually scan the rear and front passenger area. The officer should verbally control the movements of all occupants within the vehicle. Special attention should be given to the hands of all occupants. The officer should stop just short of the driver's door and initiate contact with the driver.
4. The officer should explain the reason for the stop and ask for the driver's license and registration. The officer may take whatever enforcement is necessary. If a citation is issued, normally the violator should remain in the violator's vehicle. The officer will complete the citation and return to the violator's vehicle to give the violator a copy. The officer should attempt to keep his/her gun hand free of citation pads, radios, flashlights, or any other object during the entire contact. The public address system of the vehicle may be used should changes take place during the course of the stop that would justify its use.

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5. If the stop results in an arrest, the officer will follow departmental directives in searching and handcuffing the suspect and securing his/her vehicle.

F. Emergency Equipment

1. When attempting to stop a traffic violator, the officer will activate the vehicle's overhead lights and sound a short audible sound from the siren. Extended use of the siren is authorized if the vehicle fails to stop.
2. All other emergency lighting will be used until the vehicle stop has been completed. Officers may use the takedown lights during night vehicle stops to help illuminate the interior of the suspect's vehicle.

IX. HIGH RISK VEHICLE STOPS

When stopping vehicles in high-risk situations, officers of Wilkesboro Police Department will apply officer survival tactics in a manner that maximizes officer safety while minimizing the danger to citizens and suspects. Two or more officers, preferably three, should complete high-risk vehicle stops. Officers will notify their supervisor of intentions to make a high-risk vehicle stop before initiating the stop.

A. Location of Stops

Before stopping vehicles in high-risk situations, officers will:

1. Take into consideration the amount of traffic congestion, presence of pedestrians, road conditions, surrounding terrain, and level of illumination;
2. Determine how many units will be needed to safely make the stop;
3. Determine the location of back-up vehicles and how long before the back-up will be able to assist in the vehicle stop; If possible, the stop should not be initiated until the secondary unit is close in proximity to the proximity unit.

B. Radio Traffic

When an officer has announced his/her intention to make a high-risk vehicle stop, no other officer should transmit until the required information is given to and acknowledged by the Communications Center. This restriction will not

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apply if another officer has emergency traffic to broadcast. The required information to be broadcast to the Communications Center is as follows:

1. Location of the stop;
2. License plate number and state;
3. Description of vehicle, including make, model, year, and color;
4. Reason for the stop;
5. Direction of travel;
6. Number of occupants;
7. If there is a need for a back-up vehicle to be positioned at a specific, tactical location, this information should be broadcast.
8. The same procedures used in an unknown –risk vehicle stop will be used for high-risk vehicle stop up to the point of actually stopping the vehicle.

C. Position of Patrol Vehicle

1. The primary unit should stop approximately 30 to 40 feet to the rear of the suspect vehicle. This distance takes into account firearms effectiveness as well as visibility and clear ground between vehicles.
2. Officers should position the primary patrol vehicle at a 45-degree angle to the left on most felony stops. The front wheels should be turned sharply to the left. This position affords the most protection to the responding officers. This vehicle will be the primary command vehicle.
3. The secondary vehicle should stop at the rear of the initial patrol vehicle at no angle. The second vehicle will be in an unknown-risk position, offset slightly top the right of the suspect vehicle and about two to three feet to the right of the primary vehicle. At night, the secondary vehicle’s wheels should be turned sharply left. Before coming to a complete stop, the secondary vehicle should roll forward a few feet to angle the vehicle’s takedown lights into the suspect vehicle.

D. Position of Officers

- 1 The officer who initiates the stop and drive the primary police vehicle positioned at an angle will be the command officer. The back-up officers

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in the secondary unit will the handcuffing officer. The command officer should take a crouched position in the open door on the driver's side of the primary unit. Both the wheels and engine block protect this officer, which provide the most protection from gunfire. This position allows the command officer to have good visibility of the driver's side of the suspect vehicle and immediate access to both the radio and the public address system.

2. The second officer (handcuffing officer) should take a position at the rear of the primary unit. Care should be taken to ensure that the right wheel of the patrol vehicle protects the handcuffing officer's legs.

E. Three Officer Stops

1. It is recommended that three officers conduct a high-risk vehicle stop. If a third vehicle is available, he/she will assume the duties of the second or handcuffing officer.
2. One on the scene, the third officer will take the position at the rear of the primary unit. The third officer's responsibility will be handcuffing and securing of the suspect(s).
3. The second officer will tactically move to the rear of the secondary unit and take up a position at the right front quarter panel. From this position, the engine block and right front tire will protect the second officer. If the stop occurs at night, the second officer should be positioned at the right rear of the secondary vehicle. The second officer's responsibility will be to cover the suspect vehicle at all times. The duties and responsibilities of the command officer remain the same.

F. Commands

Commands are the most important aspect of the stop and should be kept simple and clear. The primary officer, using the public addresses system or by shouting to the occupants of the suspect vehicle, should follow these guidelines:

1. If the driver's window is rolled up, the officer will have the driver lower it to ensure that all commands can be heard.
2. The officer will identify himself/herself and advise the occupants of the suspect vehicle that they are considered armed and/or dangerous. Occupants should be advised that they are being detained and that all commands should be obeyed. Occupants should be advised to move only

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on command and that any movement not ordered by the officer will be considered an act of aggression.

3. During the stop, only the primary officer will give commands in order to avoid confusing the suspect(s). The secondary officer can give commands if the primary officer requests that the second officer assume command. In this event, the command officer will assume the duties of the secondary officer. All commands should be spoken clearly. The officer should take a few moments to gain full control. Time is on the officer's side in these situations. Commands should be short and direct as follows:
 - a. Occupants of the vehicle place your hands on the windshield, palms up.
 - b. Driver, with your left hand, turn off the ignition and toss the keys out the window.
 - c. Driver, with your left hand, reach out and open your door from the outside.
 - d. Driver, slowly extend both arms out your window and extend your fingers.
 - e. Driver, exit your vehicle slowly and raise your hands above your head facing away from my voice.
 - f. Driver, kick your door shut with your right foot.
 - g. Driver, turn around until I tell you to stop, keeping your hands extended above your head.

X. SPECIAL SITUATIONS

A. Suspect Flees

If a suspect exits the suspect vehicle and runs, officers should **never chase the suspect**. Officers should never leave a position of cover until all occupants of the vehicle have been secured and the vehicle checked. Officer should radio in a description of the fleeing suspect and the direction of travel.

B. Suspect Refuses to Obey Commands

Officers should remember that time is on the side of the officer. Officers should not be concerned with how long it takes to complete the task. If it

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becomes necessary for an officer to back his/her patrol vehicle up to avoid injury, the officer should do so without hesitation. If any occupant refuses to get out of the suspect vehicle, the scene should be handled as a barricaded suspect scene and the appropriate action taken.

C. Compact Vehicles

If passengers are not able to slide to the driver's side to exit because of the console on compact vehicles, they must be removed through the passenger door. The secondary officer must be in position to watch the passenger's exit. Passengers are given the same orders as in any other unknown-risk stop, except that officers will reverse the directions given.

D. Van Stops

Vans represent a significant problem due to the number of exits from the vehicle as well as the various types of windows and window coverings. In positioning patrol vehicles for a van stop, one vehicle should be in standard 45-degree left angle. The second vehicle may either angle left or right, but must be far enough to the right to observe the side sliding door on the passenger side of the van. Using the vehicle's public address system, the commanding officer should instruct the violator to exit the van in the appropriate manner and walk toward the patrol car. When the violator gets to the rear of the van, the commanding officer will instruct the violator to open the van doors so the officer can see inside. If there are passengers inside the van, the officer will command the driver to close the doors. The commanding officer will move to the rear of the patrol vehicle and instruct the violator to walk to the passenger side of the patrol vehicle and then to the rear of the patrol vehicle where appropriate enforcement action will take place.

E. Motorcycles

The commanding officer will instruct the violator to get off the motorcycle on the right side. The officer should move to the right of the motorcycle, off the roadway. The officer will instruct the violator to remove his/her helmet and leave it on the bike to prevent its use as a weapon against the officer. If two motorcycles are stopped at the same time, the officer should instruct the violator to move to the rear of the patrol vehicle and instruct the other rider to remain on his/her motorcycle looking forward.

XI. SPEED MEASURING DEVICES

The Wilkesboro Police Department will use speed-measuring devices in accordance with state law for the purpose of preventing and reducing speed-

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related collisions. Speed-measuring devices will generally be used in response to citizen's complaints and/or in areas where accident history indicates that a speed-related collision problem exists.

A. Training and Certification

Before opening a speed-measuring device, officers must attend a course that meets the standards established by the North Carolina Criminal Justice Education and Training Standards Commission, and complete the required amount of pre-certification training. To operate a speed-measuring instrument for speed enforcement purposes an officer must:

1. Meet the minimum standards and levels of training set forth by the North Carolina Criminal Justice Education and Training Standards Commission and
2. Possess a valid certification issued by the Commission authorizing him/her to operate the specific speed-measuring instrument to be used.

B. Speed Measuring Equipment

The speed-measuring device employed by a certified operator will be one approved for use by the North Carolina Criminal Justice Education and Training Standards Commission.

C. Operational Procedures

The RADAR Operators' Document contains statutory authority sheets for operator collaboration and testing for accuracy, and operating procedures for each type and model of and speed-measuring device approved by the North Carolina Criminal Justice Education and Training Standards Commission. Each certified operator will ensure compliance with these procedures when operating speed-measuring devices.

D. Programmed Maintenance

All speed-measuring devices employed by the Wilkesboro Police Department will be tested annually for accuracy by a certified technician. The Assistant Chief of Police or designee will be responsible for ensuring that this testing for accuracy is conducted and documented. The Deputy Chief of Police will keep log of a radar maintenance that provides the following information:

1. Date of Calibration;

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2. Instrument Serial Number;
3. Number of antennas;
4. Assigned officer.

E. Proper Care and Upkeep

Each officer is responsible for ensuring that the required components of the device are present, appear to be functional, and are not damaged. An officer with a device that needs to be repaired or needs a replacement part will notify his/her Supervisor or the Deputy Chief of Police.

XII. DWI ENFORCEMENT COUNTERMEASURE PROGRAM

The Wilkesboro Police Department recognizes that drivers impaired by alcohol and/or other impairing substances represent a serious threat to the safety of others. Because of the seriousness of this problem, the Wilkesboro Police Department maintains the following ongoing program.

- A. All patrol officers shall be responsible for the detection, apprehension, and processing of alcohol and/or drug impaired motorist.
- B. Officers of the Wilkesboro Police Department shall receive formal training in D.W.I. enforcement which includes, but is not limited to:
 1. Identifying the behavioral signs of intoxication.
 2. Identifying D.W.I. motorist by characteristic driving behavior.
 3. The proper administration of field sobriety test.
 4. Completion of required D.W.I. reports, form, and citations.

C. Selective Enforcement

Efforts to enforce traffic laws related to alcohol/drug impaired driving shall include:

1. Selective assignment of personnel to locations where and when analyses indicate that a significantly high ratio of accidents and alcohol related violations occur.

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2. Selective surveillance techniques along roadways at times of high incidents of alcohol/drug related offenses.
3. Checkpoints specifically aimed at detecting impaired drivers and meeting the requirements set forth in NCGS 20-16.3A
4. Applying special emphasis to enforcement efforts of Drinking-driving laws during times, dates, and on locations where analyses indicate that a significantly high ratio of accidents and alcohol/drug impaired violations occur.

D. Impaired Motorist Processing and Handling

Officers engaged in D.W.I. enforcement should be mindful of the strict legal limitations surrounding the apprehension of impaired subjects and the scope of authority as it relates to enforcement.

1. Probable Cause

- a. An officer's observations are crucial in establishing the requisite probable cause necessary to arrest a motorist for D.W.I. Officers must rely on their formal training and experience in this area, putting particular emphasis on those driving actions that give rise to the officer's belief that a motorist is driving while impaired. Officers shall keep detailed notes of these driving actions that establish reasonable suspicion.
- b. Once an officer decides to stop a vehicle and the motorist has pulled over, the officer should continue establishing probable cause for arrest, and:
 - (1) Request the motorist's operator's license and/or other acceptable identification.
 - (2) Interview the motorist, determining that he/she was in control of the vehicle.
 - (3) Note the number of persons in the vehicle, note any observations that add to your suspicion of intoxication and/or impairment (slurred speech, strong odor of alcohol red or glassy eyes etc.).
 - (4) If impairment is detected, request the driver to exit the vehicle safely, then administer field sobriety test in a safe location and out of traffic.

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2. Preliminary Roadside Testing

An officer may require a driver to submit to one or more psychophysical and/or alcohol screening evaluations. Requiring a person to submit to such evaluations does not constitute an arrest. The fact of their refusal, or the test results, may be used as probable cause to arrest for D.W.I. Such test may include, but are not limited to:

- a. Horizontal Gaze Nystagmus
- b. Walk and Turn
- c. One leg Stand
- d. Alcohol Screening Device

3. Arrest

Once the elements of the D.W.I. violation are clearly established, the officer shall affect an arrest following current departmental procedures, and request the driver to submit to a Chemical Analysis in accordance with NCGS 20-16.2

- a. The charging officer will choose the analysis to be administered, either breath or blood.
- b. The officer will advise communications of the arrest.
- c. The driver will be transported to the site of the chemical analyst by the charging officer. All breath tests are conducted at the Wilkes County Intake Center or surrounding agencies if necessary while blood test shall be conducted at Wilkes Regional Medical Center.
- d. The driver will be taken before a chemical analyst granted a valid permit by the North Carolina Department of Environment, Health, and Natural Resources under NCGS 20-139.1(b) to perform chemical analysis.

4. Chemical Analysis

Officers of the Wilkesboro Police Department shall utilize the following guidelines for test selection.

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- a. Submission to a breath test(s) will be requested unless:
 - (1). The arrestee is sick, injured, unconscious, admitted to a medical facility, or otherwise unable to be administered such test(s).
 - (2). The breath analysis instrument is not operating properly, preventive maintenance has not been performed, or a valid chemical analyst is not available.
 - (3). At the time of arrest, there is reason to believe that the offender is under the influence of drugs (prescription or controlled substance).
- b. Submission to a blood test will be requested when submission to a breath test is not requested for the reasons above.
- c. Additional test (blood/urine) may be requested by the offender after he/she submits to the charging officer's initial chemical analysis request.
 - (1). The charging officer must assist in contacting a person to give the test in accordance to NCGS20-139.1(d).
 - (2). Allowing the driver to use the telephone is sufficient.
 - (3). The person who comes to administer such test must be allowed access to the defendant.

5. Incarceration

- a. Persons arrested for D.W.I. are to be taken before a magistrate. Any decision to release the arrestee to the custody of a responsible third party will be at the magistrate's discretion. This does not preclude the charging officer from offering to the magistrate an opinion or assistance concerning such decision.
- b. In the event that an individual to be charged with D.W.I. is to admitted to a hospital for medical care, officers may utilize only a citation in lieu of taking the offender before a magistrate.

6. Vehicle Disposition

Vehicles under the control of a person arrested for D.W.I. are to be inventoried and towed at the direction of the arresting officer, unless:

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- a. Release of the vehicle will not hinder an arrest or investigation, and the driver and/or owner of the vehicle signs a "Consent to Tow, Remove or Store or Leave vehicle at the Scene" form.
- b. The vehicle can be released to a responsible third party who is approved by both the officer and the arrestee.

7. Juveniles

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

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

E. Checking Stations

1. Purpose: Checking stations are established pursuant to G.S. 20-16.3A and are established and operated for the purpose of ensuring compliance with North Carolina's motor vehicle code. All officers of this Department are required to comply with this policy when participating in a checking station established by this Department. When participating in checking stations with other law enforcement agencies, the checking station plan shall control.
2. Authorization: The checking station shall be approved by a Lieutenant or higher authority. Authorization shall include the location and duration of the checking station. The authorizing official shall designate an officer to be the on-site supervisor of the checking station. The on-site supervisor shall be responsible for briefing all officers participating in the checking station on the establishment and operation of the particular checking station, as well as the officer's responsibilities during its operation.
3. Location: The location of a checking station shall be random or statistically indicated. Checking stations placed repeatedly in the same location or proximity should be avoided. The site for every checkpoint

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shall be selected with due regard for the safety of motorists and the officers conducting the checking station.

4. **Notification to Public:** The public shall be advised that an authorized checkpoint is being conducted by having, at a minimum, one law enforcement vehicle with its blue lights activated at all times during the operation of the checkpoint. Signs, lights, cones and other warning devices may be used but are not required.
5. **Personnel:** Officers will wear the Department's official uniform, including reflective traffic vests, at all times while participating in the checking station
6. **Pattern for Stopping Vehicles:** The pattern for stopping vehicles shall be to stop every vehicle. The on-site supervisor of the checking station may alter this pattern in the event of unreasonable traffic delays or other factors that create a hazard. The alteration of the pattern shall consist of permitting all vehicles to pass through the checkpoint until the delay or hazard is abated. The altered pattern must insure that no individual officer is given discretion as to which vehicle is stopped.
7. **Pattern for Requesting Information:** The pattern for requesting documentation is that the drivers of every vehicle stopped shall be requested to produce their driver's license and registration. The on-site supervisor of the checking station may alter this pattern if unreasonable traffic delays or other hazards occur. The altered pattern must insure that no individual officer is given discretion as to what documentation a given driver is required to produce.
8. **Reasonable Suspicion:** During the course of a stop at a checking station, if an officer determines that there is reasonable suspicion to believe that a driver or other occupant has violated a provision of Chapter 20 or other provision of law, the officer may detain that driver or occupant for a reasonable period of time in order to investigate further.
9. **Alcohol Screening Device:** The driver of any vehicle may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the stop the officer determines that the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

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XIII. LICENSE VIOLATIONS AND RE-EXAMINATIONS

A. The Wilkesboro Police Department will take appropriate enforcement action toward individuals found to be operating a motor vehicle without a driver's license or while their license is revoked, suspended, or expired. Officers will request re-examination by the Division of Motor Vehicles of any licensed driver the officer believes to be no longer competent to safely operate a motor vehicle.

B. Enforcement Procedures

Officers will observe the following guidelines when dealing with drivers who are not licensed or whose driver's licenses are revoked, suspended, expired, or the status cannot be immediately determined:

1. The officer should check the driver's license status, via the Communications Center, using the driver's name, race, age, gender, date of birth, or driver's license number if available.
2. If the Division of Motor Vehicles records do not list any driver's license information and the driver does not have a valid driver's license, the officer should charge the driver with having no driver's license. Unless elements exist for physical arrest, such as no identification or the case of a resident from a non-reciprocal state, the officer will issue a citation.
3. If the driver's license is expired, the officer should charge the driver on a citation of possessing an expired driver's license.
4. If the officer determines that the driver has a revoked or suspended driver's license the officer may cite or arrest, depending on the particular circumstances.
5. In any case where the driver's privilege to operate a motor vehicle is no longer valid, he/she will not be allowed to drive away from the vehicle stop. The officer should make alternative arrangements for the driver, such as having another person drive or having someone pick up the vehicle. If the driver is arrested and the vehicle can be legally parked, it should not be towed.
6. In situations where the validity or existence of a driver's license cannot be readily determined, the officer may choose to issue a citation or release the driver and charge later if violation is identified.

C. License Re-examination

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An officer who suspects that a driver is incompetent or unqualified to operate a motor vehicle will take the following steps:

1. Advise the driver that he/she has exhibited driving behavior that leads the officer to believe that he/she is incompetent to operate a motor vehicle.
2. Try to determine from the driver the cause of his/her demonstrated poor driving.
 - a. At the officer's discretion, make suggestions to improve driving behavior, such as using corrective lenses, limiting driving to daytime hours, etc. The officer may also suggest alternative transportation for the driver. An officer will not allow a driver to continue driving if he/she is obviously incapable of doing so safely.
 - b. Re-examinations Recommendations submitted by officers based upon information other than personal knowledge, such as other motorist or calls to the department, shall include the source of the information on the DL-2 form
 - c. The officer will complete the Driver re-examination Recommendation form (DMV DL-2) and submit it along with any other relevant reports to the Records Unit for forwarding to the Division of Motor Vehicles.

XIV. PARKING ENFORCEMENT

- A. Parking enforcement shall be the responsibility of the Division of Patrol Operations and shall be accomplished using the North Carolina Uniform Traffic Citation and Wilkesboro Police Department Parking Tickets.
- B. Normally parking violations, such as parking in a space properly marked for handicapped parking only, occur as a violation of a state statute and the offender may be summoned into court using the citation. Violations of the Town of Wilkesboro's Municipal Code of Ordinances, should be enforced with warning tickets. Should circumstances dictate stronger measures to correct problems related to parking the offender may be issued a citation for the city ordinance violations in accordance with North Carolina General Statute 160A-79.
- C. The form of the charging language shall be:

"...unlawfully, willfully, did (state the crime following the language of the ordinance as closely as possible), in violation of (give city ordinance using both chapter and section number and caption of the ordinance violated)"

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XV. TRAFFIC SAFETY EDUCATION

All requests for traffic safety education programs, traffic safety materials, and displays will be forwarded to the Patrol Division Commander. The Division Commander will initiate a Traffic Safety Education Memo and assign it to the appropriate shift. The shift supervisor will assign an officer or officers to conduct the activity. Once completed, the assigned officer will complete the Traffic Safety Education Memo and return it to their supervisor. The supervisor will return the report to the Division Commander for filing. The Division Commander will maintain traffic education materials, which will be available to all officers and to the public upon request.

XVI. REFERENCES

N.C.G.S. 7B
N.C.G.S. 15A-505
N.C.G.S. 160A-79
N.C.G.S. 20-16.3A
N.C.G.S. 20-138.3
N.C.G.S. 20-16.2
CALEA 61.1.1, 61.1.2, 61.1.3(a-b), 61.1.4, 61.1.5(a-j and l), 61.1.6-10,
61.1.11-13 and 61.4.4.