



CITY OF FAIRFAX POLICE DEPARTMENT

GENERAL ORDER

Subject TRAFFIC LAW ENFORCEMENT	Number 6-4
Effective Date August 15, 2016	Rescinds General Order 6-4, dated 7-15-03
Accreditation Standards Fifth Edition 61.1.1 thru 61.1.13	Authority Colonel Carl R. Pardini Chief of Police

PURPOSE:

To establish guidelines for the department's traffic enforcement program and to outline procedures for stopping and approaching motorists.

POLICY:

The constitutional rights and privileges of all people regardless of age, race, creed, or sex is faithfully observed and respected by officers of the City of Fairfax Police Department in the enforcement of traffic laws, ordinances and regulations. Traffic stops based solely on a person's race, creed, ethnicity, sex or age are strictly prohibited.

Traffic laws are enforced at a level sufficient to ensure the safe and expeditious movement of traffic. Enforcement activities are conducted in a consistent and uniform manner, and do not give preference to either local residents or nonresidents. The department is definitively and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official or person. Performance evaluation for traffic enforcement is not based exclusively on quantity of enforcement activity.

Officer safety and the safety of others is of paramount importance. Stopping motorists can be a complex and hazardous task. The guidelines for stopping motorists as found in this directive should be followed to help ensure everyone's safety.

DISCUSSION:

It is believed that reducing the number of driver errors and traffic violations through enforcement reduces the number of traffic related fatalities and accidents. There is a direct relationship between the quality of enforcement and the degree of safety with which citizens use streets and highways.

PROCEDURE:

I. TRAFFIC LAW ENFORCEMENT RESPONSIBILITIES

- A. Traffic law enforcement is one of the primary responsibilities of the department and has as its basic objectives:
 1. Identifying and removing from the motoring public those drivers whose behavior indicates that they are an immediate danger to the public, i.e., DWI.
 2. Improving driving behavior that differs from the accepted or legal requirements through direct enforcement contact and driver observation of police enforcement activities.
 3. Developing and encouraging voluntary compliance with traffic laws and ordinances through a continuing enforcement program.

- B. Enforcement efforts should be concentrated against violations, at times and places which cause the greatest number of accidents or areas where frequent violations occur and have a potential for safety concerns. Conspicuous patrol by officers in marked cruisers constitutes the principal means of accomplishing the objective of promoting good driving behavior.
- C. The primary responsibility for the enforcement of traffic laws and regulations rests with the Patrol Division and Traffic Services Section. Officers, while on duty and in uniform, should take appropriate enforcement action for violations of traffic laws and regulations they observe, within the guidelines established for response to calls. When responding to Emergency and Non-Emergency calls, officers should not delay such response with a traffic stop unless they feel the violator is a danger to others (DWI, Reckless Driving, etc.). When such a stop is made, the Emergency Communications Center must be advised by the assigned officer to reassign the call and a supervisor should be notified.
- D. Selective enforcement is conducted in accordance with General Order 6-5, Selective Enforcement.
- E. Supervisors cannot assume responsibility for reviewing the judgment of individual officers in all cases involving traffic law enforcement. Differences of opinion as to whether or not an offense was committed are best resolved in court at the time of trial. Supervisors who determine an obvious error of law should coordinate with the City Prosecutor to have the charge dismissed and the defendant excused from appearing in court.
- F. Nothing in this section precludes a supervisor from maintaining general productivity expectations, particularly with violations of continuing concern.
- G. Parking Enforcement Officials:
1. [REDACTED] Their primary responsibility is the enforcement of all parking regulations within the City of Fairfax.
 2. Parking Enforcement Officials also report or correct deficiencies in parking controls and forward reports to their supervisor with suggestions or recommendations as applicable.
 3. Parking Enforcement Officials may be dispatched from the Emergency Communications Center to appropriate parking complaints. Potential parking disputes by on-scene persons are best handled by sworn patrol officers. Patrol by Parking Enforcement Officials is conducted as directed by their supervisor, who provides Parking Enforcement Officials with guidance for the following parking control situations:
 - a. Use of wheel-lock devices.
 - b. Peak traffic.
 - c. Tow away zones.
 - d. Time zone control and metered parking control.
 - e. General surveillance of parking enforcement areas.
 - f. Vehicle or foot patrol.
 - g. Seeking assistance from sworn officers.
 - h. Inoperable vehicle violations.
 4. The presence of a Parking Enforcement Official during a tour of duty does not relieve officers from taking reasonable enforcement action on parking violations on their own initiative or when assigned by the Emergency Communications Center.

II. TRAFFIC ENFORCEMENT TOLERANCE AND LATITUDE

- A. This section cannot and should not supplant the individual officer's discretion, based upon professional judgment and a combination of training and experience.

B. The following categories of traffic law violations are presented with a brief statement concerning tolerance and latitude that should be used as a general guideline for enforcement:

1. Driving under the Influence of Alcohol/Drugs:

a. There is no tolerance and latitude for violations of DWI. (See also G.O. 6-7, Driving While Intoxicated for specific procedures.)

2. Operating a Vehicle after Driving Privileges have been Suspended or Revoked:

a. There is no tolerance or latitude for driving on suspended or revoked violations. (See G.O. 6-2 for specific arrest or summons procedures.)

3. [REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

3. Equipment Violations:

a. The driver's ability to reasonably have known about the violation should affect tolerance and latitude. The hazardous nature of the violation (i.e., defective brakes) should form the basis for the officer's actions to correct the situation.

4. Public Carrier/Commercial Vehicle Violations:

a. General enforcement is more discretionary.

5. Other Nonhazardous Violations:

a. Many nonhazardous violations lend themselves to the more liberal use of a warning. Positive feedback is sometimes the result of such a warning, however, the successful officer receives such feedback regardless of the action taken.

6. Multiple Violations:

a. Multiple violations should be prioritized. Only one charge may be placed on each summons. Verbal warnings may be issued in conjunction with the issuance of a summons. The reasonableness of the number of summonses issued to any one violator is generally determined by the court based on the evidence.

7. [REDACTED]

[REDACTED]

8. Violations Resulting in Traffic Collisions:

- a. Similar to hazardous violations, little tolerance or latitude is given when a violation has resulted in a collision. Other factors may be taken into consideration such as weather conditions, traffic conditions and witness availability.

9. Pedestrian and Bicycle Violations:

- a. Pedestrians and bicycle operators who commit violations are subject to the guidelines listed above in 1 through 8.

C. Voiding a Summons:

- 1. All summonses, both Virginia Uniform and Parking Summonses, are accounted for in accordance with General Order 1-14, Forms Management.

- 2. [REDACTED]

- 2. No member, supervisor, or Command Staff Member, including the Chief of Police is authorized to void a Virginia Uniform Summons issued by another officer. If investigation reveals that an improper charge has been filed, the matter is referred to the appropriate City Prosecutor for proper disposition (i.e., nolle prosequi or dismissed).

- 3. Court dispositions, including amended/dismissed charges, are logged by the Clerk of the appropriate court.

- 4. The Administrative Services Division Commander performs periodic audits of the summons system as identified in the reports due schedule.

- 5. The Property and Evidence Officer is responsible for issuing Virginia Uniform Summons and Parking Summons books to supervisors whose personnel use them.

- a. Once received, supervisors secure all summons books.
- b. As summons books are issued the numbers and to whom they are issued are recorded on a PD-10 Summons Log.
- c. Once a PD-10 Summons Log is full, the PD-10 is forwarded to the department's Records Section where it is retained on file until destroyed following G.O. 8-5.

D. Identification and Referral of Drivers for DMV Re-examination:

- 1. Routine enforcement, accident reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease or other conditions that might prevent a person from exercising reasonable and ordinary control over a motor vehicle.

- 2. Officers who suspect a driver is in need of re-examination to determine their competency or ability to operate a motor vehicle should complete a DMV Medical Review Request form (Attachment "A") and mail it to the DMV address on the form.

III. PRIVATE PROPERTY TRAFFIC ENFORCEMENT

- A. Section 46.2-102 of the Code of Virginia makes provision for an owner or association of owner's of private property to extend by invitation the authority for officers to enforce traffic infractions and motor vehicle registration and licensing requirements.
- B. [REDACTED]
- C. [REDACTED]
- D. Original authorizations received from property owners (PD-197 and PD-198) will be retained on file in the Traffic Services Section.
- E. Certified copies of all authorizations will be placed in the radar equipment calibration binder at City Court.
- F. In situations where private property traffic charges are appealed to Circuit Court, officers are required to obtain a copy of the original form(s) from the Traffic Services Section and have it notarized as a certified true copy for their use in court.

IV. OFFICER/VIOLATOR RELATIONS

- A. The immediate objective of a traffic stop is to take appropriate enforcement action. The ultimate objective is to favorably alter the violator's future driving behavior. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's position. This requires a thorough understanding of human relations and demands flexibility of the officer.
- B. The following procedures are recommended to minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives. Upon stopping a violator, the officer should:
 - 1. Determine a safe location and conduct the traffic stop and signal the driver to pull over using the appropriate emergency equipment.
 - 2. [REDACTED]
 - 3. [REDACTED]
 - 4. Be absolutely certain--without any reservation--that the observations of the traffic violation were accurate.
 - 5. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - 6. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
 - 7. Greet the violator with an appropriate title and in a courteous manner.
 - 8. Inform the violator what traffic law they have violated. The violator should not be kept in suspense.

9. Ask for the violator's driver's license, vehicle registration, and other documents as required by law.
10. Obtain another document of identification if the driver has no driver's license.
11. Allow the driver to discuss the violation or ventilate as appropriate. (Do not argue, berate, belittle, or otherwise verbally abuse the violator.)
12. Complete the forms required for the enforcement action taken or exercise a verbal warning, if this is the decision.
13. Explain to the violator exactly what they are supposed to do in response to the action taken.
14. Make sure the violator knows where and when to appear if the enforcement action requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court.
15. If enforcement action was taken do not discuss the fine or DMV point assignment with the violator. Advise the violator to contact the court or DMV directly.
16. Be alert to any unusual emotional stress exhibited by the driver. If unusual stress is present, verbal instructions may have to be repeated or the violator may need to calm down before resuming driving.
17. Return the violator's driver's license, registration, and the violator's copy of the summons, if issued.
18. Assist the violator with safely reentering the traffic flow.
19. Do not intentionally follow the violator.
20. Mark back in service using the appropriate radio and disposition code.
21. Complete the "Officer's Notes" section of the summons as soon as possible after the contact.

V. STOPPING AND APPROACHING MOTORISTS

A. THE PROCEDURES IN THIS SECTION SHOULD BE FOLLOWED WHEN POSSIBLE, AND ARE PRESENTED FROM THE PERSPECTIVE THAT IDEAL CONDITIONS EXIST.

- B. Although enforcing traffic laws is often a seemingly "routine" function to officers, all too frequently they are injured and in some cases killed in situations that initially appeared to be a "routine" traffic stop. Therefore, the department takes the position that there is no "routine" traffic stop; only "RISK" and "HIGH RISK" stops.
- C. Officer safety is of paramount importance. This must be constantly balanced with the requirement to remain courteous and professional at all times while approaching traffic violators.
- D. The following steps in stopping and approaching a motorist are intended to provide safety for the officer, the motorist, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (Intoxicated or reckless), and the existing volume of traffic may dictate adjusting or altering the recommended procedure. The procedure for a RISK stop is significantly different from a HIGH RISK stop.

E. RISK STOP:

1. [REDACTED]

● [REDACTED]
● [REDACTED]
● [REDACTED]
● [REDACTED]

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. The officer should signal the violator to stop by using the cruiser's emergency lights and the siren. These signals also alert other drivers of the intent of the officer, and usually facilitates securing the right of way for the stopping maneuver.

5. The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder if engineering design permits.

6. On multilane roadways, the officer should ensure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the left or right side of the roadway is reached. Stopping in a left turn lane on a multilane roadway is appropriate when it can be done safely and traffic flow is better served.

7. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

● [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12. [REDACTED]

13. [REDACTED]

[REDACTED]

15. [REDACTED]

F. Stopping an Approaching Violator:

In the event an officer observes a traffic violation occur in oncoming traffic, the officer should take the following actions:

1. Two Lane Roadway:

- a. [REDACTED]

2. Multilane Roadway:

- a. Make a U-turn at an intersection or when safe, using emergency equipment (lights-siren) where appropriate.
- b. Pursue and stop the violator as suggested in Section IV.E. of this General Order.

G. Stopping a Following Violator:

- 1. [REDACTED]

H. Stopping Oversize/Overweight Vehicles:

- 1. [REDACTED]

4. [REDACTED]

I. Stopping and Approaching the Known or Suspected Dangerous Felon:

1. [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

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- [REDACTED]

● [REDACTED]
● [REDACTED]
● [REDACTED]

J. Hot Pursuit:

1. See General Order 4-21.

Colonel Carl R. Pardiny / Chief of Police

Attachment A: DMV Medical Review Request

Attachment B: Authorization to Enforce License/Registration Laws

Attachment C: Authorization to Enforce Traffic Laws

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