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## 25.0 TRAFFIC LAW ENFORCEMENT

The purpose of "TRAFFIC LAW ENFORCEMENT" is to prevent collisions and to provide for the orderly movement of traffic. Officers will take enforcement action when traffic violations occur in their presence, or when probable cause exists upon investigation of a collision or criminal traffic matter.

Certain violators fall into special categories and may be subject to special processing. The following are such categories and conditions that apply to each:

### Non-Residents

~~Generally, Treatment of non-residents will be treated no differently than from residents of Washington State. Regarding non-resident vehicle operators whose privilege to drive has been suspended by a state other than Washington, past Department policy required that the person be cited with Driving While License Suspended in the 2<sup>nd</sup> Degree. The pertinent statute, RCW 46.20.342, has since been revised.~~

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Current Department policy is as follows:

When citing a driver with an out-of-state suspension officers will (a) attempt to determine from the information available whether the citation should be for Driving While License Suspended 1<sup>st</sup> Degree, 2<sup>nd</sup> Degree or 3<sup>rd</sup> Degree; and (2) if not able to determine the appropriate degree of DWLS, cite for DWLS 3<sup>rd</sup> Degree or refer the report to the prosecutor's office for charging.

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### Juveniles

The Department of Licensing now requires Juvenile Traffic Court to send a copy of a citation after Juvenile Court has adjudicated the traffic offense.

#### Under 16 years - For all traffic infractions.

Officers will follow the same procedure as with an adult, with the following exception:

Where the citation has printed "DISTRICT COURT," Officers will draw a line through those words, and print the words "JUVENILE COURT."

Officers will **not** give a copy of the citation to a juvenile under 16 years of age or younger, all copies of the citation will be retained by the officer and returned to the Records Room.

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In addition to the citation a "Juvenile Court Referral" form will be prepared and turned in along with the citation.

#### **16 years of age and over**

The juvenile will then be required to sign the citation. After signing the citation, as with an adult, the juvenile will be given a copy of the citation. The citation will then be processed the same as an adult.

#### **Legislators**

In accordance with Article 2 Section 16 of the Washington State Constitution, legislators are privileged from physical arrest, not subject to any civil process during sessions of the legislature, for fifteen days before the commencement of each session. Exceptions to the privilege from arrest are in cases of treason, felony and breach of peace.

"Civil Process" includes all kinds of lawsuits. Officers should, however, serve protective orders.

#### **Foreign Diplomats and Consulate Officers:**

In accordance with 22 USCS 254e "Any action or proceeding...against an individual, entitled to immunity under the act or other laws extending diplomatic privileges and immunities...shall be dismissed."

#### **Military Personnel:**

In accordance with Article 10 Section 5 of the Washington Constitution "The militia..."are privilege from arrest during their attendance at musters and elections of officers and in going to and returning from the same." Exceptions are provided for treason, felony offenses and breach of the peace.

**Militia:** means members of the States military forces, including the National Guard.

Members, encountering situations where it is felt that a "special group violator" maybe involved, should make every reasonable effort to call a supervisor to the scene.

When a custodial arrest is made of military personnel, the arresting officer should notify the individuals home base. If this is not possible, we should contact the nearest base of the same service and inform them of the detention.

#### **Information Provided to Violator**

Upon issuance of a notice of infraction or citation, the officer will inform the violator of the following prior to release:

- If the violation requires mandatory court appearance

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- The date and time when the violator is to appear in court
- The location of the court
- Show the violator where on the citation the address and phone number to the court is listed.
- Instruct the violator to read the front and backsides of the notice of infraction or citation for further instructions about paying the fine or requesting a court appearance.

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## Uniform Enforcement

### A) Driving Under the Influence (DUI)

- See checklist

### B) General Traffic Violation

Stop, Fail to Yield Right of Way, etc. were decriminalized and are now Traffic Infractions, not crimes: a person may not be arrested for committing any infraction.

Turning, stopping, and signaling infractions for illegal turns where there is obviously no hazard involved can serve to alienate motorists against the program of the department, a violation is more easily understood by motorists, prosecutors, and other citizens if there is an element of potential hazard present at the time.

### C) Other Hazardous Violations: Officers may take enforcement action upon witnessing traffic violations of a possible or actual collision-causing nature.

- "Enforcement action" may be taken in the form of a citation or educational instruction.

### D) Equipment Violations: Normally, warning citations will be issued for equipment violations.

## Public carrier/commercial vehicle violations:

- **Local Transit Buses** - If a local transit or school bus is stopped for a violation, the officer will obtain the driver's name, inform him/her of the violation, and note the vehicle license number. If a citation is to be issued, inform the driver that you will contact him/her at a later time when the bus schedule will not be interfered with.
- **Public Carriers Not Local** - Public carriers from outside the area may be detained in order to issue a notice of infraction to the driver.
- **Commercial Vehicles** - Routine enforcement of commercial vehicle laws is the responsibility of the Traffic Officers that have the appropriate training.
- **Non-hazardous violations** - Officers are encouraged to work non-hazardous violations as assignment and work load permits.
- **Multiple Violations** - No more than three traffic infractions will be written on one citation (infraction) form. No more than two Misdemeanors or Gross Misdemeanor charges will be on a Criminal Citation.

Infractions and misdemeanors will not be cited on the same form. Misdemeanor and Gross Misdemeanor will be written on criminal citations. All traffic violations arising from the same incident should be cited into the same court.

**Newly Enacted Laws and/or Regulations** – Normally a period of public information and/or warnings will take place before written citations are issued regarding newly enacted laws and/or regulations.

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## Policy Manual Table of Contents Change:

### Chapter 11 Traffic Administration

- 11.1 Traffic Record System
- 11.2 Traffic Law Enforcement
- 11.2.1 Uniform Enforcement Policies
- 11.3 Issuing Citations
- 11.4 Contact with Violators
- 11.5 Speed Measuring Devices
- 11.6 Response to Collisions
- 11.7 Traffic Fatalities/Vehicular Homicide
- 11.8 Police Vehicle Collision
- 11.9 Traffic Direction and Control
- 11.10 High Visibility Clothing
- 11.11 Hazardous Highway Conditions
- 11.12 Vehicle Lockouts/Emergency Assistance
- 11.13 Civilian Vehicle Escorts
- 11.14 Impound of Vehicles
- 11.15 Removal of Unauthorized Vehicles/Towing
- 11.16 Inspection of Junk Motor Vehicles
- 11.17 Special Inspections
- 11.18 Automated License Plate Reader Technology

## Procedure Manual Table of Contents Change:

### Section 25 TRAFFIC ENFORCEMENT

Traffic Law Enforcement	25.0
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## Policy Section

### **11.18 Automated License Plate Reader Technology**

The Everett Police Department may employ Automated License Plate Reader (ALPR) technology. ALPR provides automated detection of license plates. Its primary function is to convert data taken in the field from vehicle plates and use it for the law enforcement purposes of identifying stolen vehicles, stolen license plates, and missing persons. ALPRs are also used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery. ALPR data can be stored for later use.

The lieutenant overseeing the traffic safety unit will be the system administrator. He/she will be responsible for the following:

- Overseeing and administering the ALPR program, including the storage and management of all ALPR data systems.
- Ensuring the proper selection of the personnel approved to operate the ALPR system.
- Ensuring appropriate training of operators and that training is completed prior to an operator using the system.
- Ensuring that all training is documented.
- Ensuring the provision of ongoing training as deemed necessary.
- Authorizing any requests for ALPR use of data access.

Use of the ALPRs is restricted to the purposes outlined in the Procedures section of this manual. Any agency personnel permitted to access historical ALPR data must meet the same criteria as other agency employees, including law enforcement, regarding authorization to access data. No officer should use, or authorize the use of, the equipment or database records for any non-approved reason.

## Procedures

### **25.05 Automated License Plate Reader Technology (ALPR)**

An ALPR system is a computerized system consisting of specialized digital cameras, a processor unit and a laptop computer. The mobile camera system mounted on police patrol vehicles recognizes plates in real time. An ALPR reads a plate and compares it against a database of suspect vehicles, alerting the officer to any matches. It uses a large list of target plates stored locally in a "hot list" rather than relying on real-time communications with State or Federal data sources. The list is typically transferred daily and can be updated by the operator

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or by a central station if wireless communications are not available in the vehicle. The hot list can contain any set of plated data, including watch lists as well as stolen vehicles. When a target plate is located, the officer in the vehicle is notified with an alert message that is specific to the plate. This hit occurs even if the driver of the vehicle has not committed a traffic offense or been involved in a traffic accident. The officer will review the information presented in the message and verify any stolen/warrant information using current protocols prior to taking any enforcement action.

1. Training - An Operator is prohibited from using the ALPR system until properly trained in its use, and after he or she has been instructed as to operational protocols. ALPR Operators must be ACCESS certified prior to accessing ALPR data. The training division will keep a record of all qualified ALPR operators.
2. ALPR Usage – ALPR operation and access to ALPR collected data shall be for official agency purposes. The traffic division lieutenant will be responsible for maintaining records of all ALPR usage. ALPRs may be used during any routine patrol or criminal investigation. Reasonable suspicion or probable cause is not necessary.
3. All ALPR data recorded should be maintained on the operator's laptop for a maximum of 24 hours from the end of the officer's shift during which the data was recorded. All ALPR data recorded during a shift should be downloaded within 24 hours to an authorized server. This server must be accessible only through a login/password system of documenting who accesses the information by identity, date, and time. Only those with ACCESS Level I certification may access ALPR data. When searching for specific data stored in the ALPR database, officers and detectives must log all such queries, to include the name of the requestor and the reason for the search.
4. Requests to review stored data shall be recorded and maintained in the same manner as criminal history logs.
5. All ALPR data downloaded to the server may be stored for a period up to but no longer than 60 days prior to purging. Data must be purged once the maximum retention period has been reached unless it has become or it is reasonable to believe it will become evidence in a specific criminal or civil action. In those circumstances, the applicable data shall be downloaded from the server onto a CD or other portable technology. It shall be subject to the same logging, handling and chain of custody requirements as other evidence.
6. Persons approved to access ALPR data under these procedures are permitted to access the data when there is an articulable suspicion that the data relates to an investigation in a specific criminal or civil action.
7. Notwithstanding any other provisions of law, all electronic images or data gathered by Automated License Plate Readers are for the exclusive use of law enforcement in the discharge of duties and are not to be made open to the public. However, nothing in this procedure should be interpreted to



limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under the law.