

	<b>STANDARD OPERATING PROCEDURE</b> <small>State Form 39870(R/S-06)</small>	Reference Number <b>ENF-022</b>
	Subject <b>Traffic Enforcement Policy</b>	
	Special Instructions Replaces ENF-072 dated May 10, 2012	Effective Date <b>January 15, 2015</b>

## **I. PURPOSE**

Establish guidelines for promoting voluntary compliance of Indiana traffic laws through the use of traffic patrol enforcement techniques that will help regulate the flow of traffic on the roadways of Indiana.

## **II. POLICY**

Department enforcement personnel shall take appropriate enforcement action against every traffic law violation observed.

## **III. PROCEDURE**

A. Department personnel shall enforce the law in a just and impartial manner. Common sense and good judgment shall be used in the enforcement of all traffic laws and each person shall be afforded equal, fair, and impartial treatment.

B. When determining issuance of an Information and Summons/Complaint and Summons (UTT) citation or a warning to a driver or occupant of any vehicle, the officer shall consider the totality of circumstances surrounding the violation(s) including but not limited to: road/weather conditions, presence of vehicular/pedestrian traffic, involvement of road rage, the seriousness of offense, history of repeat offenses, and the hazard the violation posed.

C. When applying criminal statutes to the violations of a driver involved in a traffic crash, officers shall consider:

1. Classification of law violation;
2. Classification of type of crash;
3. Degree of contributing factors which caused the crash; and
4. Interpretations of local prosecutors and courts having jurisdiction in the matter.

### **D. Special enforcement programs**

1. Selective enforcement shall be used to increase effectiveness in decreasing the number of crashes and violations in areas determined to be high crash locations. Selective enforcement shall be directed at specific locations during the hours of the day and the days of the week that statistics decree.

2. Each member of the Department shall assume responsibility for recognizing symptoms of developing problem areas and initiate and/or request special enforcement programs to minimize the potential or real problem.

3. Supervisors shall consider each request and assist officers in developing and conducting appropriate enforcement programs utilizing all available resources.

4. Department enforcement personnel shall employ a variety of techniques and strategies in the execution of their traffic enforcement duties including, but not limited to:

a. The use of unmarked, semi-marked, marked commissions, High Performance Vehicles (HPV), and motorcycles in stationary or moving patrols assigned to:

- (1) Specific locations and times observing for specific violations relating to vehicle crash causation and traffic law violations;
- (2) Utilizing air support for the enforcement of traffic laws;
- (3) Highway construction zones to increase worker and motorist safety; and
- (4) Participation in DUI Sobriety Check Points.

b. The use of any other available equipment or commissions needed to increase patrol presence and enforcement capabilities.

#### **E. Newly Enacted Legislation**

1. Voluntary compliance of new legislation shall be accomplished as directed by the Superintendent.

2. In order to inform enforcement personnel of new laws, copies of statutes shall be distributed and personnel shall receive appropriate training and enforcement instructions.

#### **F. U.S. Postal Service**

1. Enforcement personnel shall take routine enforcement action against drivers transporting U.S. mail as outlined in this procedure. Department personnel may detain vehicles transporting U.S. mail long enough to complete routine enforcement.

2. Notification shall be made to the National Law Enforcement Communications Center (NLCC) (as indicated below) at 1-888-876-5322 when a driver is incarcerated or placed out of service or a postal vehicle is impounded or placed out of service:

a. Personnel assigned to the Commercial Vehicle Enforcement Division (CVED) shall make direct contact with the NLCC and shall then notify the applicable district duty officer and Operations that notification has been made.

b. Non-CVED personnel shall submit the following information to the applicable duty officer:

- (1) Name and address of the driver and vehicle owner;
- (2) Location of vehicle, if held, and length of time the vehicle will be detained; and
- (3) Original destination of the vehicle.

3. The duty officer shall then make notification to the NLCC and Operations.

### **G. Military personnel**

1. On occasion, it will be necessary to issue a UTT, effect a custodial arrest, and/or investigate a traffic crash involving a member of the armed forces.

2. Armed forces personnel shall include:

- a. Regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard; and
- b. Reservists who are on active duty.

3. When a custodial arrest has been made, the investigating officer shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified. This does not apply to the issuance of a UTT when a custodial arrest is not made.

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

### **H. Consular notification procedures**

1. All non-U.S. citizens (foreign nationals, illegal aliens, and persons with resident alien “green” cards) shall be offered the opportunity of consular notification by police employees when they are detained for any time beyond the issuance of a traffic ticket.

2. Detainment does not include short periods of time for conducting traffic stops; however, does include any arrest or lawful detention, hospitalization, or death due to crashes, accidents, or major disasters (such as an airline crash).

3. The arresting officer shall notify Operations that a foreign national has been arrested or detained. Operations personnel shall determine and notify the arresting officer of the type of consular notification required. It is the responsibility of the arresting officer to then make the proper notification to the detainee by either:

(a) Mandatory consular notification:

- (1) Some nations require notification regardless of the individual’s wishes.
- (2) The individual shall be informed when mandatory notification is required.

(b) Optional consular notification:

- (1) Consular Notification is not required by some nations and is an individual’s option.
- (2) In this case, the individual shall be offered the opportunity of notification and has the right to refuse it, in which case the consular shall not be notified.

4. After completing notification (of the detainee), the arresting officer shall again contact Operations. Operations shall then contact the appropriate consular officials, if mandatory notification was required or if the detainee requests notification.

5. Consular notification shall be offered in addition to the Miranda Warning (when required).

**I. Foreign Mission Members** (diplomats, their staff; and their dependents)

1. The U.S. Government (in USCA Title 22, Section 254) extends diplomatic immunity from arrest to various levels of foreign mission members.

2. Stopping a foreign mission member and issuing a traffic citation does not constitute custodial arrest or detention and is permissible, although the signing of the citation by such an individual may not be required.

3. Levels of immunity vary depending on the individual; no one rule applies, therefore 24-hour contact can be made to address detailed questions regarding a driver, passenger, and vehicle.

a. Normal procedures should be followed in the intervention of a traffic violation, even if immunity ultimately bars prosecution of a serious offense.

b. If procedural questions arise or if it becomes necessary to verify the diplomatic status of an individual, the district duty officer shall forward the request to Operations where it will, in turn, be forwarded to the U.S. Department of State. All inquiries to verify an individual is a foreign mission member or for procedures in handling, documenting, and reporting an incident should be referred to 1-571-345-3146

4. Whenever custodial arrest does occur, the arresting officer shall be responsible to immediately notify Operations of the arrest and location of incarceration.

J. Department police employees are prohibited from conducting vehicle stops for traffic violations when operating an unmarked commission and not wearing an authorized uniform. Further, police employees shall not conduct vehicle stops for traffic violations when operating non-department owned vehicles; regardless, if the employee is in uniform or not. Also see ENF-025.

K. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.