



# Helen Police Department

## Standard Operating Policies and Procedures

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### I. PURPOSE

To establish guidelines for the administration of all traffic related activities and to establish the proper procedure for taking enforcement action for traffic law violations.

### II. SCOPE

The responsibility for the enforcement of traffic laws and regulations rests with all sworn uniformed personnel of the Helen Police Department. All sworn officers, while on duty and in uniform, shall take appropriate enforcement actions for all violations of traffic laws and regulations they observe.

### III. RESPONSIBILITY

Traffic law enforcement is one of the primary responsibilities of the Uniform Patrol Division. In the enforcement of traffic laws, the Helen Police Department has as its basic objectives:

- A. Identifying and removing from the motor vehicle transportation system those drivers whose behavior indicates that they are an immediate danger to the public, eg., intoxicated drivers, reckless drivers, speeders, etc
- B. Improving driving behavior that differs from the accepted or legal requirements through direct enforcement contact and driver observation of police enforcement activities;

- C. Developing and encouraging voluntary compliance with traffic laws and ordinances through a continuing enforcement program.
- D. Investigation of traffic accidents and implement enforcement actions in high accident areas in order to decrease the occurrences of accidents.

#### **IV. TRAFFIC PATROL**

##### **A. Visible Traffic Patrol**

- 1. Area - moving or stationary observation in an area that includes a number of streets or sections of highway.
- 2. Line - moving or stationary observation on a specific street or highway between two points.
- 3. Directed - Area or line patrol that is specifically directed by supervisory personnel and is based on unfavorable traffic accident or enforcement data.

##### **B. Stationary Observation**

- 1. Covert - concealed or barely visible enforcement (when operating speed detection devices, traffic enforcement vehicles will not be concealed (O.C.G.A. 40-14-7)).
- 2. Overt - traffic enforcement vehicles will be positioned in such a manner near the roadway intersection, that is clearly seen by persons using ordinary powers of observation.
- 3. Unmarked vehicles - unmarked vehicles will not be used in traffic enforcement.

##### **C. Selective Enforcement**

The ultimate goal of selective enforcement is to reduce traffic accidents and gain voluntary compliance with traffic laws. Selective enforcement measures will be used to assign traffic enforcement personnel and equipment to specific geographical locations in order to provide preventative patrol for special categories of traffic violations.

- 1. Analysis of traffic accidents will be done by the Patrol Sergeants on a monthly basis.

2. The traffic complaints received during the month will be reviewed as well as the citations written to determine if adequate enforcement is being applied to identified high accident rate and complaint locations;
3. Selective enforcement shall be undertaken in those areas where analysis of traffic accidents and violations indicates that special attention is needed. Patterns of causes and / or sudden increases in the number and severity of accidents or violations are reasons for extra enforcement activity at a given location. When the police become aware of a particular problem that may or may not be reflected in accident report data, steps will be taken to correct the problem.

#### D. Specific Assignment

The Shift Supervisor will assign a specific car or cars to enforce selective violations at identified locations and for certain identified violations. The assigned car(s) will exclusively enforce selected hazardous moving violations. Selective enforcement information will be distributed to all supervisors in the department and all supervisors should share the responsibility for ensuring selective enforcement is carried out.

#### D. Profiling

Officers of the Helen Police Department will not conduct traffic enforcement or interdiction stops based solely on the driver or occupant's race or ethnic background. Stops of vehicles will be based solely on the violation observed, information that the vehicle and occupant were involved in a crime, information that the vehicle and/or occupant fit a lookout description furnished by another law enforcement agency. Stops based on reasons other than justifiable grounds will not be tolerated by employees of the Helen Police Department.

### V. ENFORCEMENT ACTIONS

Officers are to use individual discretion, based on professional judgment, as to which form of enforcement action will be taken. Action will be appropriate for each violation of the law. This will be accomplished in a fair, impartial, courteous, and businesslike manner with one of the following options:

- A. Verbal Warning: A verbal warning is appropriate when the violator commits a very minor violation that results in little or no potential danger to the public.
- B. Written Warning: A written warning is a proper alternative in response to a minor traffic violation, but not to the extent that court or other judicial action is

warranted. A written warning can be issued on a UTC citation or a warning form.

C. **Written Citation:** Traffic citations will be issued to violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic. A written citation will be issued on the Georgia Uniform Traffic Citation form or E-Ticket.

D. **Physical Arrest:** The physical arrest of a driver is the most extreme action that may be taken for a traffic offense. This action may be taken when there is a violation of the listed violations:

1. Driving under the influence of alcohol and/or drugs.
2. Homicide by vehicle.
3. Feticide by vehicle.
4. Fleeing or attempting to elude a police officer.
5. Impersonating a police officer
6. Driving on a suspended/revoked license.
7. Fraudulent or factious use of a license.
8. Possession of drugs.
9. Leaving the scene of an accident with damage or injury.
10. Traffic offenses committed in the commission of other crimes.

A physical arrest will not be limited to the above listed traffic offenses.

## **VI. SPECIAL ENFORCEMENT PROCEDURES**

### **A. Non-Residents**

Officers are to use individual discretion, based on professional judgment, as to which form of enforcement action will be taken against non-residents. Non-residents may be issued a verbal or written warning, released on a copy of the citation, or placed under physical arrest.

## B. Juvenile Offenders

1. If a driver is 16 years old or younger, with or without a valid driver's license, and the offender violates a law or ordinance governing the operation of a motor vehicle upon the highways or street and if a citation is written, it should be directed to the White County Juvenile Court. A court date should be given verbally and in writing from the dates provided from the Juvenile court. The court date section of the citation should be clearly marked "JUVENILE COURT". The address should also be changed to 1235 Helen Highway Cleveland, GA 30545. Juvenile citations cannot be generated electronically.
2. A Juvenile Complaint Form shall accompany the following traffic violations whether the juvenile is arrested or released to custodian on a copy of charges.
  - a. Homicide by Vehicle
  - b. Manslaughter
  - c. Driving Under the Influence (DUI)
  - d. Failure to stop and render aid
  - e. False affidavit relating to ownership of vehicle
  - f. A felony in the commission of which a motor vehicle is used
  - g. Racing on the highway or street
  - h. Fleeing or attempting to elude an officer
  - i. Fraudulent or fictitious use of a license
  - j. Hit and run or leaving the scene of an accident
  - k. Laying drags
  - l. Display of another person's license

A Juvenile Complaint must accompany citations where the officer feels that additional information surrounding the circumstances of the violation would be beneficial to the court.

3. Juveniles that are taken into custody for D.U.I. should be given their rights under the Georgia Implied Consent Law for the purpose of the chemical test(s) for alcohol or drugs. A juvenile without a valid driver's license, who is arrested for DUI, regardless of age, is not subject to the Georgia Implied Consent Law and cannot be given a blood or breath test without obtaining permission from the parent or guardian.

If the juvenile takes the test(s), the results should be noted in the officer's Juvenile Complaint. If the juvenile refuses to take the chemical test(s), it should also be noted in the officer's Juvenile Complaint and the proper forms for a refusal completed and forwarded to the Georgia Department of Motor Vehicle Safety.

The chemical breath test should be administered at the Helen Police Department. Qualified medical personnel should do drawing of blood and / or obtaining urine samples. All necessary precautions should be taken to expedite the juvenile's stay in the book-in area. The juvenile may not be placed in any holding cell.

## **VII. IMMUNITY FROM ARREST / TRAFFIC CITATIONS**

### **A. Legislators**

All legislators, state or federal, shall be free from arrest during legislative sessions or committee meetings, and in going thereto or returning there from, except for treason, felony, or breach of the peace. When legislators are in session, citations or physical arrest shall not be initiated without prior approval of the arresting officer's immediate supervisor. (Ga. Const. Art.3, Sec.4, Para. IX)

### **B. Privilege of Active Duty Military Personnel**

The members of the organized militia or military forces shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills, parades, meetings, encampments, and the election of officers and going to, during, and returning from the performance of any active duty as such members. (O.C.G.A. 17-4-2)

No doubt the legislative purpose of the immunity statutes was to prevent civil interference with the military on active duty in the performance of duty. This purpose will be served only if the immunity is asserted at the earliest opportunity. The legislative purpose is defeated if the militiaman allows himself to be deterred from the performance of his duty and then raises the

privilege for the sole purpose of avoiding the criminal sanctions which he / she faces. (140 Ga.App.441 (5))

Militia shall be composed of the Army National Guard, Air National Guard, the Georgia Militia when organized, and the Georgia State Guard when organized. (O.C.G.A. 38-2-2 (10))

NOTE: Any sheriff or peace officer may apprehend persons subject to the Georgia Code of Military Justice (GCMJ) upon reasonable belief that an offense has been committed and that the person apprehended has committed an offense. (O.C.G.A. 38-2-340) All members of the Georgia organized militia are subject to the provisions of the Georgia Code of Military Justice. (O.C.G.A. 38-2-322)

#### C. Witnesses

Witnesses who come into or pass through Georgia pursuant to a summons issued under the "Uniform Act to Secure the Attendance of Witnesses" are immune from arrest or the service of civil or criminal process in connection with matters which arose prior to the witness' coming into the state under the summons (OCGA 24-10-96).

#### D. Diplomatic and Consular Immunities

##### 1. Diplomatic Immunity

- a. The person of a diplomatic agent shall be inviolable. He shall not be liable to any for arrest or detention. The receiving state shall treat him with due respect and shall take all appropriate steps to prevent attack on his person, freedom, or dignity. (Vienna Convention on Diplomatic Relations, Article 29-31, 23 U.S.T. 3227; 23 U.S.C. 254a et seq.)
- b. The term "diplomatic agent" includes the head of a mission (generally an ambassador) of a foreign government and members of the diplomatic, administrative, and technical staff of a mission. (22 U.S.C. 254a).
- c. The members of the family of a diplomatic agent forming part of his household shall...enjoy the privileges and immunities afforded the diplomatic agent. (Vienna Convention on Diplomatic Relations, Art. 37).
- d. Private servants of embassy personnel have no immunity.

## 2. Consular Privileges and Immunities

- a. In the absence of a specific treaty, consular officials are not entitled to diplomatic immunity. (Hall v. Coppel, 74 U.S. 549, 19 L.Ed 244,247).
- b. The Vienna Convention on Consular Relations, Article 41-42, 21 U.S.T. 78, provides that:
  1. The receiving state shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom, or dignity.
  2. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that endangers the public safety) and pursuant to a decision by the competent judicial authority.
  3. Except as specified above, consular officers shall not be committed to prison
  4. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities.
- c. In the event that a consular officer or employee or members of their families are taken into custody, the U.S. Department of State should be promptly notified.
- d. The term "consular officers" includes consul generals, consuls, vice consuls and consular agents who are official representatives of a foreign government accredited to the United States. (Vienna Convention on Consular Relations, Art. 1.)

Honorary consuls are not entitled to immunity under Article 41. Georgia extends the same privileges and immunities as are extended to consulate general of foreign countries to the Coordination Council for North American Affairs of the Republic of China (Taiwan). (OCGA 50-1-1)
- e. Family members of consular officials are not entitled to immunity. (Vienna Convention on Consular Relations, Art. 57.)
- f. Traffic violations by Consular Officers.



1. The U.S. Department of State has taken the position that "authorities in all jurisdictions of the United States would be free to issue regular traffic tickets or summonses to any driver with diplomatic or consular status who fails to observe traffic laws and regulations." (7 Digest of Int'l L. 17, p.172.)
2. In DUI cases where a Consular Officer is considered a danger to himself or others, the U.S. Department of State advises that a law enforcement officer may:
  - a. Take the Consular official to the station or a location where he / she may recover sufficiently to drive safely.
  - b. Take him / her to a telephone to call someone to drive them home.
  - c. Call a taxi for him / her.
  - d. Take the official home.
  - e. In all cases involving a Consular official, a superior officer should be contacted.
3. Verification of Status of Persons for Whom Immunity is Claimed

A person claiming immunity is required to produce satisfactory evidence that he / she is entitled to immunity. The U.S. Department of State issues identification to diplomatic agents and Consular officials accredited to the United States. (7 Digest Int'l. L. 8, p.108) The Georgia Secretary of State issues identification cards to honorary consuls and members of the families of career Consular officials who are stationed in Georgia.

In any situation in which a law enforcement official needs to establish entitlement to diplomatic or Consular immunity and the person asserting it cannot produce satisfactory evidence thereof, i.e., identification card issued by the U.S. State Department, or the official wishes to verify that the employment from which the person's immunity or that a family member derives is still valid, confirmation of the correct status, or wishes advise concerning a particular situation, the official can telephone the U.S. Department of State as follows:

- a. During regular hours, the Office of Protocol, U.S. Department of State.
  1. For Diplomats: (202) 647-1664
  2. For international organization employees: (202) 647-1402
  3. For Consular Officers: (202) 647-1404
  4. For United Nations employees: (212) 415-4131
- b. After normal hours, all calls should be made to the Command Center of the Office of Security, U.S. Department of State as follows:
  1. (202) 647-7277
  2. (202) 415-4444 (United Nations employees)

**Note:** Also, refer to the chart located in chapter P-035 for further guidance on diplomat and consular immunity.

## **VII. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC VIOLATIONS**

Appropriate uniform enforcement action is important if motorists are to enjoy safe driving in the City of Helen. Good judgment by the police officer in consideration of the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

### **A. DUI Procedures**

Driving under the influence has been interpreted by various courts to mean that there is a presumption of impairment when their ability to operate a moving motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. The mere fact that a driver has the odor of alcoholic beverages on his / her breath is not sufficient cause for arrest. The violation is when the driver's ability is impaired.

Impaired driving is a serious offense and officers should arrest any driver found to be in violation of DUI laws. Arrests will be determined by the driver's observed operations on the roadway or involvement in an accident, field sobriety tests and blood alcohol tests.

The procedures below will be followed by all personnel of this department in driving under the influence cases:

1. When a motor vehicle is stopped based on reasonable suspicion, resulting in probable cause for an arrest, either in a one-on-one situation or a safety roadblock, the first verbal contact with the driver must be a professional greeting and a request to see their driver's license and proof of insurance. Officers will be polite and businesslike, remaining aware that the driver's judgment, self-restraint, and self-confidence are the first faculties to be distorted by alcoholic beverages, creating the setting for lack of cooperation, belligerency, and even physical contact. Do not allow yourself to be drawn into an argument. The officer should answer intelligently any question raised by the driver. Example of driver questions: "What did I do?", "Why are you stopping me?", "What is this all about?" etc. You should answer these questions to the best of your ability and let the driver talk. In talking to the driver, you will be able to observe the manner of his / her speech and note any odor of alcoholic beverages on the breath of the driver. Remarks by the officer concerning the license, proof of insurance, or the tag are proper.
2. A good idea at this point is to ask the driver general questions while they are performing a task to divide their attention, Example: As they are searching for their insurance card, ask them a question like, "What is your middle name?", or "Without looking at your watch, can you tell me what time it is?". These simple divided attention tests are good indicators of impairment since an unimpaired driver can usually perform a physical task as well as a mental task at the same time, while the impaired driver finds it difficult or impossible to do two tasks at the same time.
3. If you have reasonable cause to believe the driver's ability is impaired, you have the right to request the driver to step from the vehicle to observe the driver's balance, appearance and to have the driver perform field sobriety tests.
4. After you have administered field sobriety tests, and you have determined that the driver is under the influence to the extent that it is unsafe for him / her to continue to operate a motor vehicle, you should at this time place him / her under arrest for DUI. Once the driver is placed under arrest for DUI, he / she becomes subject to testing procedures under the Implied Consent Law.
5. It is now imperative that you read the suspect the Implied Consent Warning **in its entirety and as close to the time of arrest as safely possible**. You must read it understandably and clearly. It must be read

as it is printed on the card currently issued by the Department of Motor Vehicle Safety. You should request clearly which test or tests you are requesting and ask the suspect if he / she understands the warning and rights.

6. The suspect should then be transported to the White County Jail or to the Helen Police Department (location is to be determined by availability of certified intoxilyzer users). If a blood test is preferred, the test will be conducted by White County EMS at the Helen Police Department. The designated room to administer a blood test shall be in an area where there are surveillance cameras within the Helen Police Department.
  - a. The suspect shall be constantly supervised by an officer.
  - b. In the event a situation occurs where the officer needs assistance, he or she shall utilize their portable radio and / or their panic/duress button on the radio to summons help.
  - c. While administering the test, the suspect should be handcuffed to prevent escape. In the event the suspect attempts or does escape, the officer shall follow the guidelines set forth in S.O.P. P-060 (Prisoner Transport), section XVI-Escapes.
  - d. The breath test must be performed by a certified operator.
  - e. Administer test (two breath samples required).
  - f. The operator shall sign the printout of the breath test results.
  - g. Complete Intoxilyzer log.
  - h. Give violator a copy of the printout.
7. In that Georgia's code allows an officer to request more than one test, officers should continue to select an appropriate test and utilize that test, i.e.,
  - a. If the suspect is obviously under the influence of alcohol, a breath test might be appropriate,
  - b. If the suspect is obviously under the influence of drugs, a blood / urine test might be appropriate,

- c. If the suspect appears to be under the influence of both alcohol and drugs, a blood / urine test might be appropriate.

If a situation occurs where more than one test must be entered, the officer must read the Implied Consent Warning again for each additional test.

**NOTE:** *A breath test will only provide an alcohol reading. A blood or urine test will provide an alcohol reading as well as drug detection and quantity.*

8. Persons arrested for DUI with or without a valid driver's license, which refuse to take the test to determine alcohol content, will be transported to the Helen Police Department. At the department, subjects will be given another chance to agree to the test(s). If it is breath refusal, a refusal will be entered into the Intoxilyzer 9000. The arresting officer is required to complete the most current "Implied Consent Affidavit Form". The Implied Consent Affidavit Form must then be forwarded to the records personnel to be mailed to the Department of Motor Vehicle Safety as soon as possible, but not later than it would take to reach DMVS within ten (10) days.
9. Once the driver has been read the contents of the Implied Consent Warning Card and given the state administered test(s), he / she may make a request for an additional test of their own choosing within 3 hours of the arrest. The driver must understand his / her rights and he / she should be furnished a telephone to make a call or calls within reason to allow for exercise of this right. This test is a matter of right and must be granted. In that the additional test is at the expense of the driver and not the city, if a test is requested that requires transportation to the nearest or reasonably requested hospital, allow the driver to either phone ahead to find out the costs involved or transport them to the hospital to be personally told by the hospital staff of the charges. The officer shall provide the driver with a list of nearby facilities. If the driver requests an additional BREATH test, one will be provided for him / her by the instrument used for the state test, AT NO CHARGE.
10. A full Incident Report will be made on all DUI arrests. Officers must list all the facts, reasonable suspicion for the stop, and the probable cause for the arrest. Officers must list all witnesses with knowledge of and those involved in the arrest. Include witnesses to the Implied Consent reading and any passengers in the motor vehicle, who could possibly testify for the driver in court at a later date. All field sobriety tests that were given must be listed with the detailed results of the tests. If reports include

good, factual, complete, and accurate information, it will provide an easy reference for you in court. An accurate and detailed report could possibly result in a plea entered in court rather than going to trial to have a defense attorney attack any errors or omissions in your report.

11. DUI violators will be incarcerated and not turned over to a third party except in extreme circumstances authorized by a supervisor.
12. The driver's vehicle may be released to another at the driver's request provided all other surrounding circumstances are reasonable and safe. If no one is available to pick up the car, or it is on private property and permission can not be obtained to leave the vehicle there, it will be impounded for safekeeping. You are not compelled to tow the car if it can be reasonably released with the driver's permission. Obviously if the vehicle must be impounded for evidentiary reasons, the driver will not be afforded the opportunity to release his / her car.
13. Unless the driver's license is attached to the DMVS 1205, the arresting officer is to take the driver's license and attach it to the court's copy of the citation, regardless of whether the driver is a resident of Georgia or of another state.
14. In all instances of DUI arrests where a driver's license is not attached to the court copy of the citation and the driver is not charged with failure to have their license, it is mandatory that the arresting officer explain in the report narrative, as to why the driver's license was not attached.
15. Supervisors are charged with carefully reading all DUI reports for compliance with all these procedures. Reports will be returned to officers who fail to adhere to this procedure.

#### B. Speeding Violations (Too Fast for Conditions)

Speeding violations are to be considered as a type of offense that causes auto accidents, property damage, and injuries. The enforcement of speed violations is considered to be a high priority, especially in those areas that have proven to possess a high injury-accident rate. Speeding enforcement should also be done on residential streets and at those locations where citizen complaints have indicated that speeding violations occur. The following guidelines should be followed when taking enforcement action:

1. When speed has been determined to be a causative factor in a traffic accident, a citation for speed related offenses such as "following too closely" or "too fast for conditions" should be issued.

### C. Seatbelt and Child Passenger Restraint Enforcement

The use of seatbelts and child passenger restraints could reduce or even prevent injuries and deaths associated with motor vehicle crashes. The enforcement of seatbelt and child restraint violations is considered to be a high priority, especially in those areas that have proven to have a high injury-accident rate. All detected seatbelt and child restraint violations should be enforced by either a written warning or a citation.

### D. Hazardous Moving Violations

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. It will be the practice to issue citations or arrest, if appropriate, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

### E. Equipment Violations

When a vehicle is found to be in violation of several equipment requirements, a citation should usually be issued for Defective Equipment, and all the violations listed in the remarks section of the citation.

### F. Public Carrier/Commercial Vehicles

Enforcement of public carrier/commercial vehicle laws will be governed by applicable state laws and local ordinances.

### G. Non-Hazardous Violations

Minor traffic infractions may be resolved by warnings.

### H. Multiple Violations

When multiple violations are observed which can be classified separately as having distinctly different elements, they shall be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a driver's license should be issued two separate citations. In situations where two violations are similar to the extent that the elements of one law are included in the other law, only the most serious should be charged.

### I. NEW LAWS/NEW TRAFFIC CONTROL DEVICES

When new traffic control devices have been erected, only warning citations shall be issued for at least a thirty-day (30) period. All new traffic law and/or ordinances shall be enforced as they become effective, and upon the conclusion of any necessary roll call, in-service, and / or legal update training or review.

#### J. Pedestrian Enforcement

In enforcing traffic laws pertaining to pedestrians, officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.

Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted.

#### K. Bicycle Enforcement

Bicycles often receive a low priority in the overall enforcement of traffic laws. This is often due to the perceived seriousness of the violations, the age of the violators, or difficulty in apprehending the violator.

The use of bicycles as a major means of transportation, both for business and recreation, has resulted in an increase in traffic accidents involving bicycles and an attendant increase in traffic fatality and personal injury accidents. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying those laws. The following procedures are guidelines to use that should result in a more uniform and consistent application of the law:

1. In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced;
2. On those arteries with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws will be enforced;
3. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience low, officers should exercise discretion in the application of those laws regarding safe operation of bicycles;



4. Officers should be less tolerant with older offenders, who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibility in the safe operation of bicycles;

#### L. Off-Road and Recreational Vehicles

When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted, and in writing to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators are in violation of state law O.C.G.A. 40-7-4. If violation of other applicable laws occurs while operating a recreational vehicle, such as DUI, reckless driving, hit and run, or criminal damaging, additional enforcement action may be taken by officers. Any recreational vehicle driven upon public roadways will fall in accordance with registration laws and driver's license laws as would any other motor vehicle driven upon public roadways.

#### M. Parking Violations

Officers shall be responsible for the enforcing of all parking violations to include;

1. Parking on a yellow curb fire lane.
2. Parking in a handicap space without a permit.
3. Improper parking.
4. When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct a parking problem by attempting to locate the owner of the vehicle and have the vehicle removed. If compliance is not achieved, a citation might then be issued. If an immediate hazard is caused by the violation, the vehicle should be towed. An effort to contact the owner of the vehicle should be attempted before the vehicle is towed. Blocking a roadway is sufficient reason for the vehicle to be towed.

#### N. Driving with a Suspended License

The patrol officer is frequently in the position of encountering drivers, following the detection of a traffic violation or other contact, who are unable

to produce a valid driver's license. This could be the result of various actions not only of the driver, but also of the court and / or the Department of Motor Vehicle Safety (DMVS). The officer should check through the computer by name and date of birth, or driver's license / social security number for the current status of driving privileges. If the violator has a valid license, the officer's actions should be dictated by the initial violation or contact.

1. If the driver does not have a valid driver's license through GCIC / NCIC on-line records, the officer should determine if the violator was ever issued a license through this state or his / her state of residency. The officer should place the violator under physical arrest unless there are extenuating circumstances.
2. If the violator was issued a license in this state or his / her state of residence and the violator's driving privileges have been revoked or suspended, the officer should cite for driving under suspension and the driver should be arrested.
3. In either case, the driver shall not be allowed to drive from the location of the traffic stop, and other arrangements should be made (i.e., another licensed driver in the vehicle, or someone who can pick the vehicle up). The vehicle need not be towed if it is legally and safely parked or on private property.
4. If there is doubt about the correct status of a license suspension and verification of court action cannot be gained within a short period of time, the officer should release the driver until verification by teletype is gained. A citation can then be issued when confirmation of the license suspension is received, or warrants can be obtained.

## IX. VEHICLE STOPS

### A. Traffic Stops

One of the most dangerous actions initiated by a police officer is to approach a motor vehicle pursuant to a traffic stop. The following steps are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions such as weather, traffic volume, road design or the urgency to stop the violator (e.g., drinking driver) may dictate adjusting or altering the recommended procedure. These procedures are to be followed **when possible** and are presented from the perspective that **ideal conditions** exist.

1. When the officer has positioned the patrol vehicle behind the violator to begin the traffic stop procedure, the officer should note the license plate number of the vehicle.
2. The officer should be thoroughly familiar with the area and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space and appropriate lighting; every effort should be made to avoid stops on hills, curves, intersections, private drives, and business locations which have limited parking.
3. The officer will notify the Communications Center of the location, tag number, description of the vehicle (LTD), and if possible, the number of occupants in the vehicle prior to making the stop and exiting the police vehicle.
4. The officer should signal the violator to stop and direct him / her to the right side of the roadway if possible. The signal should be with blue light, hand signals, sounding the siren, or if necessary, the horn.
5. On multi-lane roadways, the officer should ensure the safety of the violator during lane changes by gradually changing from lane to lane with the violator.
6. Should the violator stop abruptly in the wrong lane or in another undesirable location, he / she should be promptly directed to move to a safer location. Officers might use the public address system to instruct violators to move to a safer location, if this equipment is available. If the patrol vehicle is not so equipped and gestures are insufficient to bring understanding, the officer should quickly exit from the patrol vehicle and give verbal instructions to the violator.
7. Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one-half to one car length behind, two feet to the left of the center of the violator's vehicle, with the remainder of the car directly behind the violator's vehicle. The front wheels of the police vehicle should be turned all the way left to create cover from an assault with a firearm.
8. The officer should exit from the police vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
9. If the officer chooses to approach the vehicle, the officer should approach from the rear of the violator's car, checking the rear seat area, checking

that the car trunk is securely closed and stop at a point to the rear of the trailing edge of the left front door or the right front door. A driver's side or passenger side approach to the vehicle is officer discretion and can vary based upon circumstances. From this position, the officer can talk with the violator, keeping them in a slightly awkward position, and at the same time keep all occupants of the vehicle in view.

10. The officer should be aware of any unusual actions on the part of the operator or the occupants and be alert so the door cannot be used as a weapon against the officer. The stop procedure can quickly change to the extent extreme measures may become necessary.
11. If the officer elects to have the violator come back to him, he will direct the driver to walk between the rear of the violator vehicle and the front of the police vehicle. The driver will then be directed to the roadside if pulled to the right shoulder, or a safe location out of the way of approaching traffic. Never should the driver or the officer stand between the vehicles in the event that the police vehicle is struck from behind by another vehicle and pushed into the violator's vehicle. The officer should never turn his back to the driver's vehicle, even when the officer is moving to or from the police car. The officer should stand facing the driver and the violator's vehicle. This position maintains a constant observation of the driver and his vehicle. If the officer is writing a citation, he should have the driver either return to his vehicle until recalled back by the officer or if the officer chooses to have the driver sit in the police car, he will be patted down first, placed in the backseat of the police car and then the traffic citation can be written. The officer will be alert of any unusual movements on the part of the driver while he is seated in the police car.
12. In those traffic stops made by two officer patrol vehicles, the passenger officer should be responsible for all radio communications, writing all notes and messages relayed to or from the Communications Center and, during the traffic stop, should exit from the vehicle and act as an observer and cover for his fellow officer. Normally, the two officers should not approach the violator's vehicle on the same side of the car.
13. At night, the procedure for conducting traffic stops is the same as daytime stops with the addition of using supplemental lighting such as take downs and the spotlight. After the stop, the headlights should be on low beam for the safety of oncoming traffic, and emergency lights should be in use on the patrol vehicle, unless the stop is off the roadway and emergency lights are not needed for safety purposes. Alternating headlights should be deactivated upon stopping.

14. When practical, the officer should greet the violator with appropriate title in a courteous manner, request the driver's license and proof of insurance and tell the driver why he / she was stopped when asking for the driver's license and proof of insurance. The officer should be well groomed and properly dressed in full uniform and will maintain a professional image using a professional bearing, displaying emotional stability, and using courteous language. After the stop, if necessary, the officer will assist the motorist to reenter the traffic flow safely.

B. Stopping a Known or Suspected Felon

1. When a vehicle driven by a known or suspected felon is located, the officer will notify the Communications Center immediately. The officer will inform Communications of the location, a thorough description of the vehicle and a description of the occupants.
2. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
3. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. The following procedures will be used in effecting the stop:
  - a. The officer will plan to stop the suspect vehicle in a location which provides minimal danger to other citizens.
  - b. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
  - c. The officer will signal the violator to stop, utilizing all emergency equipment to warn other traffic if necessary. This officer will normally become the primary officer, giving verbal direction to the occupants of the suspect vehicle.
  - d. The violator will be stopped on the right side of the road.
  - e. When the suspect vehicle begins to stop, the primary officer will turn off the siren and activate the public address system, if necessary.
  - f. The primary officer will position the police vehicle so that it provides maximum protection and cover. The backup vehicle will be positioned

left and about one car width from the initial vehicle, at approximately a 30–45-degree angle toward the suspect vehicle.

- g. The primary officer will remain with the vehicle, behind the door post, with his weapon aimed toward the suspect vehicle.
- h. The primary officer will direct each occupant to remove himself from the vehicle individually, according to specific directions. The officer will have them hold their hands up high, turn around slowly for a visual weapons inspection and direct them to move backward to the police vehicles to be handcuffed and then searched. Each occupant will be secured before the next occupant is instructed to exit
- i. The backup officer will cover the arresting officer and remain behind cover of the police vehicle door post until all occupants have exited, unless handcuffing and searching the suspects.
- j. After all known occupants are secured, a proper search of the vehicle will be performed.

***NOTE:*** All felony traffic stops will be performed according to the training received in addition to these guidelines. Every stop will be different and may require modification of the stop and extrication procedures. Always, act as you have been trained in practical exercises including proper exit, handcuffing, and search procedures.

## **X. TRAFFIC DIRECTION AND CONTROL**

### **A. Manual Direction of Traffic**

#### **1. Visibility**

Officers shall wear a reflective jacket or reflective vest when directing traffic or in the roadway for the purpose of controlling traffic at other incidents. To indicate that the officer is present for the purpose of directing traffic he should position himself / herself so that he / she can be seen clearly by all.

#### **2. Stopping Traffic**

To stop traffic, the officer should:

- a. Look directly at the person to be stopped until eye contact is made; and

- b. Raise the hand at the wrist so that its palm is toward the person to be stopped.

### 3. Starting Traffic

To start traffic, the officer should:

- a. Look directly at the person to be started; and
- b. With palm up, the arm is swung through a vertical semi-circle until the hand is adjacent to the chin. This gesture is repeated until traffic begins to move.

### 4. Right Turns

Right turning drivers usually perform their turns without the necessity of being directed by the officer.

When directing a right turn becomes necessary, the officer should extend the arm and index finger and gaze toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

### 5. Left Turn

Left turning drivers should not be directed to execute their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start while avoiding left gestures directed at turning drivers, which lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his / her turn. After stopping oncoming traffic, the extended arm and index finger and officer's gaze are directed toward the driver who intends to affect a left turn. When the left turning driver's attention has been gained, the extended arm and index finger are swung to point in the direction the driver intends to go.

## B. Signaling Aids

1. The whistle, if used, is to get the attention of drivers and pedestrians. It is used as follows:
  - a. One long blast with a **STOP** signal.

- b. Two short blasts with the **GO** signal.
  - c. Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal. Establish eye contact as soon as possible.
2. The whistle should be used judiciously, however, it should not be used to indicate frustration. The volume should be just that sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention. When its purpose has been achieved, the officer should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians.
  3. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understood and often lead to misinterpretations that are dangerous. An order, which is shouted, can antagonize the motorist. Occasionally, a driver or pedestrian will not understand the officer's directions. When this happens, the officer should move reasonably close to the person and politely and briefly explain his directions.
  4. The flashlight can be used to halt traffic. To stop traffic, slowly swing the beam of light across the path of oncoming traffic. After the driver has stopped, arm signals may be given in the usual manner with the vehicle's headlights providing illumination.

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

### C. Traffic Direction at Accident Scenes

1. Minor traffic accidents requiring an accident report do not present a major problem relative to traffic direction. In these cases, the officer should note the position of each vehicle and other relevant physical evidence and have the vehicles moved to a safe location, restoring traffic flow, and then complete the report.
2. In serious accidents requiring a thorough investigation, the scene may need protection for an extended period. In these cases, investigating officer should:



- a. Summon sufficient manpower to handle traffic direction responsibilities.
- b. Wear safety vest while at accident scene.
- c. Utilize sufficient equipment to protect the scene (barricades, traffic cones, etc.).
- d. Detour traffic as necessary.
- e. Give priority attention to collecting the information necessary at the scene to facilitate restoring normal flow of traffic.
- f. Restore the scene to a safe condition (replace signs, etc.).
- g. Continue traffic direction duties until traffic flow is normal.

#### D. Traffic Direction and Control at Fire Scenes and other Critical incidents

1. Officers directing traffic at fire and emergency scenes will ensure that all private vehicles are well clear of the emergency scene and are not obstructing emergency vehicles or other traffic.
2. Officers shall follow these procedures when directing traffic at a fire scene:
  - a. Summon sufficient manpower to handle traffic direction and pedestrian control responsibilities.
  - b. Wear safety vest while directing traffic or at scene.
  - c. Utilize sufficient equipment to protect the scene (barricades, cones, etc.).
  - d. Detour traffic as necessary.
  - e. Restore traffic flow.
  - f. Continue traffic direction duties until fire scene is cleared.

#### E. Traffic Controls and Direction During Adverse Road and Weather Conditions

1. All personnel assigned to traffic control shall wear department-issued traffic vest.
2. In the event of low visibility periods or adverse conditions, the flashlight should be used to direct traffic.
3. When practical, the police unit may be positioned in a safe place with blue lights activated to warn motorists of an adverse or potential hazard ahead.

#### F. Traffic Direction at Special Events

Upon learning of a special event, the supervisor affected / assigned shall plan the event. The following procedures will be utilized:

1. The time, location, and anticipated attendance shall be determined.
2. The perimeter streets of the special events shall be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and assigning officers to key intersections for control.
3. Provide for adequate emergency service access to the scene of the event including fire and ambulance services.
4. Provide for adequate crowd control. If the event is a parade, ropes may be used along the parade route with officers stationed at intervals as needed.
5. Ensure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route.
6. Provisions should be made for identifying those persons working directly with the event to assist them in crossing police lines. This includes promoters of the event, vendors, and press personnel.

#### G. Traffic Control Devices

1. Temporary traffic control devices such as cones, flags, emergency flashers, barricades, etc., may be obtained from the Street Department. These devices shall be utilized, when necessary, at a special event or an emergency scene. The supervisor on duty shall have authority to request these devices and determine the location for using them.

2. Temporary devices will be removed by police personnel when the event or emergency situation is over and will be returned to the City Street Department.
3. On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control signal devices only in the following situations:
  - a. When traffic light malfunctions.
  - b. To facilitate movement at traffic accidents or other emergencies.
  - c. To provide a thoroughfare for a motorcade, funeral procession, etc.
  - d. To alleviate congestion during planned special events.

Only officers who have received training in the operation of such devices will be issued a key to the traffic box. Only those officers with the appropriate training will be allowed to manually operate the traffic control device.

## **XI. ASSISTANCE TO MOTORIST**

- A. Helen Police Department officers will at all times assist and protect citizens and motorists that are in need upon any street or highway. At such times when an officer observes a stranded motorist, he will stop and ascertain what assistance, if any, is required. The officer may take any of the following actions:
  1. If the vehicle is disabled upon the roadway and can be pushed to a safe location off the roadway, the officer may help the person move the vehicle.
  2. Arrange for the motorists to have the vehicle towed either by owner's request or on call service.
  3. Relay a message to a competent mechanic to have him repair the vehicle at the scene.
  4. Transport the motorist to the police department or to a telephone.

5. Relay the motorist's request to the dispatcher for telephonic contact for assistance.
- B. Emergency assistance shall be provided to motorists by police personnel in any of the following manners:
1. First aid.
  2. Obtaining medical assistance.
  3. Fighting fires.
  4. Obtain fire service assistance.

All emergency requests will be radioed to the Communications Center for response.

C. Escort

1. As a matter of long-standing custom, funeral escorts are provided on request by local funeral homes. Officers escorting funerals will ensure that traffic at an intersection is stopped in both conflicting directions before leading a procession through. Escort officers should request other officer assistance in handling critical intersections when a large number of vehicles are involved. Officers will turn on vehicle lights and emergency light bar.
2. Requests to escort oversized vehicles or vehicles with dangerous or hazardous materials are occasionally received. One or more escort officers will be assigned by the Supervisor as required. Officers may have to exit the vehicle in order to guide, judge clearance, assist with directional change, etc. Appropriate vehicle emergency lighting equipment should be used during such escorts.
3. Police officers frequently receive motorist requests for directions to a particular location in the city. Police officers, time permitting, may escort such vehicles to the appropriate location. Requestors should be directed to follow the police unit, but to also comply with all traffic signals and direction. Police emergency equipment will not be used in such escorts.
4. Police vehicles will under no circumstances escort any emergency vehicle which has its own operating emergency equipment. Police officers may facilitate the movement of other emergency vehicles by assisting with traffic control at key intersections. Civilian vehicles

traveling under emergency medical conditions will not be escorted by an official department vehicle. The vehicle will be stopped, and its destination and nature of emergency determined. Appropriate jurisdictions and facilities will be notified.

5. Public officials of high office or other dignitaries will be provided police escort within the city limits upon the approval of the Chief of Police.
6. Other escort requests will be dealt with by the Shift Supervisor based on past practice and/or good judgment.

#### D. Road Hazards

1. The prompt reporting of road hazards is of the utmost importance to the safety of the motoring public. All sworn personnel have an immediate duty to report any road hazard to the dispatcher. The following are considered road hazards:
  - a. Roadway defects (debris, potholes, loose gravel, etc.).
  - b. Defective, damaged, or inoperable traffic devices.
  - c. Lack of or missing traffic control or informational signs.
  - d. Lack of or defective roadway lighting.
  - e. Visually obstructed intersections.
  - f. Lack of, damaged, or missing roadway safety devices (reflectors, guard rails, etc.).
2. The dispatcher is responsible for noting any of the above hazards to the proper agency for appropriate action, i.e., City of Helen Public Works or Georgia Department of Transportation.