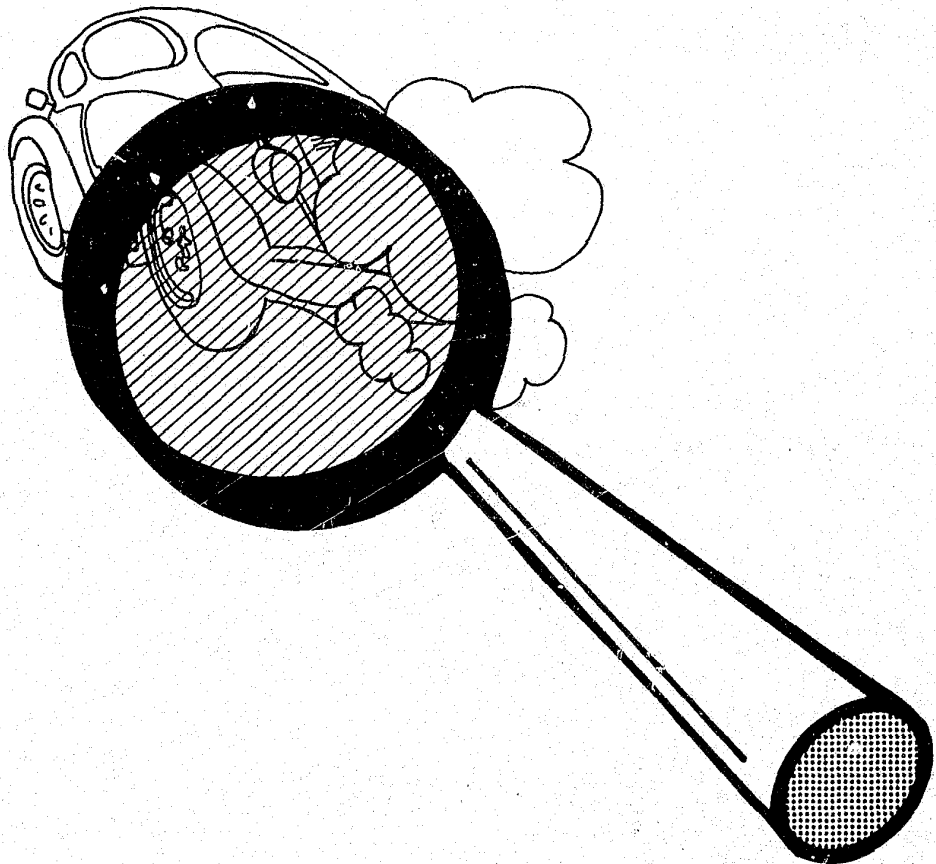


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TRAFFIC LAW ENFORCEMENT PROCEDURES

PART 1 Traffic Surveillance and Detection of Violators



52068

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XXIII

TRAFFIC LAW ENFORCEMENT PROCEDURES, PART I TRAFFIC SURVEILLANCE AND DETECTION OF VIOLATORS

ABSTRACT

This unit is designed to provide the student with an understanding of concepts and procedures related to jurisdictional boundaries, including fresh pursuit; motorized surveillance; and the detection of traffic violations.

BEHAVIORAL OBJECTIVES

Upon completion of this self-instructional unit the student will be able to:

- Describe the general guidelines that govern a Maryland police officer engaged in fresh pursuit.
- Describe the general restrictions under which the Maryland police officer operates while engaged in fresh pursuit of traffic law violators across state lines.
- Identify the major components a police officer should consider in making a status check prior to beginning traffic patrol operations.
- Identify the patrol procedures for random patrol, back tracking, and marked vs. unmarked cars.
- Describe the procedure for operating a police vehicle at optimum patrol speed.

- Describe the circumstances where stationary, off-road observation would be considered an applicable surveillance technique.
- Identify when the police officer is required to use keen observation and memory.
- Identify when driving behavior may be indicative of an illegal driver or vehicle condition.
- Describe the steps involved in the clocking (pacing) procedure used to measure the speed of other vehicles.
- Identify the behaviors (key factors) to be considered essential to the police officer for detecting traffic law violations.

JURISDICTIONAL BOUNDARIES

Law Enforcement Agency Boundaries

The police officer should become familiar, by referring to posted area maps, of the geographical boundaries of his/her law enforcement jurisdiction, including the various patrol divisions partitioning the jurisdiction.

Fresh Pursuit

Definition

Fresh pursuit (sometimes called "hot pursuit") occurs when the police officer determines that a violator should be pursued across the boundary lines of the officer's jurisdiction (state, county, or municipal) and into another jurisdiction.

Pursuit Across County or Municipal Boundaries

The officer, if not a Maryland State Police Officer, should be familiar with the policy of the officer's jurisdiction and with that of adjoining jurisdictions with regard to the fresh pursuit of violators across jurisdictional boundaries, particularly in regard to traffic offenses (misdemeanors).

Pursuit Across State Lines

Maryland police officers should be familiar with the policy of their jurisdictions on fresh pursuit across state lines and with relevant state laws. The important point to remember is that only a known felon can be pursued across state lines.

It is also important to remember that all traffic violations are misdemeanors, and that current statute, case, and common law fail to provide any lawful means of extending police powers to another state. An officer who enters another state immediately loses his authority as a police officer and can act only as a private citizen. Thus, the officer pursuing an offender should stop at the Maryland line. Some exceptions to the general policy just stated may exist and may vary from jurisdiction to jurisdiction. The officer has the responsibility to be aware of the pursuit policy which exists in his jurisdiction and those that adjoin it.

- Primary Factors. The officer should remember that, as in all situations requiring enforcement action, the primary factors to be considered in decision-making are
 - the safeguarding of lives and
 - the protection of property.

- The Public Interest. The officer must carefully evaluate, based on the facts available, whether continued pursuit across a state line will result in a reduction of an imminent danger to the public, or whether such pursuit is not in the public interest.
- Limits on Authority. The officer's decision must take into account that his or her authority is limited to that contained in the Uniform Fresh Pursuit Act or to those rights and authority (and no more) of any citizen at common law.
- The Final Decision. Only the pursuing officer, taking into account previous experience, training, and the guidelines contained within departmental policy, can make the final decision to pursue or not.

General Guidelines

The pursuing officer will at all times be governed by the following:

- Vehicle Operation. Officers will be guided by the provisions of Article 66 1/2 of the Maryland Motor Vehicle Laws and departmental policy concerning the operation of police vehicles under emergency conditions.

- Communications. When it becomes apparent to the pursuing officer that the possibility exists that he or she will find it necessary to cross a jurisdictional line, his or her assigned installation shall be immediately notified. The pursuing officer shall also furnish the assigned installation a description of the fleeing vehicle, the charge for which such vehicle is pursued, and the location and direction of travel of such pursuit. The assigned installation shall immediately transmit such information to the responsible police agency in the jurisdiction to be entered by the fastest means possible.
- Compliance With State Laws of Entered Jurisdiction. The officer legally pursuing a violator across a state line, who makes an apprehension, either alone or with the assistance of that jurisdiction's police department, shall not remove the apprehended subject from that jurisdiction until all the appropriate laws of the foreign jurisdiction have been fully complied with regarding judicial hearings on the legality of the arrest and the legal right to remove such person to the State of Maryland. Although the laws of those states sharing a common border vary regarding the legal requirements of extradition, general guidelines may be found in the "Arrest Procedures" section of the Maryland State Police manual of policy.

- Personal Liability. The pursuing officer must, as in all cases involving enforcement action, realize that the ultimate decision is the officer's to make, and must also realize that the officer assumes a personal liability in the event that the action is judged improper or illegal.
- Pursuit into Maryland. Maryland State law provides that any out-of-state officer who enters Maryland in fresh pursuit of a suspected felon, shall have the same authority to arrest and hold the person in custody as has any Maryland officer to arrest and hold in custody a person believed to have committed a felony in Maryland. An out-of-state officer making such an arrest in Maryland shall, without unnecessary delay, take the person arrested before a judge of the appropriate court within the jurisdiction where the arrest was made. The judge shall conduct a hearing to determine the lawfulness of the arrest, and if the arrest is determined to be unlawful, the person arrested shall be discharged.

TO CHECK YOUR PROGRESS PLEASE ANSWER THE FOLLOWING QUESTIONS.

Directions: Using your response sheet, circle the letter P if the items below are primary factors that a police officer must consider when deciding to engage in fresh pursuit across jurisdictional state boundaries. Circle N if they are not primary factors.

1. The legal constraints of the other jurisdiction
2. The safeguarding of lives
3. The use of minimum force
4. The apprehension of the violator
5. The protection of property

Directions: Circle the letter of the item which most correctly completes the following statement.

6. In making the decision whether or not to pursue a traffic violator across a state line, the officer in pursuit should remember that his/her authority is:
 - a. Limited to those rights and authority of any citizen at common law.
 - b. Limited to that contained in the Uniform Fresh Pursuit Act.
 - c. Limited under the constraints of both (a) and (b).
 - d. Not limited by either (a) or (b).

PLEASE CHECK YOUR RESPONSES WITH THE KEY ON PAGE XXIII - 28. REVIEW ANY ITEMS YOU MISSED BEFORE CONTINUING.

MOTORIZED SURVEILLANCE OPERATIONS

Patrol Techniques

The police officer should become familiar with the forms of patrol applied in the various geographical divisions (area/sector/zone; line; area and line; or other) within his or her jurisdiction.

The officer must also be familiar with the means for conducting patrol operations within the various patrol divisions (referring to displayed area maps) consistent with the policy of his or her law enforcement agency, for example:

- Foot patrol
- One-person police car
- Two-person police car
- Motorcycle
- Motor scooter
- Airborne, including fixed-wing aircraft or helicopter.

For review. Traffic patrol is that part of the officer's activity

in which he or she moves about, driving or walking, within a designated geographical area or along a given roadway for the general purpose of traffic surveillance. Area patrol may include several streets, roads, or sections of highway, and may be broken down into sectors or zones; line patrol is conducted on a designated route between two points of a city street or on a highway.

Preparation for Traffic Patrol

Reporting in. The officer must be familiar with the requirements of his or her jurisdiction for reporting in for patrol duty (for example, reporting time, personal appearance, etc.)

Status check. It is imperative that the officer check for the presence and/or the operational status of the items listed below (and any other relevant ones) before beginning traffic patrol operations:

- Police car (for example, fuel, oil, coolant, tires, steering, brakes, headlights, signal/warning lights, communications equipment)
- Emergency equipment (for example, flares/fusees, flags, fire-fighting equipment, first aid equipment)
- Reporting and investigation equipment (flashlight-baton, camera, tape measure, crayon, accident template, and forms);

the forms required will include the following and any others used by the officer's jurisdiction:

- Accident report and supplementary forms
- Witness summary statement forms
- Civilian report and complaint forms
- Alcohol and drug influence report forms
- Maryland Uniform Complaint and Citation forms
- Safety Equipment Repair Order (SERO) forms
- Arrest record
- Vehicle defect report
- Chemical test record forms.

• Ordinance

Understanding orders. The police officer should have a clear understanding of the orders and instructions in effect for his or her patrol sector, particularly the details of any selective enforcement program underway, before proceeding on patrol duty.

Patrol Procedures

Random patrol. This involves maneuvering on patrol in a different and unpredictable manner each time, which prevents would-be violators from getting a "fix" on the officer's movements and taking evasive actions.

Back tracking. In this procedure, the officer retraces the patrol path periodically for some distance, which allows the police officer to reobserve a suspicious situation and possibly apprehend a violator who believes the police officer will not be back for a while.

"Marked" vs "unmarked" cars. Although conspicuously marked cars on patrol have a high deterrent effect, inconspicuously marked cars can also have a significant deterrent effect if the public knows they are being used, and chances for detecting traffic violations are greater.

NOTE: The student should check the policy of his or her jurisdiction on the use of unmarked cars.

Patrol speed. Optimum patrol speed should be that which:

- Facilitates observation of the ongoing traffic situation;
- Is a safe speed
- Encourages speed law observance
- Does not impede traffic flow.

More specifically, the patrol speed should be slightly below the prevailing pace of traffic to allow the police officer to observe the passing stream of traffic. The police car's position on a multiple lane roadway should be in the far right-hand lane. Should a backup of traffic occur behind the police car, the driver should turn off the main road to allow the backup to disperse.

Selective enforcement. Accounting for any specific orders, the police officer should be aware of locations known to have a history of frequent traffic violations and/or accidents, and devote special attention to observing such areas when on patrol.

Preventing violations. Though the main concern of the police officer's job is the detection and apprehension of violators, the officer should also be alert to preventing violations. Examples of preventive actions are warning a motorist about to enter the wrong way on a one-way street, or about to double-park on a street.

Coordinated operations. The officer should be familiar with any procedures employed in his or her jurisdiction to coordinate the activities of more than one police unit in a given patrol sector.

Communications. The officer should know the communication procedures to be employed in the jurisdiction while on patrol, for example, those used during the course of normal patrol, when making an enforcement stop, and when taking breaks.

Observing the law. Unless emergency conditions prevail, the officer is expected to be an outstanding example of a courteous and lawful motor vehicle operator.

Authorized Emergencies. The police officer, when responding to an emergency call or when in pursuit of an actual or suspected violator,

may operate the police car without regard to certain traffic laws, but only when making use of audible or visual warning signals (siren or flashing lights). In an emergency the officer may:

- Park or stand wherever necessary
- Pass a red or stop signal, a stop sign, or yield sign, but only after slowing down as may be necessary for safe operation
- Exceed the maximum speed limits so long as life or property are not endangered
- Disregard traffic control devices and regulations governing the direction of traffic flow or turning in specified directions.

The officer in an emergency situation is not relieved by the laws of Maryland from "the duty to drive with due regard for the safety of all persons" and that the special privileges granted in an emergency do not "protect the driver from the consequences of his or her reckless disregard for the safety of others."

The driver of an emergency vehicle cannot be expected to use the same care that the law requires of the ordinary motorist, but the driver is liable for ordinary negligence, namely, "a failure to exercise reasonable care and diligence under the circumstances."

Stationary, off-road observation. The considerations related to stationary observation listed below should be followed insofar as they are consistent with departmental operating policy.

Application. Stationary, off-road observation is used at times and in places where accidents and/or violations are high. It is generally used intermittently, not regularly, at the same time and place, when traffic is heavy, visibility is good, and where pursuit and apprehension of a violator is not too difficult. This patrol procedure is useful in detecting such violations as:

- Failure to obey stop sign or traffic light
- Improper turns
- Violations against pedestrians
- Pedestrian violations
- Speed violations using speed measuring devices (radar, VASCAR, "Speedgun")

Concealed vs visible stationary observation. The officer should be familiar with departmental policy related to these types of stationary observation, and be able to distinguish between "entrapment" and "concealed observation."

The officer should know typical locations, the violations to be emphasized during observation, and procedures for parking, communications, and apprehension of violators that apply to both concealed and visible observation.

Speed measuring devices. Although students will not be trained to operate sophisticated speed measuring devices such as radar or VASCAR at this time, as police officers they may assist the operators of such devices at speed monitoring sites from time to time. Duties that may be performed during operations include

- Communications between the police car and the equipment operator
- Recording on-site information, including for example, vehicle description and license number
- Apprehension of detected speed violators, including
 - Flagging down (by day) violators while the officer is on foot and
 - Vehicular apprehension (by night) of violators.

Traffic road check procedures. The officer should know the objectives and procedures for carrying out traffic road checks in the jurisdiction, including the purposes of traffic road checks and procedures for running traffic road checks.

TO CHECK YOUR PROGRESS ANSWER THE FOLLOWING QUESTIONS.

Directions: Using your response sheet, circle the letter of the one item which best completes the following statements.

7. Before beginning traffic patrol operations, the officer should complete a status check on which set of items below?
 - a. Police car, investigation equipment, reporting forms, ordinances or orders in effect for the patrol sector.
 - b. Emergency equipment, police car, reporting forms, personal appearance.
 - c. Ordinances and orders in effect in the patrol sector, emergency equipment, police car, reporting and investigation equipment.
 - d. Investigation equipment, forms for reports, emergency equipment in the police car and special ordinances and orders in effect in the patrol sector.

8. The best example of random patrol would be where the patrol vehicle is operated:
 - a. Without a time schedule or fixed patrol routes
 - b. Without a time schedule but over an established number of routes
 - c. With a fixed time schedule over a number of fixed routes which may be patrolled in a random order
 - d. With a fixed time schedule over an established patrol route

9. When engaged in routine traffic patrol, the optimum speed of the police vehicle is generally considered to be:

- a. The same as the posted speed limit
- b. The same as that maintained by the general flow of traffic
- c. Slightly higher than the general flow of traffic
- d. Slightly below the general flow of traffic

10. A police car's position on a multiple lane highway, during routine traffic patrol, should be:

- a. In the far right-hand lane
- b. In the center lane (if a 3-lane highway)
- c. In the far left-hand lane
- d. In the lane carrying the most traffic

Directions: Circle the letter S if the items below describe when and how to use stationary off-road observation. Circle the letter N if the items below are not applicable to the stationary, off-road observation procedure.

- 11. In places where visibility is poor
- 12. In places where violations are high
- 13. On an intermittent basis, not regularly
- 14. Where pursuit and apprehension of a violator would be difficult.

PLEASE CHECK YOUR RESPONSES AGAINST THOSE FOUND ON THE ANSWER KEY ON PAGE XXIII - 28.

DETECTING VIOLATIONS

General Principles of Observation

The police officer should be ever mindful of the fact that he/she is the eyes and ears of the police force. Discipline is necessary to maintain an alert and watchful view of the environment all times.

Situations requiring keen observation and memory. The police officer must be prepared to observe, mentally note, and record many situations in the traffic environment, some of which are:

- The license plate (state, number), color, make (year and manufacturer), and model of automobiles
- The location and description of various landmarks on his patrol as well as unusual circumstances (for example, skid marks or signs of an accident where none is reported; malfunctioning or obliterated signs; signals or road markings)
- Estimation of time, distance, speed, and weight (vehicle overload)
- Detection of unsatisfactory traffic flow conditions

- Descriptions of people (for example, height, weight, age, clothing).

The police officer should practice the foregoing mental tasks whenever and wherever possible while on patrol, so that these skills will be developed and available when needed. Where he is inclined to forget his observations, he should promptly write them down in his notebook.

Keen observation takes conscious effort. The primary sensory mode is the police officer's vision. The officer must discipline himself to remain visually attentive and alert. He should:

- Continually scan his field of view and avoid fixating his gaze for any period of time
- Look for such things as unusual vehicular positions and movements, objects or markings on or along the roadway that may be indicative of a traffic violation or accident
- Frequently check his rear and side view mirrors when on motor patrol for events that may be occurring in back of him.

Attention to unusual sounds in the traffic environment is advisable. Hearing will be of more importance to the foot police officer than the motor police officer as he generally has more exposure to the sounds of the traffic environment.

Suspicious Driving Behavior

The police officer must not be content with detecting readily observable violations. There are certain forms of driving behavior and/or vehicular conditions that bear close watching and in some cases qualify stopping the motor vehicle operator for a license and registration check. Unusual driving behavior may be indicative of an illegal driver condition such as driving under the influence of alcohol or drugs, or serious vehicle defects. Be suspicious of such unusual situations as:

- Unusually slow or high speed, or erratic speed
- Slow moving vehicle in left or passing lanes
- Uncoordinated control of the vehicle (for example, racing engine, erratic or abrupt starts and stops, unduly long stops, weaving, failing to slow down properly for an intersection with a blocked view, excessive maneuvering for a parking place)
- Employing turn signals when not preparing for a turn
- Overtaking or attempting to overtake several cars at once
- Sudden movements at the approach of police

- Groups of teenagers assembled in two or more vehicles late at night
- Unlighted parked cars with engines running
- Improperly mounted and/or obscured license plates
- Close following of vehicles at or near speed limit
- Repeated use of horn in traffic
- Frequent lane changes.

Clocking or Pacing of Suspected Speed Violators

The basic technique used by motor police officers to measure the speed of vehicles accurately is clocking or pacing.

Calibration of patrol car speedometer. The police officer should become familiar with the procedure for ensuring the accuracy of the police car speedometer, how often it must be calibrated, and what the measurement-error range is even with proper calibration.

Clocking (pacing) procedure. The objective is to match the police car's speed to that of the vehicle suspected of speed violation. The officer should maneuver into position behind the suspect vehicle as inconspicuously as possible (without excessive maneuvering). The

distance behind the suspect vehicle should be a safe one, allowing for easy license plate identification (not possible at night and on certain highways) and control of the pacing procedure (100 feet behind is satisfactory for speeds up to 25 mph; 200 feet behind is satisfactory for speeds of 50 mph and greater. The police car's speed should be adjusted so that the suspect vehicle is moving slightly faster (pulling away) than the police car and the speedometer reading recorded. Next the officer should match his speed with that of the suspect vehicle, check the speedometer and odometer, and begin pacing.

Clocking (pacing) from the front. The procedure is the reverse of that described above; that is, when a vehicle is approaching the police car from the rear and is suspected of exceeding the speed limit, the officer should maneuver the police car as inconspicuously as possible in front of the suspect vehicle. The officer should maintain a safe distance ahead to allow proper control of the pacing procedure (100 feet ahead for speeds up to 25 mph; 200 feet ahead for speeds up to 50 mph and greater). The police car's speed should be adjusted so that it is slightly slower than that of the gaining vehicle, and a speedometer reading taken and recorded; the police car's speed should then be adjusted to match that of the suspect vehicle, the speedometer and odometer readings taken, recorded, and the pacing, or clocking, begun.

Common errors in clocking procedure. Close scrutiny of the speedometer is required to avoid misreading the clocked speed. Arithmetical mistakes are sometimes made in accounting for any

calibration factor. An improper speed match will produce an erroneous reading. If the police car is gaining on the suspect vehicle at the time of speed reading, the reading will be falsely high. The opposite will be true if a reading is taken when the suspect car is gaining on the police car. Higher tire pressure created by a higher environmental temperature will cause falsely low speedometer reading, and vice versa.

Note: Clocking and pursuit are difficult and dangerous in heavy traffic; clocking should be attempted only when safe apprehension (or pursuit) may be effected.

Key Factors in the Detection of Violations

To support the traffic law enforcement program effectively, the police officer must

- Know the motor vehicle laws that govern his actions, specifically the various traffic offenses, the elements that define them, and departmental enforcement policy with regard to them;
- Be aware of times, places, and conditions on his patrol that produce certain classes of offenses, and be prepared to take appropriate action to prevent or stop offenses;
- Discipline himself to remain constantly alert--to be actively looking for traffic offenses, especially

hazardous offenses, at all times;

- Always note the circumstances surrounding offenses to enable the court, once the violator is apprehended, to determine the severity of the offense, specifically
 - Time of day
 - Road type and condition
 - Visibility and weather conditions
 - Traffic density (vehicles, pedestrians)
 - Visibility and proximity of signs, signals, and markings related to the offense;
- Look for opportunities to obtain statements of witnesses to substantiate the facts surrounding the offense;
- Report deficient situations, including illegible or obscured signs, signals, and markings to appropriate state, county, or municipal authorities for remedial action.

Note: The officer should not concentrate traffic law enforcement efforts at locations where regulatory signs, signals, and markings are difficult to read or are obscured, with the intent of taking frequent law enforcement action. Enforcement action is specifically precluded by the law if these signs, signals, and markings are not sufficiently legible or observable by an ordinarily observant person.

TO CHECK YOUR PROGRESS PLEASE ANSWER THE FOLLOWING QUESTIONS.

Directions: Circle the letter of the one item which best completes the following statement.

15. In clocking or pacing a suspected violator whose vehicle is in front of the police vehicle, the officer should:
- a. Match the suspect car's speed as soon as possible and record the speedometer reading
 - b. Adjust the police car speed so that it is moving slightly faster than the suspect vehicle and record the speedometer reading
 - c. Follow the suspect vehicle at a safe distance, generally 200 feet behind for speeds in excess of 50 mph.
 - d. Maintain a maximum distance of 300 feet between vehicles during the actual pacing

Directions: Indicate which of the following statements regarding errors that may occur in the clocking procedure are valid by circling the letter V on your response sheet. Circle the letters NV to indicate a statement that is not valid.

- 16. The speedometer may have been misread.
- 17. If the police car was gaining on the suspect vehicle at the time of the speed reading, the reading will be falsely high.
- 18. Higher tire pressure will cause falsely high speedometer reading.

19. In accounting for a calibration factor an arithmetical mistake could be made.
20. If the suspect car is gaining on the police car at the time of the reading, the reading will be falsely high.

PLEASE CHECK YOUR RESPONSES WITH THE KEY ON PAGE XXIII - 28. REVIEW THOSE ITEMS YOU MISSED BEFORE TAKING THE POSTTEST.

THIS COMPLETES SELF-INSTRUCTIONAL UNIT XXIII.

XXIII

KEY TO EMBEDDED QUESTIONS

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