

**Stevensville Police Department
General Orders**

Chapter 29

Traffic

Date Effective 5/10/21	By The Order of:	M. Sosa, Jr., Chief of Police
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Date Revised 5/10/21	Date Reissued 5/10/21	Pages 47
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29.1.1 TRAFFIC SAFETY FUNCTION

CALEA Standard: 61.1.1, 41.3.8

The Chief of Police shall have the overall responsibility for planning, analyzing, monitoring, and coordinating traffic enforcement activities. All Officers shall perform traffic enforcement and control duties.

Traffic Enforcement Activity

The Stevensville Police Department will strive to reduce the incidents of traffic collisions, provide for the safe and efficient flow of vehicular traffic, and effect the enforcement of motor vehicle laws within the jurisdictional boundaries of the Town of Stevensville, and provide assistance to motorists as outlined in this directive.

Traffic functions of the Stevensville Police Department shall include, but not be limited to:

- Enforcement of motor vehicle laws
- Operation of speed measuring devices
- Targeted traffic enforcement
- Operation of breath analysis equipment
- Perform community service and community relations activities to include traffic safety education and liaison with the community

Analysis of traffic enforcement activities shall:

- Include traffic evaluations and reports describing problem areas based on observations, enforcement activities, crash reports, citizen complaints, and Officer/supervisor requests.
- Consider overall Stevensville Police Department traffic enforcement activities and strategies
- Be used to evaluate traffic complaints and/or requests for selective enforcement
- The Stevensville Police Department General Orders, Chapter 34, *Records*, provides guidelines governing all Stevensville Police Department records to include processing,

maintenance, distribution, retention requirements, and release of records and provides for supervisory review of all reports submitted by Officers.

The Stevensville Police Department records system shall maintain or have access to traffic information to include:

- Traffic collision data (reports/investigations/locations/dispositions)
- Traffic enforcement data (citations/arrests/locations)
- Roadway hazard reports
- Traffic safety education reports
- Traffic volume data

Information obtained through the use of body camera recording systems can become an important piece of evidence in any type of case and shall therefore be maintained in a way that ensures the integrity of the contents. Body Camera recording media should be treated as any other item having evidentiary value in accordance with Stevensville Police Department General Orders, Chapters 34 and 35.

General provisions for the use of mobile audio and video recording equipment in Agency vehicles are provided in Stevensville Police Department General Orders, Chapter 19, Section 19.3.7, "Patrol". Officers should refer to this directive for additional procedures.

Implementation of Selective Enforcement Techniques and Procedures

This directive shall establish guidelines for appropriate enforcement action when violations are witnessed, evidenced, or brought to the attention of members of the Stevensville Police Department.

Implementation of selective enforcement techniques should target specific problems as determined by factors including:

- Traffic analyses
- Citizen complaints
- Needs identified by Agency personnel
- Needs identified by other appropriate Town personnel

Implementation of selective enforcement techniques may include enforcement actions such as:

- License or traffic checks
- Stationary observation of intersections
- Use of speed measuring devices
- Other approved techniques as appropriate to the situation

Officers should take enforcement action against those violations determined to cause collisions and should use countermeasures most effective for specific enforcement problems involved.

Enforcement countermeasures may include:

- Use of speed measuring devices
- Line and/or area patrol
- Stationary observation
- License or traffic checks

Deployment of Traffic Enforcement Personnel

It is the policy of the Stevensville Police Department that traffic law enforcement and the delivery of law enforcement related services will be applied consistently and courteously to foster a positive public attitude and acceptance of the level of enforcement and control necessary to achieve the goals of the Agency. The responsibility for enforcing traffic laws and regulations shall be shared by all sworn personnel.

Deployment of traffic law enforcement personnel shall include factors based on an analysis of traffic collisions and traffic-related calls for service pursuant to the following guidelines:

- Deployment shall be based on analysis of the most recent three-year period.
- Officers shall be deployed to areas based on crash frequency, citizen complaints, and other determining factors.

Analysis of Traffic Collisions and Related Factors

The Stevensville Police Department will use traffic enforcement practices with the ultimate goal of reducing traffic collisions. Marked and unmarked vehicles may be used. Equipment should be appropriate to the enforcement actions used. The Chief of Police shall use the following procedures and guidelines to assist in determining effective enforcement techniques and locations.

Analysis of reported collisions should:

- Be based on a numerically significant sample
- Consider fluctuations caused by seasonal variations
- Be used to target locations with a high frequency of collisions
- Be used to determine what type of violations appear to contribute to collisions at targeted locations
- Be used to evaluate traffic complaints and/or requests for selective enforcement

To ensure effective use of resources, proactive targeted enforcement activities shall be based on analyses of traffic collisions. Officers shall conduct traffic analyses and studies pursuant to requests by the Chief of Police. When such requests are made, the Officer or Sergeant shall provide a written traffic collision analysis report to the Chief of Police. The Chief of Police shall

disseminate the information to appropriate personnel. Analyses of traffic collisions shall include geographic, temporal, and causative factors such as:

- Environmental factors
- Types of violations
- Day, date, and time of occurrence

Evaluation of Selective Enforcement Efforts

To support field operations, facilitate program planning and the development of countermeasures, and to measure program effectiveness, the Chief of Police's designee will review and submit reports to the Chief of Police. The reports will include at least the following elements in a numerical summary:

- Traffic collisions investigated
- Traffic enforcement actions taken to include speeding citations, arrests, other traffic citations

The Chief of Police's designee shall conduct on-going evaluations of traffic enforcement activities to determine effective use of resources. Evaluations are based on:

- Citizen complaints
- Past violations at specific locations
- Crash frequency at specific locations
- Traffic volume
- Area supervisor requests

29.1.2 TRAFFIC LAW ENFORCEMENT ACTION

CALEA Standard: 61.1.2

Mandatory and recommended enforcement actions and options exist to ensure that traffic enforcement policies are uniform and equitable. Enforcement options include warnings, citations, and physical arrest. Officers have the *option* to make a physical arrest under the following circumstances:

- Violators of traffic laws pertaining to driving while impaired (DUI) statutes, except when the offender is hospitalized or similarly incapacitated as a result of the offense
- Anytime a felony has been committed involving a vehicle
- Anytime the operator attempts to elude a law enforcement officer
- Anytime the operator cannot produce sufficient identification to verify his identity and he is going to be charged with a violation
- Anytime the operator is licensed by a non-reciprocal state

- When the Officer has reason to believe that the person will not comply with the summons if issued. *Refusal to sign a citation is not reason to believe the person will not comply.*

In those cases where physical arrest of traffic violators is authorized by statute, the following procedures will apply:

- The arrestee(s) will be informed of the specific charges(s).
- If the Officer intends to question the arrestee(s) about the offense, the arrestee will be advised of Miranda right against self-incrimination and the right to have counsel present.
- If necessary, the arrestee's vehicle will be towed according to the procedures set forth in this directive

Officers shall issue a Uniform Traffic Citation in most cases for those violators who commit a minor traffic misdemeanor or infraction pursuant to Montana Motor Vehicle Laws. Should a violator be issued a Uniform Traffic Citation, the Officer will:

- Explain why the traffic stop was made
- Write the citation
- Explain the contents of the citation as outlined in standard 61.1.4 of this directive

Officers may issue verbal warnings as a proper enforcement alternative in response to a minor traffic infraction committed in those areas where traffic collision potential is minimal. Verbal warnings or other non-punitive enforcement actions should be substituted for arrests or citations when circumstances warrant.

Preparation of Citations/Reports

Traffic citations and arrest reports form the basis for the prosecution of traffic violators. Departmental guidelines for the preparation and processing of traffic citations, traffic-related arrest reports, and traffic related supplemental reports are:

Uniform Traffic Citations

- All handwritten citations will be neatly and legibly printed using a ballpoint pen writing non-erasable black ink.
- All spaces requiring information relevant to the situation will be completed.
- A court date will be designated according to the assigned court dates.
- The Officer shall give the violator the "Defendant's Copy" of the citation.
- Officers should write a detailed statement of the facts about the violation on the "Officer's Copy" of the citation. This copy shall be retained by the Officer.
- The "Court's Copy" (original) and the "Driver License Section Copy" shall be submitted to the court.

- If the violator is taken before a magistrate, the back of the original will be completed and submitted to the magistrate as the “Return of Service”.

Arrest Reports

The Officer shall complete an arrest report when a physical arrest of a traffic violator is made.

Accountability for Uniform Traffic Citations

All uniform citation books shall be issued by a supervisor. The control numbers of the citation book shall be recorded next to the name of the Officer receiving the citation book. Citations completed during the Officer’s tour of duty will be submitted to the Supervisor. Stevensville Police Department General Orders, Chapter 34, Section 34.3.2, “Records,” provide instructions for Officers to follow when a citation or citation book is lost or stolen.

Cancellation of citation(s) will be handled in the following manner:

- If an error is made while writing a citation, or if citations have been damaged and are unusable, they may be administratively canceled by the Officer. The Officer shall write “VOID” across the citation and on the copies. All copies will be left in the citation book.
- If an Officer wishes to void a citation for another reason, the Officer may talk to the Supervisor, explaining the reason for the request.
- A Supervisor may direct an Officer to seek dismissal of a citation if, upon investigation, it appears the citation was improperly or inappropriately issued. This type of dismissal will require the approval of the court personnel.
- In no case will any Agency employee cause a traffic citation by another Officer to be dismissed, except under the conditions previously stated above.

Periodic audits of citation books will be accomplished at the direction of the Chief of Police in accordance with procedures outlined in Chapter 34 of the Stevensville Police Department General Orders

The Officer shall return used citation books to the on-duty supervisor. The supervisor shall inspect the used citation book to ensure that all the necessary copies are accounted for, and record the used citation book as being returned, next to the name of the Officer submitting the book. The supervisor shall return the used citation books to the Chief of Police’s designee who is responsible for returning used citation books to the Clerk of Court’s Office.

29.1.3 SPECIAL PROCESSING REQUIREMENTS

CALEA Standard: 61.1.3, 1.1.4

Non-Residents of Montana

Frequently, an Officer stops a driver for a traffic offense and discovers that the driver is not a resident of Montana. The Officer must then choose among various enforcement options

available, including full custodial arrest and transportation to the magistrate's office or issuance of a Uniform Traffic Citation.

Montana Statute governs reciprocity agreements between Montana and other states and regulates the circumstances under which an Officer may arrest a nonresident for a violation of the motor vehicle laws of Montana. Pertinent provisions of these sections are:

- Nonresident members- Violators who are residents of states that have entered a Nonresident Violators Compact with Montana are entitled, under certain circumstances, to be issued a citation for certain offenses rather than face arrest and the requirement of posting bond. Violators who are residents of these other states are, for the purpose of this outline, referred to as "nonresident member violators".
- Montana Statute provides that an Officer shall issue a citation to a nonresident member violator if the offense is one that would not result in the suspension or revocation of the person's license under the laws of Montana. An Officer issuing a nonresident member violator a citation is forbidden from requiring the nonresident member violator to post bond. Furthermore, the Officer is required to release the nonresident member violator upon personal recognizance. Personal recognizance is defined as "a signed agreement by a nonresident member violator that he will comply with the terms of the citation issued to him". However, any nonresident member violator has the right upon request to post collateral or bond in a manner provided by law, and in such a case the provisions for issuance of a citation and an acceptance of personal recognizance would not apply.

Montana Statute authorizes judicial officials to determine conditions for release of persons on bail and expressly prohibits law enforcement officers from setting bail.

- In those circumstances in which a nonresident member violator is issued a citation, executes a personal recognizance, and subsequently fails to comply with the citation, Montana Statute directs the Clerk's Office to report the noncompliance to the Montana Department of Justice.
- Reciprocity agreements entered into by Montana require that nonresident member violators who do not comply with a citation will have their noncompliance reported to the official in charge of the issuance of licenses in the violator's home state so that appropriate action may be taken. Since this sanction is not available against the nonresident violators from nonmember states, Officers should arrest and take before a magistrate all violators who are residents of states that do not have reciprocity agreements with Montana (misdemeanor violations only). Officers may, however, wish to issue a citation to these violators who have substantial, consistent, and recurring contacts with the state of Montana.

All citations issued to, and arrest of, residents of member or nonmember states must be governed by the applicable provisions of Montana Statute.

Juveniles

When a juvenile (an individual under 18 years of age) commits a misdemeanor or infraction, the Officer shall follow all applicable procedures in accordance with Montana Statute.

Officers should refer to Chapter 22 of the Stevensville Police Department General Orders for specific procedures when encountering juveniles who have committed a violation.

Legislators

Members of the United States Congress will, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective house, in going to and returning from the same, and for any speech or debate in either house.

Officers should use their discretion when deciding whether to issue a citation to a Montana Senator or Representative when the legislature is in session. Also, officers will not unnecessarily or unreasonably delay the legislator.

Individuals with Immunity

Officers receive training on consular identification and notification during Basic Law Enforcement Officer Certification Training and during scheduled field training with a Field Training Officer.

DIPLOMATIC OFFICERS

Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are located either in Washington, DC, or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanently reside in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

CONSULAR OFFICER

Consular officers are Consuls-General, Officer Consuls-General, Consuls, and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities and considerations as described below:

- *Immunities* – Under prevailing international law and agreement, a foreign Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. This immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

- *Identification* – Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credentials bear its seal, the name of the officer, his title, and the signature of the State Department officials.
- *Honorary Consuls* – Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by Career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to Career Consular Officers, though they may exhibit reduced-sized copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord them the protection required by virtue of their official positions.
- *Family of Consular Officers* – Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state, as do Consular Officers; however, they should be accorded appropriate courtesy and respect.
- *Consular premises* – Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or a designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster that may require prompt protective action.
- Methods of handling selected incident violations or minor offenses committed by Consular Officers:
- *Moving violations* – When a Consular Officer is stopped for a moving violation, the Officer on the scene, upon being advised by the driver that the individual is a Consular Officer and verifying that the Consular Officer possesses the proper credentials, should exercise discretion based on the nature of the violation and either let the Consular Officer go with a warning of the danger of the actions or proceed with issuance of the appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense of referred to above.
- *Driving while impaired* – The primary consideration in this instance should be to see that the Consular Officer is not a danger to himself or the public. Based upon a determination of the circumstances, these options are available:
 - Take the Consul to a telephone so that the Consul can call a relative or a friend to come for the Consul.
 - Call a taxi for the Consul.
 - Take the Consular Officer home.
- *Offenses involving family members* – Family members of a Consular Officer cannot claim immunity; however, consideration should be given to the special nature of this type of case.
- *Reporting incidents to the Office of the Governor* – If a Consular Officer or member of the Consular's family is stopped and cited by an Officer for an alleged violation of

municipal/town or state laws, the Office of the Governor shall be notified and furnished with all pertinent information. This notification will be made by the Chief of Police.

MILITARY PERSONNEL

Armed forces personnel, for purposes of this directive, shall include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and reservists who are on active duty. Generally, no person who is a member of an organized militia is subject to arrest while going to, remaining at, or returning from any place at which that individual may be required to attend for military purposes. However, on occasion, it may be necessary to issue a traffic citation, affect a physical arrest, or investigate a traffic collision involving a member of the armed forces.

TRAFFIC COLLISION

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

MILITARY PERSONNEL/NONRESIDENTS

Military personnel whose permanent residence and/or permanent duty station is located outside the State of Montana will be treated as nonresidents.

29.1.4 INFORMATION PROVIDED TO TRAFFIC LAW VIOLATORS

CALEA Standard: 61.1.4

When issuing a citation to a traffic law violator, Officers shall provide the following information:

- Court appearance schedule
- Whether court appearance is mandatory
- Whether the violator may be allowed to enter a plea and/or pay the fine by mail or at a specific location
- Any other information that must be provided to the violator prior to release

29.1.5 UNIFORM ENFORCEMENT POLICY

CALEA Standard: 61.1.5

The uniform application of enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation. Officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance of traffic laws. The intent of this directive is to set forth general guidelines for uniform enforcement action for routine situations. It is not the intent of this directive to limit the Officer's use of judgment, but to encourage each Officer to use his training and experience to the fullest extent. The following are general guidelines when encountering the indicated violations.

Driving Under the Influence of Alcohol/Drugs

The Stevensville Police Department recognizes that drivers impaired by alcohol and/or other intoxicants represent a serious threat to the safety of others. Because of the seriousness of this problem, the Department maintains a program that includes provisions for uniform enforcement of DUI laws and public education concerning alcohol/drugs.

Speeding Violations

There is no legal defense for exceeding the posted speed limit or for driving faster than conditions permit. Drivers stopped for speed violations, however, may indicate certain factors unknown to the Officer prior to the stop that may have contributed to the violation. Officers should exercise discretion when deciding if a warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of collisions.

Other Hazardous Violations

Hazardous violations are those violations that pose a direct hazard to the safe and efficient flow of traffic. These violations contribute substantially to collisions and include reckless driving, moving violations, and other accident-related violations. An Officer's enforcement action should be consistent with the severity of the violation.

Equipment Violations

Equipment violations are defined as those violations that render the vehicle unsafe for operation on a public street or highway, i.e., unsafe tires, lights, either headlights or taillights not in operation, loud and/or smoking exhaust systems, and inspections not current. An Officer's enforcement action should be consistent with the severity of the violation and the existing circumstances.

Non-Hazardous Violations

Enforcement efforts for nonhazardous traffic violations will be guided by Officer discretion. Non-hazardous violations are generally defined as those violations, such as inspection or registration violations, that do not present an immediate potential hazard to the motoring public.

Public Carrier and Commercial Vehicle Violations

Public and commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in this directive are applicable.

Multiple Violations

When multiple violations are committed by a single individual and arise from a continuous activity, the enforcement actions shall be predicated on the most single offense committed consistent with the enforcement policy described in this directive. Officers may consolidate multiple violations in a single citation or complaint in the following situations:

- When the complaint incorporates all of the simultaneous violations
- When the citation addresses overlapping or simultaneous violations

Officers may issue less than the authorized number of citations when it does not compromise their investigation and enforcement responsibilities and it accomplishes a legitimate law enforcement purpose. In all cases of multiple violations, the enforcement action taken should be sufficient to support a comprehensive and complete prosecutorial effort.

Traffic Collisions and/or Death by Vehicle

Stevensville Police Department Officers shall be responsible for responding to, investigating, and reporting traffic collisions that occur within the jurisdiction of the Stevensville Police Department and shall take enforcement action when such action is appropriate.

Montana Statute defines Negligent Homicide as “A person commits an offense if the person negligently causes the death of another human being”.

Montana Statute defines Vehicular Homicide While Under the Influence as “A person commits the offense of vehicular homicide while under the influence if the person negligently causes the death of another human being while the person is operating a vehicle in violation of 61-8-1002.”

Newly Enacted Laws and/or Regulations

Information concerning newly enacted traffic laws is provided via email, legal updates, or in-service and shift briefing training. Dependent upon the nature of the violation, the Chief of Police may authorize enforcement guidelines and schedules such as public education efforts, grace periods, warnings in lieu of citations, etc. until the provisions of the new laws are better known to the public.

Driver License and Registration Plates

Officers frequently encounter drivers who are unable to produce a valid driver’s license. When a driver is unable to produce a valid license, the Officer may request the Communications Center to check records for current license status of the driver.

When a driver is unable to produce a valid license, the Officer has the discretion to cite the driver for operating a motor vehicle without a license. If the computerized records indicate an invalid license, the Officer should cite the driver for license to be carried and exhibited on demand unless circumstances that warrant a physical arrest (e.g., no supporting identification, out of state resident, etc.) exist.

If the computerized records indicate that the driver was issued a driving license in Montana or another state, and the driver’s license has been suspended or revoked, the Officer has the option to cite the driver for driving while license revoked or suspended, under Montana

Statute, unless circumstances warrant a physical arrest (e.g., no supporting identification, out of state resident).

In either case, the driver should not be allowed to drive away from the traffic stop. If the driver is arrested, the vehicle does not need to be towed if it is legally parked or on private property unless the security of the vehicle or its contents are in jeopardy if left at the scene.

If there is a doubt to the status of a driver's license and the verification of the license status cannot be obtained within a short time, and the identity of the driver is confirmed through supporting identification, then the Officer should release the driver.

If there is a doubt about the status of a driver's license and verification of the license status cannot be obtained within a short time, and the Officer cannot confirm the identity of the driver through supporting identification, then the Officer should arrest the driver and charge the driver with not having a valid license.

Officers, who determine that a violation has occurred involving registration plates may choose to cite, issue a written warning or a verbal warning for the violation.

Officers, who received notification that a driver license or registration plate has been revoked or cancelled and an order to seize the item exists, shall make the determination as to whether the appropriate enforcement action would be to seize the driver license or registration plate.

Pedestrian and Bicycle Law Enforcement

Officers shall take appropriate enforcement action when pedestrian and bicycle traffic law violations are observed.

Off-Road Recreational Vehicles

Off-road recreational vehicles may be licensed for street use include, but are not limited to:

- Two-wheeled motorcycles and mini-bikes manufactured for off-road use
- Three-wheeled, and four-wheeled motorized "ATV's (all terrain vehicles)
- Other motor vehicles modified for off-road use

29.1.6 ENFORCEMENT PRACTICES

CALEA Standard: 61.1.6

Patrol Techniques

Based on the premise that patrol in a marked vehicle is the most effective deterrent to traffic law violators, Officers will be alert to the occurrence of violations while engaged in patrol duties and shall devote a portion of their duty tours to selective traffic law enforcement through the use of the following patrol techniques:

- *Area Traffic Patrol* – The part of law enforcement traffic supervision that consists of driving an area of roadway for the purpose of providing protection, security, and service to the public patrol or stationary observation in an area that includes a number of streets, roads, or sections of highway.
- *Line Traffic Patrol* – Moving patrol or stationary observation on a specified route between two points, usually on one street or a section of a highway.
- *Directed Traffic Patrol* – Traffic enforcement or the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, collision experience, frequency of traffic violations, and emergency service needs.
- *Covert or Overt Stationary Observation* - Traffic observation at a selected place, usually one with an unfavorable collision experience or traffic flow problem, for traffic law enforcement purposes – especially to detect violations and deter possible violators. When utilizing stationary patrol tactics, Officers will park in such a manner so as not to impede or interfere with traffic flow.
- Covert Stationary observation may be conducted in a manner in which the observer is not readily visible to persons, using ordinary powers of observation, from the roadway being observed.
- Overt stationary patrol may be conducted in a manner in which the observer is in full view of those on the roadway being observed.
- *Use of Unmarked or Unconventional Vehicles* – In all cases, the patrol tactics adopted should be suited to the enforcement objective. When appropriate, unmarked vehicles may be used to accomplish a traffic enforcement purpose. At all times, however, the actions of the Officer shall be reasonable and consistent with the Department’s traffic enforcement policy. Officers will drive patrol vehicles in compliance with existing laws and in such a manner as to demonstrate exemplary driving behavior.
- *Roadside Safety Checks* – Stationary traffic observation and intervention at selected places shall be used to assure the enforcement of safety requirements such as seat belts; child safety seats, Driving While Impaired checks, vehicle inspections, etc.

Use of Authorized Emergency Equipment

Officers shall use emergency equipment only when required by the nature of their dispatched assignment, or when situations confronting them indicate the need for the use of emergency equipment. Montana Statute does not protect Officers operating vehicles and emergency equipment from the consequences of reckless disregard for the safety of others.

Emergency (red/blue/white) lights shall be used in the following circumstances:

- In accordance with the provisions of Chapter 19, of the Stevensville Police Department General Orders, regarding pursuit driving and procedures for responding to routine and emergency calls
- When stopping traffic violators
- When assisting motorists who are parked or stopped in hazardous locations

- When a patrol vehicle is stopped or parked on the roadway while the Officer attends to a hazardous condition, or other circumstance such as traffic direction

Sirens shall be used in the following circumstances:

- The siren is to be used simultaneously with the emergency lights when in a pursuit situation or an emergency situation.
- The siren may be used to signal drivers to stop or yield right of way when other means of attracting the driver's attention have failed.

Vehicle spotlights are an effective enforcement and officer safety tool and should be used in the following manner:

- The spotlight/takedown light should be used as a protection for the Officer, especially when dealing with known or suspected felons. For example, following a traffic stop, the spotlight/takedown light should be used to illuminate the interior of the violator's vehicle so all occupants are kept within view and at a distinct disadvantage when looking back toward the agency vehicle and Officer. The Officer should exercise care not to be silhouetted by the light.
- The spotlight/takedown light should not be used routinely to signal violators to stop, due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.

Public address system shall be used in the following manner:

- The public address system should be used when it is necessary to minimize a suspected hazard to the Officer by directing the actions of a violator(s) from a safe distance.
- The public address system is a valuable tool for directing persons when unusual conditions are present, such as natural or manmade disasters.

29.1.7 VEHICLE STOPS

CALEA Standard: 61.1.7

Most vehicle stops will be a misdemeanor or felony stop. No two vehicle stops are exactly alike.

The content of this directive provides guidelines for Officers conducting stops of traffic law violators.

29.1.8 OFFICER/VIOLATOR RELATIONSHIP

CALEA Standard: 61.1.8

Traffic law enforcement is one of the many tasks performed by Officers. For the traffic violator, it is frequently a stressful experience. The Officer should be aware of this and should strive to

make each contact positive. The Officer should leave the traffic violator with the impression that the Officer has performed a necessary task in a professional and friendly way.

Traffic stops have two objectives that the Officer seeks to achieve. The first objective is to take appropriate enforcement action, and the second is to alter favorably the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility on the part of the Officer. The following procedures are recommended to minimize conflict that may develop between the Officer and the traffic violator and to assist the Officer in achieving the two objectives. Once the Officer has stopped the traffic violator and approached to a point where communication can begin, the Officer should:

- Present a professional image in dress, grooming, language, bearing, and emotional stability
- Be certain that the observations of the violation were accurate
- Be prepared by having the necessary forms, if they are to be used, immediately available
- Greet the violator in a courteous manner
- Be alert for the unexpected, but not obviously apprehensive
- Inform the traffic violator of the reason for the stop and the intended enforcement action
- Ask for and accept the violator's driver's license, and vehicle registration card
- Obtain another documentation of identification, if necessary, to verify identity
- Reasonably allow the driver to discuss the violation
- Complete the forms appropriate for enforcement action
- Explain the requirements of the enforcement action, and the alternatives available
- Be alert for signs of emotional distress or physical impairment exhibited by the driver
- Assist the violator in reentering the traffic safely

29.1.9 SPEED MEASURING DEVICES

CALEA Standard: 61.1.9

Montana POST and the Montana Department of Justice approve the use of specific speed-measuring instruments, adopt procedures for the operation of those instruments, and develop standards for the calibration, testing and equipment specifications of each approved instrument. The Stevensville Police Department shall only use radar units selected from a list of speed-measuring instruments approved for use in Montana and shall follow all procedures established relative to:

- Equipment specifications
- Operational procedures
- Proper care and upkeep
- Maintenance and calibration records

- Operator training and certification

Operational Procedures for Speed Measuring Devices

Statutory authority exists on each type of radar unit. Officers shall follow the statutory authority for operational procedures for the type of radar unit being used. Radar operators must be certified through a formal Electronic Speed Detection course as prescribed by the Montana POST. Criteria for determining a location where a radar unit will be operated includes:

- Crashes where speed has been a contributing factor
- Complaints from the public
- Supervisor's or Officer's knowledge of traffic conditions

Radar units and tuning forks shall be certified every 12 months, or as needed, by personnel licensed by the Federal Communications Commission (FCC). Officers shall notify the on-duty supervisor of any deficiencies found in the operation of a radar unit. Deficient or defective radar units shall be removed from service as soon as the deficiency is discovered.

29.1.10 DRIVING WHILE IMPAIRED (DUI) COUNTERMEASURES

CALEA Standard: 61.1.10

The Agency's program focuses on the arrest of alcohol and/or drug related traffic offense violations by fielding specially trained and equipped personnel and by the identification of these offenses as a priority enforcement activity. Qualified law enforcement personnel are responsible for the development, implementation, and maintenance of several drug and alcohol awareness programs for adults, school-aged children, and concerned community interest groups. Officers shall receive training in DUI enforcement through shift briefing training sessions, in-service training, and specialized courses.

Efforts in the area of targeted enforcement pertaining to DUI violations will include:

- Assignment of personnel at the times and locations where significant numbers of violations and/or collisions involving impaired drivers have occurred
- Targeted surveillance of roadways with a high frequency of collisions involving impaired drivers occur
- Analysis of specific data about DUI violations and the dissemination of analysis to Officers
- Targeted roadway checks for deterrence purposes
- Enforcement of drunk driving laws through concentration on existing laws and the expeditious processing of violators

29.1.11 ARREST AND PROCESSING OF IMPAIRED MOTORISTS

CALEA Standard: 61.1.11

The first step in the effective enforcement of Driving While Impaired (DUI) violations is the detection of those motorists under the influence of alcohol and/or other intoxicants. Officers engaged in DUI enforcement should be mindful of the strict legal limitations surrounding the apprehension of impaired subjects and the scope of authority as it relates to enforcement.

An Officer's observations are crucial in establishing the requisite probable cause necessary to arrest a motorist for a DUI violation. Officers must rely on their formal training and experience in this area, putting particular emphasis on those driving actions that give rise to the Officer's belief that a motorist is driving while impaired. Officers should keep detailed notes of a violator's driving actions that establish probable cause. After a decision has been made to stop a motorist suspected of driving while impaired, an Officer shall follow the procedures for initiating a misdemeanor vehicle stop.

When the Officer is establishing probable cause for a DUI arrest, the Officer shall:

- Interview the driver and establish that the driver was or is in control of the vehicle
- Note any observations that add to the suspicion of intoxication and/or impairment. (e.g. slurred speech, red or "glassy" eyes, clothing in disarray, etc.)
- Request the driver to submit to a field sobriety test at a safe location and out of traffic

When an Officer has reasonable grounds to believe a driver has consumed alcohol and has committed a moving traffic violation or has been involved in a collision, the Officer may request the driver submit to an alcohol screening test in accordance with Montana Statute.

When a driver is arrested for DUI and asked to submit to a chemical analysis to determine their alcohol concentration, the appropriate forms will be completed.

Right to Chemical Analysis

The request constitutes the driver's consent to be transported to the test site by the Officer. If the driver refuses to be transported by the Officer, the driver's request to take the test is considered withdrawn.

When a driver requests a pre-charge test and the test results indicate a blood alcohol content of 0.08 percent or higher, the driver shall then be charged with the implied consent offense. The results of this test will be admissible as evidence and may be used against the person for an implied consent offense. If the driver then fails to cooperate at any time during the pre-charge testing, the officer may place a charge for any offense of which he has determined probable cause.

Arrest Following Establishment of Probable Cause

When the Officer has established probable cause that a driver has violated the DU law, the Officer shall arrest the driver following Agency arrest procedures and request the driver to submit to a chemical analysis in accordance with Montana Statute. If the charging Officer is not a chemical analyst, the driver will be taken before a chemical analyst to perform chemical analysis of a person's breath.

DUI RESULTING IN DEATH OR SERIOUS INJURY

When an Officer suspects a death has, or may, result from a DUI, the Officer will contact a supervisor or Chief of Police to request that a Montana State Trooper and/or Ravalli County Sheriff's Office Deputy may make the scene.

Administering Chemical Analysis

The charging Officer may also be a chemical analyst. If the charging Officer is a chemical analyst, he/she may administer the chemical analysis. If the charging Officer is not an authorized chemical analyst, before the charging Officer may request a driver to submit to any chemical analysis, the charged person must in all cases, including those where a blood test is requested, be taken before a chemical analyst authorized to administer a test of a person's breath, who must inform the person orally and also give the person a notice in writing of the person's implied consent rights.

A driver may be given a blood test, or other chemical analysis without being advised of the implied consent rights if the driver is unconscious or, otherwise, incapable of refusal as long as the charging Officer has reasonable grounds to believe the driver has committed an implied consent offense. Implied consent provisions do not alter a Officer's right to apply for a search warrant authorizing seizure of a blood sample. Officers shall use the following guidelines for test selection.

BLOOD TEST – Withdrawal of blood must be by a nurse, doctor, qualified technician, etc. The charging Officer shall obtain the identification of the person drawing the blood. The person drawing the blood may require written confirmation of the Officer's request. The person drawing blood is protected from civil liability.

Two samples of whole blood shall be collected in airtight vials. The drawing of the blood must be observed by the charging Officer. The Officer will take custody of the blood samples. Collected blood samples will be submitted to the Forensic Science Division – Montana Department of Justice for analysis.

The Officer will request submission to a blood test when:

- Transporting the offender to the breath analysis facility is impractical due to the offender's physical condition.
- The breath analysis instrument is not operating properly, preventive maintenance has not been performed, or the simulator solution has expired.

- At the time of arrest, there is reason to believe that the offender is under the influence of narcotics or dangerous drugs, or other controlled substances.

BREATH TEST – The breath test will be conducted by a chemical analyst having a valid permit. All information recorded on the test record card will be entered by the chemical analyst.

The Officer will request submission to a breath test when:

- The offender is physically capable of being transported to the chemical analysis room
- The certified chemical analyst is available to perform the test and the breath analysis instrument is available and in operating condition
- At the time of the arrest, the Officer believes the offender is solely under the influence of alcohol.

When a charging Officer and a chemical analyst are involved, the charging Officer will be responsible for the following:

- Citation(s)
- Alcohol Influence report form
- Affidavit and Revocation Report of Charging Officer
- Driving while impaired report
- Operator's license record check
- Request for blood sample (if applicable)
- Request for pre-charge chemical analysis (if applicable)
- Chain of Custody form (if applicable)
- Arrest report
- Fingerprinting and photographing of the arrestee (if applicable)
- Blood kit
- Property sheet

When a charging Officer and a chemical analyst are involved, the chemical analyst will be responsible for the following:

- Ensuring the preventative maintenance is current on the instrument
- Conducting the test(s) in accordance to Montana Statute
- Advising the person requested to submit to a chemical analysis to determine alcohol concentration of his/her rights under Montana Statute
- Completing the affidavit and revocation report of chemical analyst
- Testifying as required for chemical analyst (optional)

29.1.12 REQUEST FOR RE-EXAMINATION

CALEA Standard: 61.1.12

Officers, who identify a driver appearing to be incompetent, physically or mentally disabled, suffering from a disease, or other condition that prevents the motorist from exercising reasonable and appropriate care over a motor vehicle, can request that notification be made to the Department of Public Safety for reexamination of said driver pursuant to Montana Statute. The Officer should submit a “Request for Re-examination” detailing the following:

- Any physical defects (describe in detail)
- All information that indicates good cause for re-examination
- Copies of all related reports and citations

29.1.13 PARKING ENFORCEMENT ACTIVITIES

CALEA Standard: 61.1.13

Officers shall enforce parking regulations in accordance with the Town of Stevensville Municipal Code. Parking Enforcement activities include the following elements:

☐ *Tow-Away Zones* – Signs have been erected to indicate tow-away zones. A parking citation will be issued to violators and the vehicle will be towed. If the operator of the vehicle returns to the vehicle before the arrival of a tow truck or before the tow-truck hooks up to the vehicle, the vehicle will not be towed.

☐ *General Surveillance* – Officers should be alert to parking violations they observe while on patrol and take appropriate action.

☐ *Temporary No Parking Zones* – Parking enforcement shall enforce temporary no parking zones.

29.2.1 COLLISION SCENE RESPONSE, INVESTIGATION, REPORTING, AND ON SCENE RESPONSIBILITIES

CALEA Standard: 61.2.1, 61.2.2, 61.2.3

Collision Response and Investigation

A minimum of one Officer will respond, take a report, and investigate all collisions reported within the jurisdiction of the Stevensville Police Department. Additional Officers will respond to collisions to assist the investigating Officer as required. The agency shall respond without delay to all collisions that involve the following:

- Damage to town vehicles

The Chief of Police shall have the authority to suspend investigations of traffic collisions during designated times of emergency to include:

- Natural disasters
- Civil disturbances
- Other emergencies

Officers assigned to investigate traffic collisions should take enforcement action whenever a violation of Montana Statute causes a collision, or when a driver involved in a collision is otherwise in violation of the laws. The appropriate enforcement action may include:

- Written warnings
- Issuance of citations
- Physical arrest

Collision Reporting

All Officers assigned to investigate traffic collisions occurring within the jurisdiction of the Stevensville Police Department shall complete the CRASH INVESTIGATOR'S REPORT FORM. The Stevensville Police Department does not use an abbreviated collision report form.

In minor, non-injury collisions involving less than \$1,000 property damage, and when all parties involved (drivers, passengers, and property owners) desire that no report be taken, the Officer assigned to the collision is not required by Montana Statute to complete the collision investigation report. However, it is the policy of the Stevensville Police Department to require Officers to complete reports on all collisions to which they respond. The criteria for investigating traffic collisions occurring on private property shall be the same as those for investigating other collisions as outlined in this directive.

Officers shall neither advise nor encourage, any person involved in a collision to forgo the completion of a collision investigation. Officers shall assist all persons involved in a collision with the exchange of pertinent driver/insurance information by providing exchange slips for each driver.

Collision Scene Responsibilities

It is the responsibility of the first Officer arriving on the scene of a collision to provide the following services until properly relieved:

- Administer emergency first aid and basic life support to the injured
- Summon ambulance and/or additional assistance for the injured
- Protect the collision scene
- Preserve short-lived evidence
- Establish a safe traffic pattern around the scene
- Locate witnesses and record collision information
- Expedite the removal of vehicles, persons, and debris from the roadway

The Officer assigned to complete the collision investigation shall be the Officer in charge of the collision scene. The Officer in charge of the scene shall cooperate and provide assistance to EMS, Fire Department, and other emergency personnel as the circumstances of the collision require.

Stevensville Police Department General Orders, Chapter 19, *Patrol*, lists the equipment to be included in all patrol vehicles for responding to collisions and other emergencies.

Property Belonging to Collision Victims

The Officer in charge of the collision scene shall be responsible for taking control of property belonging to collision victims when the victims are not able to take care of the property. If the Officer in charge of the collision scene cannot immediately release the property to a collision victim or member of the victim's family, the Officer shall store the property in the Property and Evidence Room at the Stevensville Police Department following the procedures for submission of property and evidence to the Property and Evidence Custodian as outlined in Chapter 36 of the Stevensville Police Department General Orders.

Collecting Collision Scene Information

The Officer assigned to investigate a traffic collision shall collect the information necessary to complete the required CRASH REPORT FORM by the following methods:

- Interview principals and witnesses as indicated by the instruction for the Crash Report Form
- Examine/record vehicle damage as indicated by the instructions for the Crash Report Form
- Examine/record effects of collisions on the roadway as indicated by the instructions for the Crash Report Form

DIAGRAMS - Officers will make diagrams for all collision investigations. When scale diagrams are not practical, the investigating Officer should indicate on the crash report that the diagram is not to scale.

PHOTOGRAPHS – Photographs shall be taken at collisions involving county vehicles, collisions involving on-scene fatalities, collisions where the potential for a fatality is obvious to the investigating Officer, and other scenes if deemed necessary by the investigating Officer.

COLLECTING/PRESERVING EVIDENCE – Officers will collect available evidence from collisions involving on-scene fatalities or where potential for a fatality is obvious to the investigating Officer. In other collisions situations, Officers should consider the nature of the collision and make a determination based on their use of discretion as to the collection of physical evidence. Officers will follow established policies and procedures for the collection, preservation, and submission of evidence as outlined in the Stevensville Police Department General Orders, Chapter 35, *collection and preservation of evidence*.

EXCHANGING INFORMATION AMONG PRINCIPALS – Officers will complete Driver Exchange Slips or the equivalent for all principal involved in the collision.

Collision Scene Conditions

For each circumstance listed below, the following collision scene procedures will apply:

INJURIES – Until relieved by EMS personnel, Officers should provide emergency first aid and/or basic life support (not to exceed the level of training received by the Officer) to injured persons whenever possible without endangering the life of the Officer. Officers shall notify the Communications Center if additional EMS personnel or Officers will be required to respond to the collision scene.

FIRE HAZARDS – Officers shall assess the fire hazard and determine if it can be suppressed by using a fire extinguisher. If the fire cannot be suppressed by the Officer, the Officer shall notify the Communications Center of the situation. Officers should attempt to extinguish the fire, if they can do so without endangering themselves or others, until relieved by Fire Department personnel.

HAZARDOUS MATERIALS - Officers responding to collisions involving possible hazardous material spills shall be responsible for securing a perimeter around the scene, evacuating all persons from within the perimeter, and notifying other responding units that a possible hazardous material spill has occurred.

Because Officers are only trained on Hazardous Materials Awareness and do not have proper protective gear, Officers shall not attempt to approach the scene of a verified hazardous material spill. To the extent possible Officers should remain upwind at a distance of at least 500 feet and wait for response from the fire department, thus avoiding exposure of all gases, fumes, and smoke.

The Officer should attempt to identify the material by the container placard, container labels, shipping papers, and/or knowledgeable persons at the scene if possible, but shall not enter the perimeter in the attempt. The use of binoculars, interviewing the driver away from the scene, or viewing papers the driver may have on his person are all possible means of identification.

The Officer shall request Fire/Rescue personnel to respond to the collision scene. Hazardous material situations are usually under the direction and control of the Fire/Rescue; therefore, Stevensville Police Department personnel shall coordinate their efforts with Fire/Rescue personnel.

All Stevensville Police Department Field Operations Division vehicles are assigned a U.S. Department of Transportation EMERGENCY RESPONSE GUIDEBOOK. This guidebook is designed to assist in making initial decisions upon arriving at the scene of a hazardous materials incident. All Officers should familiarize themselves with the guidebook and how to use it.

29.2.2 COLLISION INVESTIGATION FOLLOW-UP PROCEDURES

CALEA Standard: 61.2.4

Officers assigned to investigate traffic collisions may temporarily suspend an investigation pending follow-up activities to develop additional information or evidence to include:

- COLLECTING OFF-SCENE DATA – Driver’s history information; vehicle title, registration, insurance or other status information; other necessary information and data.
- OBTAINING/RECORDING FORMAL STATEMENTS FROM WITNESSES – Person hospitalized from injuries; drivers, passengers, and other witnesses not immediately available for interview
- RECONSTRUCTING COLLISIONS
- PREPARING FORMAL REPORTS TO SUPPORT ANY CRIMINAL CHARGES ARISING FROM THE COLLISION

Use of Expert or Technical Assistance

Officers assigned to investigate traffic collisions are authorized to seek expert and technical assistance from sources within the Stevensville Police Department and from other normally available resources. Officers should consider the nature of the collision when seeking external technical assistance. For example, while it would be appropriate to have paint chips submitted for laboratory analysis in collisions involving a hit and run fatality, it would not be appropriate to have paint chips submitted for laboratory analysis from a collision involving minor property damage only. Appropriate expert and technical assistance may include but is not limited to:

- Laboratory analysis of evidence from collisions
- Mechanical inspections of vehicles or vehicle parts
- Accident reconstruction assistance from qualified individuals or agencies

29.2.3 DEPARTMENTAL MOTOR VEHICLE COLLISIONS

Stevensville Police Department sworn officers and employees who are assigned department vehicles will receive training in proper driving techniques to minimize the frequency of motor vehicle collisions involving department vehicles. The Department will hold accountable those employees who are involved in an avoidable motor vehicle crash while correcting any identified driving related deficiencies through additional training, guidance, counseling and, if appropriate, disciplinary procedures.

All department employees operating a departmental vehicle will report immediately any motor vehicle collision they are involved in, regardless of duty status, injury, or amount of damage, to an on-duty Patrol Division supervisor. Employees shall make no statements regarding the fault or cause of the crash except to the investigating Officer, supervisor, risk manager, or other appropriate departmental or county official. An on-duty supervisor will respond to the scene of any departmental motor vehicle collision to ensure that a thorough crash investigation is

conducted, to include a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence. The on-duty patrol Division supervisor will be responsible for assigning an appropriate Officer to the crash investigation or for contacting the on-call member of the Command Staff.

Traffic collisions involving non-ranking or non-sworn law enforcement personnel shall be investigated by an on-duty supervisor.

29.3.2 TRAFFIC DIRECTION AND CONTROL

CALEA Standard: 61.3.2

Stevensville Police Department personnel shall perform traffic direction and control functions as necessary to provide for the safe, efficient, and effective flow of traffic throughout the jurisdictional boundaries of Stevensville Police Department. Manual traffic direction and control functions are performed by sworn Stevensville Police Department personnel. Uniformed Officers shall be assigned to carry out manual traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is required to ensure the safe and efficient flow of traffic. Manual traffic direction may be used where traffic control signals or devices are inadequate, not present, or not working. Emergency conditions may necessitate manual traffic control and direction.

Procedures for Manual Traffic Direction

The position selected to direct traffic must be suited to the particular intersection and traffic patterns. It must command a full-view of the intersection and the approaches. The Officer must be visible to the motorists and to the pedestrians. Usually, Officers assigned to traffic control will select a position in the center of the intersection or at one of the corners.

The center of the intersection position:

- Gives greatest visibility
- Is the most hazardous
- Is usually selected when the signals are not working or the flow of traffic is slow
- Should be avoided if it places the Officer in the flow of traffic or leaves little clearance between the vehicles

The corner position:

- Should be used where there is heavy pedestrian crossing or where the flow of traffic can be regulated by a Officer standing a few feet off the curb line
- Affords the Officer greater personal safety and better pedestrian control

SIGNALS AND GESTURES FOR DIRECTING TRAFFIC

Posture communicates the fact that the Officer is in command of the situation. The Officer should assume a military bearing, with weight evenly distributed on both feet. When not engaged in signaling motorists, the Officer should stand at ease facing traffic and with hands at the side. When directing traffic, the shoulders should be in line with the flow of traffic and the Officer's attention must be directed to the vehicular movements.

Prompt compliance to hand signals is dependent upon the Officer's ability to use uniform, clearly defined, and understandable gestures. Control of intersections does not call for complicated choreography or wild arm movements. Improper hand signals may cause confusion, hesitation, and traffic collisions. The following standardized signals and gestures should be used when directing traffic:

- The first general rule of traffic control is for the Officer to stand with the sides of the body parallel with the traffic being allowed to move. The Officer's back will then be toward the stopped traffic.
- To stop traffic, two motions are used. First, point with the arm and finger straight at the driver who is to stop. Watch the driver and hold this point until the driver sees the signal, or at least as has plenty of time to do so. Then raise the pointing hand (not the entire arm) so that the palm is toward the driver. Hold this position until the driver stops.
- Stop traffic from both directions to give traffic on the cross street a chance to move. Stop the traffic coming from one side first, then from the other. After traffic has been halted with one hand, hold that hand on the stop position and turn to the other side and repeat the process. Do not lower either arm until cars coming from both directions have stopped.
- To start traffic, be positioned so that the side is toward the traffic to be started. Point with the arm and finger toward the car you want to start. Hold it until the driver's attention is attained. Then, with palm up, swing the hand up and over the chin. Bend the arm only at the elbow. If the driver does not move, make the signal a second time. After traffic has been started from one side, drop the arm and start traffic from the other side in the same way. Use the signals to give the "go ahead" to slow and timid drivers.
- Right turn: Signals for a right turn usually are not required at an intersection. When it is necessary, the arm to be signaled with will be determined by the car's direction. If the car approaches from the right, point toward the driver with the right arm. Give the driver time to see the gesture and then swing the arm and finger to point in the direction the driver is to go. Keep pointing in that direction until the driver begins the turn.
- Left turn: In helping a driver make a left turn, the vehicle may need first to be stopped. Next, hold the opposing flow of traffic. If the turning vehicle is approaching from the Officer's left, the stop signal to opposing traffic should be given with the right arm and such stopped vehicles should be kept out of the path through which the turning vehicle

will travel. When safe to do so, the turning gesture should be given with the left arm. Clearly indicate to the driver turning left to pass in front or inside of the Officer and not to turn out and around.

- If the car approaches from the right, turn around and face toward the direction the car making the turn is to go. Halt the traffic with the right arm and give the turning gesture with the left as described above.
- If opposing traffic from both directions is to make left turns, indicate so by swinging the other arm in the direction of the turn. However, such turns can be dangerous and must be watched carefully by the Officer to see that no conflict arises from the straight through traffic or pedestrians.

SIGNALING AIDS

Whistle

The Officer shall use the whistle to get the attention of drivers and pedestrians. The Officer should be sensible in the use of the whistle at all times. Whistle blasts directed toward pedestrians usually need not be as shrill as those to command attention of motorists. The whistle should be used as follows:

- One long blast with a STOP signal
- Two short blast with the GO signal
- Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal

Verbal Commands

Verbal commands are seldom used in directing traffic. Arm gestures and the whistle usually are sufficient. There are many reasons why verbal commands are not used. They are not easy to give or understand, and often lead to misinterpretations that are dangerous. An order shouted can antagonize a motorist. Occasionally a driver or pedestrian will not understand arm signals. When this happens, move close to the person and politely and briefly explain the command.

Illuminated Baton (Flashlight w/Traffic Wand)

The baton is helpful in making signals and gestures at night or during bad weather when visibility is low.

To STOP a vehicle with the baton, face the moving line of traffic, standing slightly aside from its direct path. Hold the baton in the right hand in front of you with the elbow bent. The baton now is in a vertical position, and should be swung or wig-wagged from the left to the right side of the body in an arc of about 45 degrees.

The GO signal is given in the normal manner. Turn the body parallel to traffic that is to be moved and give the normal GO arm movement. When executed properly, the signal will give added STOP emphasis to opposing cross traffic.

To permit a left turn movement after stopping opposing traffic, point the lighted end of the baton to the car that is to make the turn. Next swing the baton in an arc toward the direction of the left turn movement. This signal also may have to be repeated. The light in the baton should be turned off when signals are not being made.

Flashlight

The flashlight can be used to halt traffic in an emergency, but it is a poor substitute for a baton. To stop traffic, slowly swing the flashlight at arm's length across the path of the approaching car. The beam from the flashlight strikes the pavement as an elongated spot of moving light seen by the motorist. Do not stand directly in front of the approaching car. After the motorist has stopped, give arm signals in the usual manner. Illumination of headlights will make them visible.

Highway Flares

Improper use of highway flares at a disaster scene can cause vehicles to become involved in collisions. The primary objective is to provide oncoming traffic with ample warning of danger ahead so that defensive tactics may be employed to negotiate the scene safely. By giving approaching traffic ample warning and allowing sufficient distance in which to start taking defensive measures, hazards can be reduced at a collision scene.

In ANY speed zone where flares are used to CHANNEL traffic from one lane to another, place them 20 feet apart. This eliminates any doubt in the mind of the motorist about what is expected, and it will lessen the possibility of any motorist driving between flares into the wrong traffic lanes. The following table is the MINIMUM distance away from the disaster scene at which a line of flares should be started. Note that the distance at which oncoming traffic receives its first warning is dependent upon the speed limit on the roadway being traveled.

- 55 mile zone- 375 feet warning-then every 40 feet to scene
- 45 mile zone-300 feet warning-then every 40 feet to scene
- 35 mile zone-200 feet warning-then every 30 feet to scene

Handle flares carefully. The flare burns at 1500 degrees Fahrenheit and can damage uniforms and burn flesh severely. Also, plastic lane dividers will melt if a flare is placed on or near them.

Two Officers Directing Traffic

Sometimes there is a need for more than one Officer at a busy intersection. One Officer must originate all signals and gestures. One Officer is the leader and makes all the decisions while the other Officer assists by coordinating with and extending signals.

Use of High Visibility Clothing While Directing Traffic

When directing traffic, Stevensville Police Department personnel shall wear high visibility vest or other OSHA/DOT approved high visibility clothing as the outer most garments.

Manual Operation of Traffic Control Devices

Stevensville Police Department personnel are authorized to operate traffic signals through the use of manual traffic devices after authorization from the Traffic Safety Unit or a supervisor. Proper use of these devices can be conducted through roll-call training. In the event manual traffic control is needed at an intersection having a traffic signal, the traffic lights may be switched to a flashing mode in conjunction with a Officer directing traffic. The on-duty supervisor should be notified that the traffic signal has been switched to a flashing mode.

If it is determined that a traffic signal is malfunctioning in the automatic mode, and traffic conditions do not warrant manual traffic control, the traffic lights may be switched to a flashing mode. The Communications Center and the on-duty supervisor shall be notified of the malfunction and that the traffic lights are in the flashing mode. Communications Center personnel shall attempt to contact the appropriate maintenance personnel.

Temporary Traffic Control Devices

The on-duty supervisor, or the designated event/incident commander shall be responsible for ensuring that temporary traffic control devices are placed into service or removed as necessary. The Stevensville Police Department may use temporary traffic control devices to assist in the safe and efficient movement of vehicular or pedestrian traffic in some situations to include:

- Special events
- Sustained power outages
- Traffic collision scenes
- Other situations as deemed appropriate by supervisory personnel

Traffic Direction and Control at Collision Scenes

Officers assigned to investigate traffic collisions shall ensure that traffic approaching the collision scene is routed around the collision by using manual direction, flares, traffic cones, and the position of the patrol vehicle to direct and control the traffic flow as necessary. Officers requiring assistance with traffic control should request that the Communications Center dispatch additional Officers to the collision scene.

Traffic Direction and Control during Special Events

Prior to a special event, the supervisor or the designated event commander shall ensure that a contingency plan for traffic direction and control is developed and in place. Traffic direction and control plans should address the following problems and special circumstances:

- Ingress and egress of vehicles and pedestrians
- Provisions for parking
- Spectator control
- Public transportation
- Provisions for relief of Officers assigned to point control duties
- Provisions for news media

- Alternate route for through traffic
- Temporary traffic controls and parking prohibitions
- Emergency vehicle access

Traffic Direction and Control at Fire Scenes

Montana Statute authorizes fire and rescue personnel to perform traffic direction and control duties at the scene of fires, collisions, or other hazards in connection with their duties. In most instances within the jurisdiction of the Stevensville Police Department, traffic direction and control at fire scenes will be the responsibility of Stevensville Police Department personnel. Stevensville Police Department personnel assigned traffic control duties at a fire scene shall coordinate their efforts with fire officials. Officers shall, however, maintain control over traffic direction. Traffic direction and control at fire scenes should be conducted so that:

- Unauthorized traffic is prohibited from entering the fire area
- Vehicles behind the established traffic control point are assisted in leaving the fire area
- Fire and rescue vehicles and other authorized vehicles are provided access to and from the fire scenes

Traffic Direction and Control during Adverse Conditions

Stevensville Police Department personnel may be required to perform traffic direction and control duties when adverse or hazardous road or weather conditions exist. Examples of such conditions include:

- Bad weather occurrences such as fog, snow or ice on the roadway, flooding, etc.
- Accidental hazards such as downed trees, debris in the roadway, etc.
- Engineering hazards such as road construction, traffic light repair, downed power lines, etc.

When adverse conditions exist, the on-duty supervisor shall:

- Determine what traffic control measures should be taken, to include manual control or the use of temporary traffic control devices, and implement those measures
- Ensure that appropriate agencies (MDOT, Public Works, Utilities) are notified

29.3.3 VEHICLE ESCORTS

CALEA Standard: 61.3.3

Escorts for Emergency Vehicles

Stevensville Police Department personnel shall not provide escorts for emergency vehicles under normal circumstances. Exceptions may include:

- The emergency equipment on an emergency vehicle is malfunctioning

- The driver of an emergency vehicle is not familiar with the area and requests assistance to the destination

Non-Emergency Escorts

Requests for non-emergency escorts should be made in advance and directed to the Chief of Police for consideration on a case-by-case basis. Situations that potentially pose a risk to the motoring public's safety may necessitate a non-emergency escort. Such situations may include:

- Parades
- Oversized loads or equipment
- Special events

When a request for a non-emergency escort is approved, the Chief of Police or a designated supervisor shall plan and oversee the escort. The Chief of Police or the designee shall assign personnel as necessary to provide the escort and provide any other traffic control functions necessary to complete the escort. Factors to be considered when planning and conducting an escort include:

- Type of escort
- Route to be taken
- Speed and length of escort
- Expected traffic conditions

Funeral Escorts

The Stevensville Police Department General Orders, Chapter 19, *Patrol* sets forth procedures to ensure that all requests for funeral escorts are addressed in a proper and expedient manner.

Escorting Civilian Vehicles in Medical Emergencies

Stevensville Police Department vehicles shall not be used to provide emergency escorts for civilian vehicles. If practical, the patient or victim should be transferred to a Fire/Rescue Emergency Medical Service (EMS) unit.

29.3.4 USE OF ROADBLOCKS & ROADSIDE CHECKS

CALEA Standard: 41.2.3

For the purposes of this section, the following definitions shall apply:

- Roadside (Safety) Check – A temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or their contents, or to interview drivers.
- Roadblock: A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.

The Stevensville Police Department may use roadside checks as an enforcement tool in situations to include:

- Routine traffic and license checks
- To locate and apprehend suspects that may be attempting to escape by means of a vehicle

The decision to establish a roadside check should be based on several factors such as the number of Officers available, the equipment needed, and the need for the roadside check when measured against the potential danger posed to public safety.

Officers should refer to Stevensville Police Department General Orders, Chapter 19, *Patrol, "Motor Vehicle Pursuit"* for procedures relative to the use of tire deflating devices such as "stop sticks" as a means for stopping a fleeing vehicle.

The following additional guidelines govern the use of roadblocks by Stevensville Police Department personnel.

- The use of moving or rolling roadblocks is prohibited.
- Officers shall not establish a stationary roadblock in such a manner that provides a physical barrier across the entire width of the roadway.

Training

Training in the use of authorized roadblocks and forcible stopping will be provided periodically or as needed.

29.3.5 TRAFFIC ENGINEERING RESPONSIBILITIES

CALEA Standard: 61.3.1

In an effort to maintain a safe and efficient street and highway system, the Stevensville Police Department shall participate in data sharing with state and local traffic engineering authorities.

Traffic engineering functions of the Stevensville Police Department shall be performed in conjunction with engineering plans of the Town of Stevensville and shall focus on the discovery and remedy of collision and congestion hazards. In cooperation with the Public Works Department and upon request by appropriate authorities, or as necessary, the Stevensville Police Department shall ensure that the following obligations are met by the designated components of the agency:

- Traffic data is collected and compiled.
- Traffic surveys and studies are conducted.
- Collision and enforcement data are analyzed.

- Special reports are prepared, and recommendations made concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements.
- Designated Department personnel participate in local and regional transportation system management planning.

PROVIDING DATA TO TRAFFIC ENGINEERING AUTHORITIES - Stevensville Police Department personnel provide copies of collision reports and/or summaries of collisions and enforcement data to local or regional traffic engineering authorities to include the Stevensville Public Works Department.

COMPLAINTS OR SUGGESTIONS REGARDING TRAFFIC ENGINEERING – Persons contacting Stevensville Police Department personnel wishing to register a complaint or make a suggestion concerning traffic engineering deficiencies shall be referred to the Stevensville Public Works Department or the Public Works Director.

29.3.6 LOCAL REGION PLANNING

CALEA STANDARD: 61.3. 6

Participation in Transportation System Planning

Upon request or invitation, the Stevensville Police Department shall participate in local and regional transportation system management planning organizations.

Traffic Safety Planning

The Stevensville Police Department recognizes that enforcement is not the sole factor to consider in traffic safety concerns. Traffic engineering and education also play key roles in the overall effort to reduce injury and damage on the public roadways.

The Chief of Police or a designee will attend meetings with the appropriate agencies to determine any traffic safety concerns. Information obtained from Officers regarding highway/roadway safety is forwarded to the appropriate agency(s).

29.4.1 AID TO MOTORISTS

CALEA Standard: 61.4.1

General Assistance

Officers shall be alert for and, when possible, stop and assist motorists in need of aid. If a Officer observes a motorist in need of assistance, and the Officer is in route to, or on a call for service, the Officer shall notify the Communications Center of the motorist's location so that a Officer may be dispatched to render assistance. Types of general assistance that may be provided to motorists by Stevensville Police Department personnel include:

- Providing information or directions

- Providing protection to stranded motorists
- Contacting someone by telephone through the Communications Center
- Transporting stranded motorists with approval of the on-duty supervisor
- Changing flat tires
- Pushing vehicles out of the roadway

Under normal circumstances, Officers shall not provide the following types of assistance unless specifically approved by the on-duty supervisor:

- Providing mechanical repairs, including jump starting or using vehicles to push start cars
- Transporting gasoline or other petroleum products
- Unlocking vehicles unless conditions exist that jeopardize an individual's safety or welfare

Officers shall have the county vehicle's emergency lights activated while providing assistance to or standing by with a vehicle disabled in the roadway. When assisting motorists, Officers should remain alert to these possibilities:

- The vehicle in the possession of the motorist has not been authorized for their use.
- The vehicle is in unsafe operating condition.
- The driver is impaired or otherwise not capable of safely operating the vehicle.
- The driver is not properly licensed to drive.
- The vehicle's occupants have been engaged in recent criminal activity.

Towing/Repair Services for Motorists

Officers may assist motorists in obtaining roadside repair or towing services. When assistance in obtaining such services is requested, the Officer should determine if the motorists request a specific service.

Providing Protection to Stranded Motorists

Stranded motorists should not be abandoned when exposed to hazardous conditions. Officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service when providing assistance to stranded motorists. Officers may, with the approval of their supervisor, transport stranded motorists to a location where assistance may be obtained.

Emergency Assistance to Motorists

Officers shall render all practical assistance to motorists who are involved in emergency situations.

Officers encountering vehicle fires shall:

- Immediately advise the Communications Center of the location, type of vehicle, cargo (if applicable), and any other pertinent information.
- Request that fire/rescue personnel be dispatched.
- If possible, attempt to extinguish the fire.

Officers encountering medical emergencies shall:

- Determine the nature of the medical emergency.
- Provide all pertinent information to the Communications Center
- Request EMS personnel when appropriate.
- Render first aid in accordance with the Officer's level of training.

29.4.2 HAZARDOUS HIGHWAY CONDITIONS

CALEA Standard: 61.4.2

Roadway and roadside hazards are contributing factors in many traffic collisions. In order to mitigate these factors, the Stevensville Police Department charges Officers with the responsibility to report and, when possible, correct hazardous conditions.

Conditions and situations considered roadway and roadside hazards include:

- Debris in the roadway
- Defects in the roadway
- Lack of or defects in highway safety features
- Lack of, improper, visually obstructed, or down or damaged mechanical traffic control devices and/or traffic control and informational signs
- Lack of or defective roadway lighting systems
- Vehicle abandoned or parking on or near the roadway
- Any other situation or condition that may hamper, restrict, or endanger the flow of traffic

The following guidelines shall be used to govern identifying, reporting, and correcting hazardous road conditions.

An Officer encountering a potentially hazardous condition that can easily and safely be corrected should take the necessary action to correct the situation.

When an Officer determines that a hazardous condition requires immediate correction and is beyond the scope of the Officer's abilities, the Officer shall notify the Communications Center of the situation and request the appropriate resources or assistance. The Officer shall then establish a "lane of safety" and provide traffic direction and control as necessary until the hazardous condition is corrected.

When an Officer determines that a potentially hazardous condition exists, but does not require immediate correction, the Officer shall notify the Communications Center of the nature and location of the potential hazard. The Communications Center shall notify the proper authorities of the condition as soon as feasible.

If an Officer encounters a situation and is unsure of the hazard potential, the on-duty supervisor shall make a determination as to the course of action.

29.4.3 TOWING

CALEA Standard: 61.4.3

If an operator of a motor vehicle has been arrested or the vehicle is disabled as a result of a collision or mechanical failure and the vehicle can be left in a lawful location the vehicle shall be secured and left in its current location unless the operator request that it be towed.

Abandoned Vehicles

The Stevensville Police Department is authorized to administer the removal and disposition of junked or abandoned vehicles on public streets and highways within its jurisdictional boundaries, and on property owned by the County.

Procedures for the removal of abandoned or junked vehicles on streets, highways or County property:

- Officers encountering an abandoned or junked vehicle on a street, highway, or County property shall make a reasonable effort to determine ownership of the vehicle and notify the owner to remove the vehicle.

Stevensville Police Department personnel receiving complaints of abandoned junked, or nuisance vehicles on private property shall:

- Advise the person making the complaint that removal of vehicles on private property is the responsibility of the property owner and in compliance with Town Code.
- Obtain all pertinent information for follow-up activity.

Towing or Removal of Vehicles by Personnel

Recovered stolen vehicles and vehicles of evidentiary nature shall be processed prior to towing for the collection of evidence.

Officers are authorized to tow and impound vehicles when one or more of the following conditions exist. In circumstances other than those listed below, when an Officer believes it necessary to tow a vehicle, the Officer shall contact a supervisor for guidance.

- A vehicle, by virtue of its location, is in violation of a state statute or Town ordinance that requires or allows towing.
- A vehicle is disabled as a result of a collision or mechanical failure.
- A stolen vehicle is recovered and the owner or other responsible person is not readily available to take possession.
- A vehicle is to be searched or seized as evidence.
- The operator of a vehicle has been arrested and, in the Officer's opinion, is unable to make a rational decision as to the disposition of the vehicle due to the extent of the impairment.

TOW RECORDS

When a vehicle is removed or towed at the direction of an Officer, it shall be the responsibility of the Officer authorizing the tow to complete as fully as possible a documentation in an Incident Report. In addition to vehicle identification information, the Report shall, at a minimum, provide for information to include:

- Date and time of the incident
- Case number (OCA)
- Violation or reason for tow
- Registered owner's name, address
- Location from which vehicle was towed
- Officer requesting or authorizing the tow
- Towing service
- Location vehicle is stored

29.4.4 TRAFFIC SAFETY EDUCATIONAL MATERIALS

CALEA Standard: 61.4.4

Traffic safety educational materials shall be made available, upon request and availability, through the Traffic Safety Unit.