

Geneva Police Department <b>GENERAL ORDERS</b>		<b>TRAFFIC ENFORCEMENT AND UNIFORM TRAFFIC TICKET PROCEDURES</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 47.1; 47.2 <input type="checkbox"/> amends:		<b>cross-reference:</b> G.O. 410; G.O. 501; G.O. 525  <b>Accreditation/Recognition standards:</b> C.A.L.E.A.: 61.1.2 NYS L.E.A.P.: 47.1; 47.2	
<b>effective date:</b> 6.30.04	<b>issue/amend date:</b> 6.30.04 / 3.3.15 / 6.30.20		

<b>I. PURPOSE</b>	The purpose of this General Order is to establish and describe policies and procedures for conducting traffic law enforcement activities.
<b>II. POLICY</b>	It is the policy of the Geneva Police Department to provide for the safe and orderly flow of traffic within the City of Geneva by encouraging public compliance with traffic laws, and to enforce the Vehicle and Traffic Law, the City of Geneva Municipal Traffic Law and other traffic-related laws in a uniform manner.
<b>III. TRAFFIC ENFORCEMENT PROCEDURES</b>	<p><b>A. Responsibility for Traffic Law Enforcement</b></p> <ol style="list-style-type: none"> <li>1. Personnel assigned to patrol services shall have primary responsibility for the enforcement of the New York State Vehicle and Traffic Law and the City of Geneva Municipal Traffic and Parking Enforcement Laws.           <ol style="list-style-type: none"> <li>a. Patrol Supervisors shall be responsible for:               <ol style="list-style-type: none"> <li>1. Supervising the traffic enforcement activities of patrol officers.</li> <li>2. Reviewing traffic enforcement documents, (e.g., UTTs, parking tickets, arrest reports) for accuracy and completeness.</li> <li>3. Inspecting traffic enforcement equipment.</li> </ol> </li> </ol> </li> </ol> <p><b>B. Traffic Enforcement Operations</b></p> <ol style="list-style-type: none"> <li>1. Patrol personnel shall conduct visible traffic enforcement operations to include:           <ol style="list-style-type: none"> <li>a. <u>Area Patrol</u>: Moving or stationary observation in an area that includes a number of streets or sections of highway.</li> <li>b. <u>Selective Enforcement</u>: Enforcement specifically directed by a Supervisor based on specific traffic offenses that contribute to accidents, or traffic analysis, to include citizen complaints in a specified area.</li> </ol> </li> </ol> <p><b>C. Traffic enforcement operations include both covert and overt observation of violators. Covert observation involves placement of the patrol vehicle in a position or location that is concealed from the view of motorists on the roadway. Overt observation involves the conspicuous positioning of the patrol vehicle in a manner that it is readily visible to motorists.</b></p> <p><b>D. Marked and unmarked police vehicles may be used for traffic law enforcement. The use of unmarked vehicles for traffic enforcement shall be done in accordance with the procedures as set forth in <i>G.O. 410- Emergency Response and Pursuit Driving</i>.</b></p>

**III. TRAFFIC ENFORCEMENT PROCEDURES (CONT.)**

- E.** The Department may utilize roadside checkpoints (e.g., seatbelt enforcement, etc.) at the direction of the Chief of Police or a Lieutenant to supplement regular enforcement activities.
- F.** Officers engaged in traffic law enforcement activities may use speed detection equipment, (RADAR and LIDAR). Officers using speed detection equipment will be certified by the New York State Division of Criminal Justice Services, Office of Public Safety, in the operation of those devices.
- G.** Traffic Enforcement should allow for the use of Officer discretion within reasonable limits. Good judgment, common sense, an appreciation of community expectations, and taking into consideration the effect a particular event will have on the behavior of those involved, are factors which may influence an officer's decision in determining the nature of the enforcement action taken, (e.g., verbal warning, UTT, parking ticket, etc.), in cases of minor violations. In addition to the aforementioned, the Officer should also take into consideration the following:
  - 1. The severity of the violation;
  - 2. The state of mind and intent of the violator;
  - 3. The road, traffic, and weather conditions;
  - 4. The danger posed to the public by the violator;
  - 5. Whether the violation resulted from a recently enacted or possibly unfamiliar law;
  - 6. The credibility of mitigating circumstances cited by the violator;
  - 7. Whether the violation resulted in a motor vehicle accident and/or injury.
- H.** Officers shall not differentiate between resident and non-resident violators when determining appropriate enforcement action.
- I.** When a motorist has committed several violations, which include some minor infractions (e.g. equipment violations, etc.), Officers shall have the option of citing the motorist for the more serious or hazardous violations and warning the motorist regarding the other non-hazardous infractions.
- J.** Discretionary action may be restricted by competent authority or by the Department in those areas of directed patrol or selective enforcement requiring stricter attention to enforcement or where community needs warrant formal charges. Verbal warnings shall not be used to evade resolving the situation properly.
- K.** Officers shall not have any discretion in the handling of traffic enforcement when:
  - 1. Given a lawful order by a supervisor; or
  - 2. Department rules and regulations, policies or procedures require a particular course of action.
- L.** Violators shall be arrested for all offenses that constitute a crime pursuant to the New York State Vehicle and Traffic Law (e.g., driving while intoxicated, aggravated unlicensed operation, reckless driving, and unsafe brakes).

**III. TRAFFIC ENFORCEMENT PROCEDURES (CONT.)**

**M. Non-Residents**

1. The Uniform Vehicle Code regarding Traffic Signs and Regulations is consistent throughout the United States. Non-residents are rarely subject to inconsistent or unfamiliar signs. In determining what course of action to follow with non-resident violators, Officers will apply the same objective criteria outlined above.
2. Non-Resident Violator Compact (See Attachment A)
  - a. Motorists who are licensed in a State listed in Attachment A must answer traffic summonses from any other listed State or risk enforcement action being taken by their home State.
3. Foreign Diplomats/Consular Officials
  - a. Foreign Diplomats/Consular Officials shall be handled in accordance with the procedures as set forth in *G.O. 525 Diplomatic and Consular Immunity Procedures § VI(C)*.

**IV. TRAFFIC STOPS**

- A.** Officers may stop vehicles based upon reasonable suspicion, or probable cause to believe that the driver or other occupants are in violation of law. Officers should be able to articulate the reason why the stop was made. A “routine traffic check”, is not a valid reason to stop a vehicle.
- B.** When making traffic stops, Officers must not become complacent and should be alert to the fact that any traffic stop, no matter how harmless the violator appears, has the potential for violence.
- C.** In conducting the traffic stop, Officers should pick a suitable location on the roadway that allows maximum visibility of the patrol vehicle and its emergency lighting. Hazardous areas such as curves, hillcrests, and intersections should be avoided. The stop should be in an area that allows for sufficient room off the roadway for both the patrol vehicle and the stopped vehicle. If the stop is at night, Officers should attempt to pick a well-lit area if at all possible.
- D.** Officers should stop the violator’s vehicle as soon as practical after the traffic offense has been committed. When initiating a traffic stop, Officers should:
  1. Turn on the emergency lights to signal the violator to stop. Officers may have to resort to the horn or siren in order to attract the violator’s attention. The Officer’s use of emergency equipment shall be guided by *G.O. 410 - Emergency Response and Pursuit Driving*.
  2. Approach the violator in his traffic lane, leaving adequate space between the police vehicle and violator’s vehicle in case of an abrupt stop by the violator.
  3. If possible, park both vehicles off the roadway with the police vehicle approximately three (3) feet to the left of the violator’s vehicle and at least twelve (12) feet behind it. The violator’s license plate should be in sight over the top of the police vehicle hood and the front wheels should be turned towards the side of the road.
  4. While parked, observe the occupants of the violator’s vehicle.
  5. At night, illuminate the stopped vehicle with the patrol vehicle headlights, spotlight and/or takedown lights.

**IV. TRAFFIC STOPS (CONT.)**

- E.** Officers conducting traffic stops must inform the e911 Center that they are stopping a vehicle, and provide the Dispatcher with the following information **BEFORE** exiting their vehicle:
1. The exact location and closest cross street;
  2. The license plate number and State of origin of the vehicle;
  3. A brief description of the vehicle and the number of occupants if there is no visible license plate or it is unreadable; and
  4. The need for additional backup units.
- F.** When approaching the stopped vehicle officers should:
1. Observe the occupants at all times as they may try to conceal or discard some form of weapon or contraband.
  2. Check for oncoming traffic before exiting the police vehicle.
  3. Approach the stopped vehicle with caution.
  4. Avoid walking between the two vehicles.
  5. Keep their shooting-hand free. At night, keep the flashlight in their non-shooting hand.
  6. Visually check the rear seat and floor area of the stopped vehicle for concealed passengers, weapons, or contraband.
  7. Stand to the rear of the driver's or passenger's doorpost. This eliminates the danger of being struck by the driver's door should the driver suddenly open it. This also places the violator at a disadvantage in initiating an attack on the Officer.
  8. Visually check the vehicle's ignition for keys, as their absence may indicate a stolen vehicle.
  9. Accept the driver's license and registration with the non-shooting hand.
  10. **OFFICERS SHOULD NEVER REACH INTO A STOPPED VEHICLE.**
  11. Officers should **NEVER** turn their back on the occupants of the vehicle.
- G.** When speaking to the driver of the stopped vehicle, Officers should:
1. Be alert and businesslike (*see §VI below*).
  2. Check for signs of physical impairment or illness, emotional distress, alcohol or drug use.
  3. Depending on the circumstances the Officer may require the driver and/or occupants to either remain in the vehicle or exit the vehicle for safety reasons.
  4. **DO** not allow the violator to sit in the front seat of the patrol vehicle when issuing a UTT.

**V. HIGH-RISK  
TRAFFIC STOPS**

- A.** When conducting high-risk traffic stops, where it has been determined that there is an increased chance for violence such as a fleeing felon, or where the operator has first refused to stop, or the violation for which the stop is based is serious, Officers should adhere to the following procedures:
1. Unless it is absolutely necessary, **DO NOT** attempt to immediately stop the vehicle.
  2. Take time to formulate a plan of action and request back-up. If practicable, wait for back-up to arrive before initiating a high-risk traffic stop.
  3. Notify the e911 Center of the circumstances surrounding the stop and inform the Dispatcher of the direction and location of travel.
  4. When the vehicles have stopped, immediately exit the patrol vehicle and consider using the patrol vehicle as cover.
  5. If back-up units are available, one patrol vehicle should be parked behind the suspect vehicle with adequate distance between the two (at least two car lengths). The second patrol vehicle should be positioned along side the first patrol vehicle with room between the two allowing the second Officer an unobstructed view of the suspect's vehicle (passenger side). A third Officer could be used to take the subjects into custody and offer additional cover.
    - a. If the stop must be made by one patrol car, the Officer should park at an approximate forty-five (45) degree angle and two car lengths behind the suspect vehicle providing for maximum protection and cover.
  6. The Officer, using the patrol vehicle as cover, should then in a loud voice or over the public address system, identify him/herself and speak to the occupant(s) of the vehicle, using slow, simple, and clear commands.
  7. Order all occupants to raise their hands and place them where they can be seen such as on their head, windshield or headrest, fingers spread apart. The operator should then be told to use his left hand to turn off the ignition and drop the key at arm's length out of the window. Should the windows be down on the vehicle, the Officer may consider having the occupant's place their hands out of the windows.
  8. If the stop was made by one patrol vehicle without the presence of back-up, keep all occupants inside of the suspect vehicle until assistance arrives.
  9. In removing occupants from the vehicle, order the driver to exit the driver's side of the vehicle.
    - a. If there are multiple occupants in the vehicle, remove the front seat passenger(s) first, one at a time, having them exit the vehicle through the passenger side door for safety. Order the first passenger to exit the vehicle, by slowly extending his/her arms out of the window and open the door from the outside door handle keeping arms extended and pulling door to a full open position. Each additional occupant will then be ordered to place both arms extended, out of the open door, and exit the vehicle.
    - b. As occupants are ordered out of the vehicle, they should be advised to keep their hands above their head and slowly walk backwards to a pre-designated area at the rear of the suspect vehicle, ordered into a prone or kneeling position, then handcuffed and secured by assisting Officers.

**V. HIGH-RISK  
TRAFFIC STOPS  
(CONT.)**

**VI. OFFICER  
CONDUCT DURING  
TRAFFIC STOPS**

- c. If there are back seat passengers and the vehicle has four (4) doors, the occupants will exit on the passenger side using the same precautionary measures as set out above. Driver side rear passengers will be advised to keep their hands up in plain view, slide across the rear seat and exit the vehicle. If the vehicle has two doors, the back seat passenger(s) will be ordered to keep arms extended, push the front passenger seat forward and extend arms through the open door and exit the vehicle.
- d. When all visible occupants are removed and secured, the suspect vehicle should be carefully checked for persons lying on the floor hiding.
- e. When the interior has been checked and cleared, the trunk should be carefully checked for occupants.

- A. Officers must be cognizant of the fact that traffic stops are stressful for the violator and, if not professionally conducted can escalate into conflict between the Officer and the violator. Confrontations on traffic stops may result in fostering a negative image of the Officer and the Department, personnel complaints, or physical assaults upon the Officer. Therefore, Officers must act to minimize the tension and conflict during the enforcement process. Methods of controlling conflict on traffic stops include, but are not limited to:
  - 1. Presenting a professional image via the officers' dress, grooming, language, bearing, and tone of voice.
  - 2. Displaying calmness and emotional stability when confronted by angry violators.
  - 3. Demonstrating with certainty the Officer has observed the violation.
  - 4. Exhibiting preparedness by having necessary equipment and forms available.
- B. When speaking to violators, Officers may control or reduce the possibility of conflicts from violators by:
  - 1. Begin the stop by greeting the violator in a courteous manner with an appropriate title, (e.g., Good evening sir, ma'am, etc.)
  - 2. Inform the violator who you are, (e.g., I'm Officer Smith of the Geneva Police Department.) Identifying yourself establishes command presence, clarity, and the Officer's authority.
  - 3. Advise the violator of the reason for the stop. (Example: The reason I stopped you is that I observed you speeding and verified your speed through the use of radar and you were traveling 50 MPH in a 30 MPH speed zone.)
  - 4. Once advised of the reason for the stop, ask the violator if there was any reason for his/her actions.
  - 5. Politely ask to see the violator's license, registration and proof of insurance. Be sure to ascertain the location of these items prior to allowing the violator to retrieve them. (E.g., in the glove box or other compartment, a purse, etc.)
  - 6. The Officer, at this time, should issue a verbal warning, issue the violator a Uniform Traffic Ticket (UTT) for the violation(s), or arrest the operator for an offense.
    - a. If the officer arrests the operator for an offense, the procedures as set forth in ***G.O. 500- Arrest Procedures and G.O. 501 Appearance Tickets and Pre-***

**VI. OFFICER CONDUCT DURING TRAFFIC STOPS (cont.)**

*Arraignment Bail §IV(A)(3-4) (B)(1)* will be followed.

7. The Officer will instruct the violator and/or occupant(s) to remain in the vehicle, advising that it is for their own safety, unless the Officer determines that the violator and/or occupant(s) need to exit the vehicle for safety reasons.
8. If a UTT is issued, the Officer should provide the violator with all pertinent information regarding the UTT, (e.g., the return date, the ability to respond by mail, and the ability to plead as instructed on the reverse side of the UTT.) The Officer should answer any questions that the violator may have regarding the UTT in a polite and professional manner, and attempt to promote an understanding regarding the process. The Officer should **never** get into a debate or argument or sound sarcastic with the violator.
9. If a verbal warning is issued, the Officer should not lecture the violator but rather explain the appropriate driving rules/skills that should be adhered to and release the operator.
10. Upon completion of the traffic stop, the Officer should stay behind the vehicle until the violator merges back into the flow of traffic.

**C.** Juveniles (under the age of sixteen 16), are not allowed to operate a vehicle in New York State. However, in the event a juvenile commits a traffic violation, he/she will not be issued a UTT, since a juvenile cannot be prosecuted in either County or local criminal court. Rather, a juvenile may be released to the custody of his/her parents or other responsible person and referred to the Youth Officer who will determine what course of action will be followed. In the event the youth cannot be released to a responsible parent or adult, they will be turned over to the Youth Officer for appropriate action.

1. A juvenile can however, be prosecuted for a traffic-related misdemeanor or felony.

**A.** Department Supervisor is designated as being responsible for the following:

1. Overall administration of the Traffic Safety Law Enforcement and Disposition (TSLED) Program and the Traffic and Criminal Software (**TraCS**)- Electronic Traffic Ticketing System and may designate personnel to assist in the administrative tasks associated with distribution and issuance of UTTs and program management of the TraCs System;
2. Ensuring that unissued UTTs are stored in a secure location;
3. Ensuring that all tickets are properly accounted for; and
4. Serving as liaison between the Department and DMV's TSLED and TraCS Program.

**B. Issuing UTTs to Officers**

1. Officers should always have in their possession hand-written UTT's.
2. A book of twenty (20) UTTs, sequentially numbered, is issued to Officers by their respective shift Sergeant. The Officer is required to inspect the book to ensure that the tickets are in correct numeric sequence and that the book contains 20 tickets. The Officer is to ensure that the numbers on the outside of the book agree with the tickets contained therein.
3. The Officer will complete the receipt, which is attached to the book, and place it in

**VII. UNIFORM TRAFFIC TICKET PROCEDURES**

**VII. UNIFORM  
TRAFFIC TICKET  
PROCEDURES  
(CONT.)**

the Sergeant's filing tray in the Communications Center. Shift Sergeants will forward the receipt to the supervisor designated as having responsibility for recording the assigned UTTs.

4. If an Officer loses a ticket, or a ticket becomes mutilated, the Officer will return **ALL** copies of the mutilated UTT to his/her respective Supervisor, who will forward the mutilated ticket to the designated Supervisor. In the case of a lost UTT, the Officer will submit a memo listing the UTT number and the circumstances under which the UTT was lost and forward same to their shift Supervisor.
5. If a ticket must be voided, the Officer will submit **ALL** copies of the UTT along with a memo as to the reason it must be voided. This request will be submitted to the Officer's respective shift Supervisor who will then refer the void request to the designated Supervisor for approval.
6. For clarification, the following is an identification of each UTT copy with its intended purpose:
  - a. Original (**PINK** Tab copy) and **BLUE** Tab copy - Upon completion of their tour of duty, Officers will place both the pink and blue copies (attached) in the bottom filing tray labeled City Court in the Communications Center. At the beginning of each day, the Court Liaison Officer (CLO) will see that these copies of the UTT are forwarded to City Court.
  - b. **WHITE** copy with the green tab - This is the arrest record. This copy is placed in the top tray in the Communications Center. This will be cataloged by the Record's Office.
    1. The designated Supervisor will examine all tickets for completeness and legibility. Any ticket that is incomplete or not legible will be returned to the issuing Officer for correction.
  - c. **YELLOW Tab** copy - Uniform Traffic Ticket- This copy is given to the violator.
  - d. **WHITE CARD STOCK** - This is the Officer's copy, which is retained by the Officer for his/her record. The reverse side of the card has a form, which may be used for notes relevant to the infraction.

**C. Traffic and Criminal Software (TraCS)** - Electronic Traffic Ticketing System- **TraCS** is a New York Statewide traffic ticket and accident reporting system that automates the issuance and printing of traffic tickets and accident reports in police vehicles and electronically transmits ticket and accident data to and from the Department of Motor Vehicles, Courts and the Department of Transportation.

1. Officers with the use of existing patrol vehicle computers scan data (license and vehicle registration) or manually enter information for the issuance of Traffic Tickets into the **TraCs** system.
  - a. Officers will have their own individual password and account authorizing access within the TraCS System, exclusive only to the Department's TraCS Administrator.
  - b. Once all information for the Electronic Ticket is either scanned or entered manually into the system, a record of the ticket will be electronically recorded into the main terminal located at the Geneva Police Department Public Safety Building (PSB) where Sergeant can review the documents. Tickets are then transmitted electronically from the main server at the



PSB to the main terminal in Albany, NY.

1. All electronic tickets will be stored indefinitely in both the terminal in the PSB and Albany.
2. Officers before initial use of the TraCS Electronic Ticketing System will be trained by a TraCS Administrator on the proper use of the system and the adherence to established rules and regulations for the system.
  - a. Each operator of the TraCS System is responsible for the proper use of the computer, scanner and printer in the police vehicle. Any inoperable or malfunctioning equipment will be expeditiously reported to the duty Supervisor.

Approved By

**MICHAEL J. PASSALACQUA**  
*CHIEF OF POLICE*