

	Houston Independent School District Police Department Directives	DIRECTIVE: 450-017
	SUBJECT: Traffic Enforcement and Traffic Control	EFFECTIVE DATE: May 28, 2013 REVISED DATE: February 1, 2023

PURPOSE

This directive aims to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

POLICY

Traffic law enforcement involves all activities or operations related to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. This department's policy is that motor vehicle stops shall be performed professionally and courteously and educate the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation, causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on enforcing violations that contribute to accidents and preventing vehicular and pedestrian traffic hazards.

LEGAL BASIS FOR STOPPING MOTOR VEHICLES

Officers must have reasonable suspicion or probable cause for stopping a motor vehicle, as the Fourth Amendment to the U.S. Constitution provides. Officers are prohibited from stopping vehicles under the guise of legal authority when the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.

A motor vehicle may be stopped only for a reasonable period to issue a citation or conduct other legitimate police business. Officers should avoid arrests solely for minor vehicle infractions, even if permitted by law when a citation in lieu of arrest is a reasonable alternative.

Officers are reminded that they have full discretionary authority in the enforcement actions to be taken, subject to the guidelines contained herein.

TYPES OF ENFORCEMENT ACTIONS

Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which

the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement. Agencies are encouraged to define the difference between major and minor traffic violations and place those definitions in this policy.

Traffic Citation

A traffic citation shall be issued to a violator who jeopardizes vehicular and pedestrian traffic's safe and efficient flow, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

NOTE: A violator may not be physically arrested but must be issued a citation for the offenses of speeding or violation of the open container law.

Physical Arrest

In compliance with Transportation Code 543.002, and other applicable state laws, officers shall make a physical arrest and take the violator before a magistrate when the officer has probable cause to believe that the violator:

- a) Has committed a felony
- b) Has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only
- c) Refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).
- d) If the violator refuses to sign the citation, the officer will write "Refused to Sign" in the signature block and issue the citation to the subject. This agency will not make physical arrests for refusal to sign.

HANDLING SPECIAL CATEGORIES OF VIOLATORS

Juveniles

Juvenile traffic offenders are prosecuted in the Justice of the Peace Court. Juveniles over the age of 14 may be issued citations for offenses committed in vehicles. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents or other responsible adult.

Foreign diplomatic or other consular officials

The United States Government grants diplomatic immunity. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.

Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.

If the offense is a felony or involves bodily injury, serious bodily injury, or death to an individual, the State Department shall be contacted as soon as possible.

Members of Congress

Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.

If a member of Congress is stopped for a traffic infraction upon presentation of valid credentials, they shall be released immediately. The officer may issue a summons for the member of Congress covering the observed violation and make arrangements to serve the summons when the member of Congress is not in transit to or from Congress or on official business.

INFORMATION REGARDING TRAFFIC SUMMONS

A citation shall be completed whenever a motorist is charged with a vehicle violation. Officers shall advise drivers of the following:

- a) The court appearance schedule and contact information.
- b) Whether the court appearance by the motorist is mandatory
- c) Whether the motorist may be allowed to pay the fine before the court and enter a guilty plea
- d) Answer the motorist's questions about the summons, being as thorough as possible.

UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

Speeding Violations

On public streets within the city with a speed limit of 30 miles per hour or higher, officers shall not write citations for under 40 miles per hour unless specifically approved for a particular operation or problem-solving activity.

In school zones with a speed limit of 20 miles per hour, citations may be written for any vehicle traveling over 20 miles per hour or greater.

Officers shall use common sense and good judgment and understand that each stop should be taken at its merit. These uniform traffic enforcement guidelines are not intended to detract from or diminish an officer's judgment and discretion. Traffic enforcement aims to correct a driver's behavior, and corrective action can be accomplished in more ways than simply issuing a traffic summons.

Other Hazardous Violations

Citations may be issued for any hazardous violation that, in the officer's experience, has caused accidents at a specific location.

Equipment Violations

With only annual inspections required of vehicles, citations may be issued for any essential equipment defects which create a danger or hazard to the driver or others or for expired inspection stickers. Officers shall not issue an inspection citation until the 10th day of the month after the inspection expires.

Multiple Violations

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue multiple citations for the most serious violations and warn others if appropriate. An officer shall not issue more than five citations at a time to any violator.

Newly Enacted Laws

The law usually does not allow a grace period when new laws occur. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

- a) A violation of a newly enacted traffic law.
- b) Speeding violations in an area in which the speed limit has been reduced.
- c) Expired state license tags or expired state inspection stickers approximately ten days after expiration.

TRAFFIC LAW ENFORCEMENT PRACTICES - GENERAL

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

Area patrol involves traffic enforcement within the officer's assigned area of responsibility.

Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.

Stationary observation, either covert or overt, may be used to make observations about traffic flow at a particular location.

When completing reports or doing other activities that will keep them out of service for a short while, officers are encouraged to park their patrol vehicles in a conspicuous location where the vehicle's mere presence will remind other drivers to comply with traffic laws.

OBJECTIVES OF TRAFFIC STOPS

The two primary objectives of any traffic stop are;

- a) Take proper and appropriate enforcement action; and
- b) To favorably alter the violator's future driving behavior.

Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.

STOPPING A VIOLATOR / ISSUING A CITATION

Rules to be followed in all traffic stops:

- a) Be alert at all times for the unexpected.
- b) Be absolutely certain that the observations of the traffic violation were accurate. The reasonable suspicion standard shall be met.
- c) Present a professional image in dress, grooming, language, bearing, and emotional stability.
- d) Be prepared for the contact by immediately making the necessary equipment and forms are available.

Before making a vehicle stop:

- a) Maintain a reasonable distance between the violator and the patrol vehicle.
- b) Locate a safe spot to stop the vehicle.
- c) Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
- d) The use of the MDT is allowable to inform dispatch of the traffic stop ,but it must be completed before the actual stop. An officer shall record the traffic stop properly before approaching the vehicle.
- e) If unable to use the MDT, the officer will advise the dispatch of the intention to stop the particular vehicle, and provide the following information:
 1. The location of the stop.
 2. The vehicle's license tag number and a description when necessary.
 3. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned to offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.

Additionally, when stopping a vehicle where the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.

- a) Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
- b) Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
- c) When necessary, use the vehicle's public address system to instruct the occupant(s) of the violator's vehicle.

Hazards

On multi-lane roadways, the officer shall ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

Should the violator stop abruptly in the wrong lane or another undesirable location, the officer shall direct them to move to a safer location. Officers shall use the public

address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, use the spotlight, set the headlights for high beams, and employ emergency bar lights and flashers to maximize officer safety.

APPROACHING THE VIOLATOR (LEFT SIDE APPROACH)

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other roadway users. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing traffic volume may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions by the violator or other occupants in the violator's vehicle.

The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, officers should consider approaching the vehicle from the passenger's side (right) for officer safety. This position shall be maintained if only occupants are in the vehicle's front seat. From this position, the officer can communicate with the violator and, at the same time, keep all occupants of the vehicle in view.

In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. The officer can communicate with the violator and keep all occupants in view from this position.

In traffic stops by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write notes, and act as an observer and cover for their fellow officer.

APPROACHING THE VIOLATOR (RIGHT SIDE APPROACH)

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other roadway users. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing traffic volume may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

After properly informing dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions by the violator or other occupants in the violator's vehicle.

The officer shall approach from the rear of the violator's car on the right side of the vehicle opposite the active traffic lane, look into its rear seat, and stop behind the trailing edge of the right front door. This position shall be maintained if only occupants are in the vehicle's front seat. From this position, the officer can communicate with the violator and, at the same time, keep all occupants of the vehicle in view.

In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach the trailing edge of the right front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. The officer can communicate with the violator and keep all occupants in view from this position.

In traffic stops by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write notes, and act as an observer and cover for their fellow officer.

COMMUNICATING WITH THE VIOLATOR

In conducting business with the violator, the officer shall observe the following rules:

- a) Greet the violator courteously with an appropriate title.
- b) Inform the violator what traffic law they have violated and the intended enforcement action (do not keep the violator in suspense).
- c) Ask for and accept only the violator's driver's license and vehicle registration. If the driver offers money, the officer shall refuse it and advise the driver of the illegality of the offer.
- d) If the driver has no driver's license, obtain another identification document.
- e) Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.
- f) If appropriate, complete the forms required for the enforcement action or give an oral warning.
- g) If the enforcement action requires a court appearance, the officer will ensure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the court's actions.
- h) Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated, or the violator may need to calm down before driving.
- i) Officers should note if there is any information from dispatch or on the vehicle's license plate that indicates the driver has difficulty communicating with the police.

CONDUCTING THE TRANSACTION

- a) Return the violator's driver's license, registration, and a copy of the citation or warning, if given.
- b) Release the defendant after they sign the summons and receive a copy of the summons.
- c) Assist the violator in safely re-entering the traffic flow.
- d) Do not follow the violator.

CITATION RECORD KEEPING

Citation Book Security

Citation issuing information, records, and storage of citations are the responsibility of the Patrol Commander. Included with the citation books is an inventory log sheet with the book and citation numbers. When citation books are issued, the officer will sign the log.

The Patrol Commander will inspect citation books not yet issued quarterly to ensure they are accounted for and that the inventory log is maintained properly. Discrepancies will be reported to the Chief by special report. This inspection will be annotated on the Inventory Log.

Citation Accountability

Officers are directly accountable for each citation issued to them. Failure to account for each citation issue may result in disciplinary action as appropriate.

Officers who make errors on citations and choose not to use a citation form will write "VOID" and the reason for the voiding on all copies of the citation, staple all copies and forms together, and turns in the remaining copies to their supervisor at the end of shift. (Violator's copy must be attached.) The supervisor will note "Approved" followed by their initials and forward the citation to the proper court of jurisdiction.

It is permissible for one officer to use a citation from another officer's assigned book; however, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

Voided Citations

Citations marked "Void" will be received by the Business Office. Quarterly audits will be necessary to account for missing citations.

DWI/DUI ENFORCEMENT PROCEDURES

It is unlawful for any person to drive or operate any motor vehicle, watercraft, or airplane while under the influence of alcohol or any narcotic drug to the extent the driver has lost the normal use of their mental or physical faculties.

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of

the DWI, beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, and drinking or drug ingestion admissions.

Sobriety tests

Officers shall administer a standard field sobriety tests consisting of the following tests:

- a) Gaze Nystagmus (only if properly certified).
- b) Walk and turn.
- c) One-leg stand.

If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed for evidence of alcohol and illegal, prescription, and over-the-counter drugs.

The officer shall make a full written report of the DWI arrest's circumstances, probable cause formation, and witnesses' observations.

Arrest

The arresting officer shall perform the following:

- a) Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such a person is arrested for DWI.
- b) Advise the arrestee that they may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
- c) If the arrestee refuses the available test, advise them that unreasonable
- d) refusal of the test constitutes grounds for the revocation of the driver's license.
- e) If the arrestee refuses to sign a declaration of refusal, which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

Blood-test procedure

The arresting officer may ask the person for consent for a blood draw. If the person refuses, the officer shall prepare a search warrant to obtain the blood sample.

The officer shall take the arrested person to a physician, registered professional nurse, phlebotomist, chemist, qualified EMT, or paramedic authorized by state law or other technician designated by order of the court who shall withdraw blood to determine its alcoholic content and drugs.

The arresting officer shall also witness the blood sample taking and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample.

The medical person taking the sample shall place their name and the accused's name on the label of each vial with the date and time the blood was taken.

The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them.

The arresting officer shall further perform the following:

- a) Place the name of the arrested person, the officer's name, date and time of arrest on each container.
- b) Mail the container to the laboratory.

Breath analysis

Chemical analysis of a person's breath shall be performed by anyone possessing a valid license issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. If the breathalyzer is inoperable or a licensed operator is unavailable, this test is deemed unavailable.

The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.

The testing officer shall issue a certificate of breath alcohol analysis that indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

Accident investigation

If the DWI suspect has been involved in a traffic accident, officers shall also undertake the following:

- a) Identify any witnesses who saw the suspect operating a motor vehicle.
- b) Question the witness about the suspect's condition, actions, and statements immediately after the accident.
- c) Establish a time-lapse from the time of the accident to the arrest.
- d) Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

SPECIAL TRAFFIC PROBLEMS

Identification and Referral of a Driver Recommended for Reexamination to the Department of Public Safety (DPS).

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or have other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement they may take, the officer shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

ESCORTS

General rules

Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.

Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor.

Officers may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of the on-duty supervisor only. Further, the escort shall occur per an articulated plan approved by the on-duty supervisor.

Funeral escorts

Before conducting a funeral escort, officers shall confer with the funeral home director to:

- a) Plan the route to account for the most direct method, expected traffic density, and anticipated obstacles.
- b) Determine the circumstances of the escort, including which traffic lanes to use, the speed of travel to the destination, and how to handle adverse weather.
- c) Officers shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting officer shall take reasonable measures to allow the entire procession to continue even though the light changes.
- d) No escorts shall be provided if the deceased's body is not in the procession.

TRAINING

Officers performing traffic control functions (extra employment) within the City of Houston will conform to the City of Houston's mandate requiring the officer to be trained in traffic direction and control.

SAFETY REQUIREMENTS

All personnel performing traffic control functions shall constantly be alert for possible hazards. All police officers must wear reflective clothing (i.e., jackets, safety vests, or raincoats) when directing traffic or in the roadway controlling traffic.

Extreme caution should be used when directing traffic in adverse conditions (i.e., server weather, hazard materials, heat index, or rain).

Approved By 
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