



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD 7.2 Traffic Enforcement**

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I. PURPOSE

To use enforcement of traffic laws to assist in the safety of roadways.

II. POLICY

Uniformed Officers will be involved in visible traffic patrols and enforcement during the normal course of their duties including observation and enforcement of traffic violations, both within their assigned patrol areas and on special or directed enforcement details. Enforcement should be conducted from stationary observation points and moving patrols in marked and unmarked vehicles (with proper emergency lighting and siren). Enforcement activity is generally concentrated on areas including high or potentially high accident locations, in areas where violations are prevalent, and in response to citizen complaints concerning traffic violations.

III. SPEED ENFORCEMENT

- A. Radar/Laser Units** - All radar and laser units used by the Burlington Police Department will meet or exceed the specifications of the National Highway Traffic Safety Administration and the International Association of Chiefs of Police in compliance with State and Federal regulations. Units will be utilized by officers certified by the Vermont Criminal Justice Training Council in compliance with the manufacturers' instructions. Units will be tested in accordance with the manufacturers' instructions at the beginning of each shift and after each shift that included enforcement actions. Any malfunctions will immediately be reported to the Officer in Charge and the unit removed from service.
- B. Pacing** - When establishing a speed violation by "pacing," the officer should follow the vehicle being paced for at least 1/4 of a mile while keeping a constant interval between them in order to obtain a reading on the speedometer indicating that the vehicle being paced is exceeding the posted speed limit.

C. Enforcement of Speeding Laws

1. Officers should exercise appropriate discretion in deciding when to issue warnings versus tickets.
 2. Elements for Court - The officer must establish the time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar or laser check of the vehicle. The officer must also establish the following:
 - a) qualifications and training.
 - b) that the radar or laser unit was operating and was operated properly.
 - c) the radar or laser unit was tested for accuracy prior to and after use of the unit by the approved method.
 - d) that the posted speed limit signs in the area in which the vehicle was stopped were properly posted at the time of the infraction.
- D. An assigned Traffic Safety Coordinator is responsible for the periodic and required maintenance and repair that is needed to the radar and laser units. The Traffic Safety Coordinator will keep all records and certificates that are necessary for all repairs and calibrations that are done.

IV. STOPPING AND APPROACHING TRAFFIC VIOLATORS

A. Community relationship and unknown dangers:

1. Traffic stops are a critical element of the Department's relationship with our community. This is because traffic stops create contacts with citizens who may not otherwise have police interactions. Upon stopping a vehicle, officers should introduce themselves and give the reason for the traffic stop.
2. Additionally, traffic stops carry the danger of drivers' unknown circumstances and intentions and must be conducted with safety in mind.
3. Officers should reference current training for the proper method of conducting traffic stops.

B. Informing dispatch:

1. Notify dispatch of the license number and state of the vehicle, the reason for the stop, and the intended stop location. If there is no plate on the vehicle, give a thorough description of the vehicle.

C. Location:

1. Officers should anticipate an appropriate location for the stop, giving consideration to traffic flow, lighting, road design, and space. Officers should be mindful not to stop vehicles on curves or hills, in intersections, private drives, or parking lots with limited parking. If the motorist stops in a undesirable location, the officer may direct them to a better location.

V. STOPPING AND APPROACHING A KNOWN SUSPECT OR FELON & OTHER HIGH RISK STOPS

- A. If an officer locates a vehicle perceived to be driven by a known or suspected felon, the officer will immediately notify the dispatcher of his/her location, the description of the vehicle (including plate number and state, make, model, and color), and the number and description of the occupants. The officer will then keep the suspect vehicle in view and request assistance from other units.

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- B. While awaiting assistance, the officer will keep the dispatcher and other units informed of the location and direction of travel to facilitate their approach and minimize use of their emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support units are available and in position. The officers will utilize current training for high risk stops.

VI. DRIVING WHILE LICENSE SUSPENDED (DLS) ENFORCEMENT

- A. All traffic violators should have their license checked through the Department of Motor Vehicles, either via dispatch or through their issued mobile data terminal. When an officer has identified that a person has a suspended or revoked license, he/she will take enforcement action to issue a ticket, issue a criminal citation or make an arrest based on current State law and Department operating procedure. If the violator displays an out of state license and his/her privilege to operate is suspended in his/her home state, the violator will be issued a ticket for Operating without a License.
- B. A suspended operator may never be allowed drive a vehicle. The vehicle may be either driven away or legally parked by another licensed operator. If the violator has no other person to drive the vehicle from the roadway, the officer may move the vehicle for the violator if the violator gives his/her permission. If the violator has no other operator to move the vehicle and refuses to give the officer permission to move the vehicle, the officer may have an illegally parked vehicle towed.
- C. Confiscation of licenses will be done in accordance with current State law.

VII. DUI ENFORCEMENT

DUI Enforcement is a public safety priority.

A. TRAINING

All officers processing an operator for DUI should be certified by the Vermont Criminal Justice Training Council. Officers may be selected on the basis of experience and proficiency in the area of DUI enforcement for advanced training and assignment to Department and multi-jurisdictional selective enforcement teams.

B. OFFICER CONTACT GENERALLY

1. Officers should be familiar with the indicators of impaired operations that would give reason for the officer to believe that the operator is operating under the influence.
2. Officers should continue, as long as safely possible, to observe operation to substantiate the officer's suspicion that the driver is operating under the influence. Motorists suspected of operating under the influence should be stopped as soon as safely practical.
3. Officers shall not arrange for, nor give, a ride home in lieu of arrest for a DUI offense.

C. ADDITIONAL INVESTIGATORY QUESTIONS

1. Drivers should be identified and only those inquiries related to alcohol consumption should be made as permitted by current law.
2. When the incident involves a non-witnessed accident, the officer should ask the operator if he/she has consumed alcohol after the accident and how much.

D. STANDARDIZED FIELD SOBRIETY EXERCISES

1. Operators suspected of being impaired may be asked to exit the vehicle for sobriety exercises. The operator should be asked if he/she has any physical problems that would

prevent the taking of the test. The officer should conduct field sobriety exercises consistent with current DUI enforcement training curriculum. If the operator cannot perform the tests, or refuses to, the officer should note this in his/her report.

2. A preliminary breath-testing device (Alco-sensor) may then be administered (and results documented) following the SFSEs.
3. The operator should be processed for DUI, if the officer develops probable cause to believe that the driver had been operating while under the influence.

E. ARREST

Arrests will be done in accordance with the Vermont Rules of Criminal Procedure (Rule 3) and applicable Department policy.

F. PASSENGERS

1. Passengers should be identified and reasonable attempts should be made to obtain a written or recorded statement from each.
2. Incapacitated passengers, who are a danger to themselves or others, should be taken into protective custody and handled in accordance with the provisions of Title 33 V.S.A. § 708. Incapacitated or intoxicated juvenile passengers shall be turned over to a parent or guardian, or custody maintained pursuant to Title 33 V.S.A. § 5510.
3. Officers may arrange for transportation from the scene for any passengers that require it.

G. VEHICLES

1. Vehicles stopped in the traveled portion of the roadway or in a location where the vehicle cannot be left safely should be moved in the following manner:
 - a) Moved by a non-impaired passenger, with permission from the operator, to a legal parking area.
 - b) Moved by an officer, with permission from the operator.
 - c) Impounded and moved by a wrecker of the Department's choosing.
2. If possible, vehicles left unattended at the scene will be secured.

H. PROCESSING

1. DUI processing will be done in accordance with Vermont Title 23 V.S.A. § 1202.
2. Persons taken into custody will be brought to the Department, or other agency, for the administration of an evidentiary breath test.
3. A sample of blood will be requested:
 - a) when breath testing equipment is not reasonably available, or
 - b) when a person is unable to give a sufficient sample of breath for testing, or
 - c) when there is reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or
 - d) when the person is incapable of making a decision, unconscious or dead, or
 - e) when the person is the surviving operator of a motor vehicle involved in a fatal accident and is unable to provide a sample of breath, or
 - f) when the person is the operator of a motor vehicle involved in an accident resulting in serious bodily injuries and the officer has reasonable ground to believe that person has any amount of alcohol in his/her system and the person is unable to provide a sample of breath.

4. A sample of blood will be drawn by a physician, licensed nurse, medical technician, physician's assistant, medical technologist, or laboratory assistant.
 5. Booking procedures will be completed in accordance with Department procedure.
 6. DUI processing forms for breath or blood sample provided by the State of Vermont will be used.
 7. The forms will be used in the order and manner currently prescribed by the Chittenden County State's Attorney.
- I. **RELEASE FROM CUSTODY**
1. Continued custody or release on a citation will be pursuant to the Vermont Rules of Criminal Procedure RULE 3. If the person is to be lodged, the appropriate section of the processing form must be completed, and the officer must arrange for an independent blood test if requested.
 2. If the person is released on a citation, the officer must inquire whether the person intends to seek an independent blood test. If so, the officer shall provide the person with an independent blood kit and a list of local facilities that will perform the test.
 3. If, at the conclusion of processing, the officer determines the operator is incapacitated, custody shall be continued pursuant to Title 33 V.S.A. § 708, Section B through J. If the operator is impaired, but not incapacitated, the officer should make reasonable attempts to locate a responsible person to take charge of the operator or to arrange for a taxi.
 4. If the person is not impaired, they may be released.
 5. Juveniles processed will be released to a parent or guardian.
- J. **PAPERWORK**
1. On release from custody, the operator should be given the following that applies to them:
 - a) Citation for appearance
 - b) Infrared Ticket
 - c) Hospital List for Independent (blood) tests
 - d) Independent Test Kit (with all request forms attached)
 - e) Intent to suspend (may be mailed)
 2. The DUI Affidavit and Intent To Suspend form will be completed within three (3) business days so the appropriate mailings can be made.
 3. The remainder of the case should be completed as soon as possible. The case must be completed in time to be copied, assembled, and delivered to the State's Attorney's Office in accordance with the current established timelines.
- K. **SOBRIETY CHECKPOINTS**
1. The checkpoint sites and times are to be pre-selected by the commanding officer or sobriety checkpoint supervisor. Consideration should be given to the safety of the public and officers involved in the checkpoint, roadways that have a history of alcohol related

accidents; times when the presence of alcohol impaired drivers is highest (times of day, days of week, etc.).

2. Sites should have sufficient visibility from both directions and should have sufficient illumination. This should be accomplished through the use of at least two marked police cars displaying all emergency lights and warning devices, such as flares or signs, located a minimum of 1000 feet away from the checkpoint in each direction. A minimum of five (5) officers will be used at a roadside sobriety checkpoint. All officers shall be in uniform, wear reflective vests, and use flashlights for traffic control.
3. Signs, as provided by the Department, should be posted a minimum of 1000 feet away from the checkpoint in each direction.
4. Three days prior to the actual date of sobriety checkpoints, the supervisor should attempt to make notification to the news media that sobriety checkpoints will be run in specific counties. The actual date of the intended checkpoint, or its actual location, should not be revealed.
5. Vehicles shall be stopped in a predetermined manner. The funnel method is the preferred type of roadblock as the motorist is not requested to leave the highway unless there is a specific violation. It is preferable that all vehicles be stopped. If the checkpoint is located at a site with a high volume of traffic and congestion may occur if every vehicle were stopped, the supervisor shall predetermine a uniform manner of selecting vehicles to stop, such as every second or third vehicle. This method is not to be changed by those members making actual stops.
6. Officers may request the following documents: driver's license, vehicle registration, proof of inspection (window sticker), proof of liability insurance. Questions such as, "Where are you going?" "Where are you coming from?" will not be asked. If there is no immediate evidence of intoxication, a sobriety checkpoint brochure will be given to the motorist and the officer will suggest to the driver that he/she reads the brochure at a later time for a more complete explanation of the stop.
7. If during the course of making stops, a backup of traffic appears which creates noticeable congestion, activities should be stopped and the congested vehicles waved through. As a guide, traffic should be waved through if it appears the rear most vehicle will be delayed more than 2 or 3 minutes.
8. Information used as the basis for the selection of specific checkpoint sites shall be recorded by the sobriety checkpoint supervisor and filed for use, should the checkpoint be challenged in court. A record of all checkpoint assignments will also be maintained.

VIII. AGENCY ACCOUNTABILITY FOR VT TRAFFIC OR MUNICIPAL COMPLAINT

- A. As a function of accountability for all Vermont Traffic and Municipal Complaints, the parking manager is designated as keeper of the records, responsible for ordering and auditing all State issued ticket books. He/she will ensure that an adequate supply of ticket books is maintained and accessible for officers.

- B. As needed, officers will receive ticket books from the Officer-in-Charge (OIC). Both the supervisor and officer will sign and date the cover sheet of the ticket book issued. The OIC will immediately place the ticket book cover in the ticket mailbox.
- C. The keeper of the records will maintain an audit file on all issued ticket books and tickets. Upon request, he/she will submit an accountability report to the Administrative Services Bureau Deputy Chief.

IX. **VOIDING, DISMISSING, AND AMENDING VERMONT TRAFFIC AND MUNICIPAL COMPLAINTS**

- A. If an Officer requests that a ticket be dismissed or amended, the officer will contact his/her supervisor to explain the reason. The supervisor, if in agreement, will fill out the current State form which will be sent to the Records Division for distribution. **Both the issuing officer and the supervisor must sign the form.**
- B. **Amending** – Civil complaints may be amended at any time by completing Form 702 "Police Amendment/Dismissal Form." The only time a ticket may not be amended is subsequent to a judgment based on the merits of a case. At any other time, before or after a hearing or payment of a ticket, an amended charge may be filed with the Vermont Traffic Bureau.
- C. **Dismissing** - When all four copies of a civil complaint are not under the control of the Burlington Police Department, and a copy has been issued to the operator, Form 702 must be completed. All dismissals will be made "with prejudice" which enables the officer to re-file a charge in the future, if appropriate.
- D. When the request to have a ticket dismissed is made by **other than the officer who issued it**, the issuing officer will be notified, unless one of the following exists:
 - 1. The ticket is dismissed for the furtherance of investigative purposes.
 - 2. The operator is a "cooperating individual" who is involved with legitimate investigative operations.
 - 3. The issuing officer is no longer employed by this agency.
 - 4. The Chief of Police or Bureau Deputy Chief may dismiss a ticket when circumstances brought to their attention justify the dismissal.
- E. **Voiding** - When all four copies of a civil complaint are in the control of the Department, a complaint can be voided.
- F. If an officer believes that a civil complaint should be voided, the officer will contact his/her supervisor, as soon as possible, to explain the reason so that the supervisor may evaluate the request. If in agreement, the supervisor will print, "**VOID**" on the ticket. Both the supervisor and the issuing officer will then initial the complaint and forward it to the Records Division. Reasons for voiding include:
 - 1. Violator gave false information, such as wrong name, address, etc. When voiding the ticket, indicate the number of the new civil complaint issued.
 - 2. Officer entered wrong information which caused the citation to be invalid. When voiding the ticket, indicate the number of the new civil complaint issued, if applicable.
 - 3. Officer unable to complete the ticket due to the necessity of responding to an emergency.

X. DOCUMENTATION OF TRAFFIC STOPS

A. Officers shall issue by hand a written warning, ticket, or electronic equivalent at the scene of each traffic stop.

B. Race data collection

1. Beginning January 1, 2009, for all traffic stops the Department collects five fields of data on all *Traffic Tickets and Written Warnings for traffic violations* and one additional field of data to all operator information on *Traffic Crash Reports*. Additionally, the Department is in accordance with Vermont Title 20 V.S.A. § 2366 requiring collection of race data.

2. These fields of data include:

(1) Race – signified using the existing codes from the Department’s records management system and done based on Federal Incident Based Reporting standards.

- (a) A = Asian or Pacific Islander
- (b) B = Black
- (c) H = Hispanic
- (d) I = Native American or Alaskan Native
- (e) W = White

(2) What the stop was based on

- (a) M = Moving violation (red light, stop sign, speed, etc.)
- (b) E = Externally generated stop (911 call, suspicious report, BOL)
- (c) I = Investigatory stop (based on observations of suspicious activity)
- (d) D = Suspicion of DUI
- (e) V = Vehicle equipment (Registration, VNI, Defective equipment)
- (f) O = Other violation

(3) Whether a search was conducted based on the stop

- (a) NS = No search conducted
- (b) SW = Search conducted with warrant
- (c) CPC = Search conducted based on probable cause
- (d) CRS = Search conducted based on reasonable suspicion

(4) Whether contraband or evidence of a crime was found

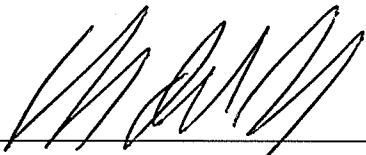
- (a) X = Not applicable / no search
- (b) C = Contraband or evidence of a crime found
- (c) NC = No contraband found

(5) Outcome of the stop

- (a) W = Warning
- (b) T = Ticket
- (c) A = Arrest for violation
- (d) AW = Arrest on Warrant
- (e) FC = Field contact card completed – no action taken

- C. Race is determined/collected *based on officer perception roadside* without the need for specific inquiry of the operator. Contraband or evidence of a crime will include drugs, or drug paraphernalia, such as used heroin bags.
- D. Among the benchmarks that will be used to measure data are Traffic Crash Reports. In order to collect data regarding operator race on **traffic crash reports**, the race data noted above will be collected and placed on the Crash Report.
- E. These data fields must be collected for every traffic stop and every motor vehicle crash investigation. Any ticket, warning, or crash report that does not contain these fields will be returned to the officer for completion. Additionally, random audits of all traffic stops will be conducted.

Reviewed and adopted by the Burlington Police Commission on October 24, 2017.



Brandon del Pozo, Chief of Police

November 8, 2017

Effective Date