



Alexandria Police Department

Directive 11.21



Traffic Enforcement

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11.21.01 POLICY/PURPOSE

The Alexandria Police Department is committed to strict enforcement of all hazardous violations that contribute to personal injury, death, or serious property damage. These violations include, but are not restricted to:

- Operation of a vehicle by a driver under the influence of alcohol/drugs; **[61.1.5, a]**
- Operation of a vehicle after driving privileges have been suspended or revoked; **[61.1.5, b]**
- Speed violations; **[61.1.5, c]**

- Other hazardous violations; [61.1.5, d]
- All multiple violations, if hazardous in nature; [61.1.5, i]
- All newly enacted laws, if hazardous in nature; [61.1.5, j]
- All violations identified in the course of an accident investigation; and [61.1.5, k]
- Pedestrian/bicycle violations likely to lead to injury or death; [61.1.5, l]

Officers may exercise discretion, based on the circumstances, for the following violations:

- Off-road vehicle violations; [61.1.5, e]
- Equipment violations; [61.1.5, f]
- Public carrier/commercial vehicle violations; and [61.1.5, g]
- Other non-hazardous violations not contributing to personal injury or serious damage. [61.1.5, h]

This enforcement policy is not meant to restrict officers from taking action or from using their discretion to place charges in order to reduce nuisance conditions, resolve problems, or accomplish the proper and safe operation of vehicles on a City right-of-way. [61.1.5, a - l]

11.21.02 AUTHORITY

The authority governing this directive is provided in the Code of Virginia, Title 46.2 and Section 15.2-1704, and Title 10 of the Alexandria City Code. All officers are given the authority, under State code, to enforce State and City traffic code.

11.21.03 RESPONSIBILITIES

- A. The Chief of Police** is responsible for providing clear guidance on the Department's traffic enforcement policy and the use of discretion in traffic enforcement. [1.2.6; 61.1.5]
- B. The Field Operations Bureau (FOB) Commander** is responsible for ensuring that the Department's traffic enforcement policy is implemented. [61.1.5]
- C. The Traffic Division Commander** is responsible for:
1. Ensuring that the Department's selective traffic enforcement personnel are utilized in an efficient and effective manner to reduce accidents and address special problems and that their activities, techniques, and deployment are evaluated and reported to the FOB Commander. The Commander will also ensure that an annual analysis of traffic accidents is conducted and used as a means to reduce traffic accidents. [61.1.1; 61.1.6]

2. Assigning the Traffic Safety Section Supervisor to maintain liaison with local and/or regional traffic planning committees, such as the Council of Governments Traffic Committee and the City of Alexandria's Traffic and Parking Board, and reporting, as needed, to the FOB Commander. [61.3.6]
 3. Transmitting accident information and other enforcement data to local/regional traffic engineering authorities, such as the Council of Governments, U.S. Department of Transportation, and the City's Department of Transportation and Environmental Services (T&ES). [61.3.1, b]
- D. **The Commander of the Information Services Section** is responsible for ensuring proper classification and routing of reportable accident reports to the Division of Motor Vehicles. [61.3.1, b]
- E. **The Traffic Safety Section Supervisor** is responsible for conducting quarterly inspections of, and for coordinating calibrations and repairs on, all radar equipment.
- F. **Supervisors** are responsible for the review of a VUS (to include ensuring the ISS copy is legible) and any reports relating to traffic offenses written by officers. Supervisors will ensure that the reported information is accurate, complete, and that the paperwork is turned in to Information Services.
- G. **All Sworn and Limited Enforcement Personnel** are responsible for complying with Department policies on traffic enforcement, direction, and control. **The FOB** has the primary responsibility for traffic enforcement, with **Traffic Enforcement** serving specialized enforcement needs.
- H. **All Sworn and Limited Enforcement Personnel** are responsible for:
1. Providing general assistance to highway users, as necessary; [61.4.1.a]
 2. Arranging for provision of fuel, mechanical and/or towing services, according to established Department policies and contract agreements; [61.4.1.b]
 3. Providing assistance and protection to persons stranded in vehicles, which may include transporting motorists away from hazardous locations to a place of safety; and [61.4.1.c]
 4. Providing emergency assistance whenever possible, to include emergency medical assistance (if so trained) and short-term fire-suppression activities. [61.4.1.d]

- I. **All Sworn and Limited Enforcement Personnel** are responsible for referring (through DEC) complaints of traffic engineering or highway maintenance concerns to the appropriate agency, such as City T&ES or the Virginia Department of Transportation, as soon as they become aware of such conditions. DEC personnel are responsible for promptly relaying such messages to the appropriate agencies. This does not preclude employees from calling the My City Program at 703-746-5555 to report non-hazardous conditions and thus relieve DEC of the task. **[61.3.1.a; 61.4.2]**

11.21.04	TRAFFIC DIRECTION AND CONTROL
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- A. Any Department personnel authorized to direct traffic will ensure:
- that proper traffic direction and control is maintained at scenes of traffic accidents by establishing a safe traffic pattern around the crash scene using flares, reflectors, cones or barricades as available; **[61.3.2.a]**
 - the use of standard hand and arm signals, gestures, voice commands, and whistle to control the actions of vehicles, in accordance with Code of Virginia § 46.2-1309; **[61.3.2.b]**
 - the provision of assistance to Fire Department personnel at fire scenes, to include maintaining open access to and from the scene for Fire apparatus and emergency rescue personnel, providing crowd control, and arranging for any other assistance required by the fire scene commander or other proper authority; **[61.3.2.c]**
 - that special measures are taken when necessary during periods of adverse road and weather conditions to facilitate the smooth flow of traffic, such as removal of obstructing vehicles; **[61.3.2.d]**
 - that only personnel who have received specialized training from City T&ES are permitted to manually operate traffic control devices, and then only in accordance with Code of Virginia § 46.2-833 and 834; **[61.3.2.e]**
 - that temporary traffic control devices (such as flares or traffic cones) are used when appropriate and retrieved and/or disposed of afterward. Approval from a supervisor or commander is required before requesting delivery of semi-permanent traffic control devices (such as barricades) by T&ES; and **[61.3.2.f]**
 - that any Department personnel directing traffic are in uniform and wearing a reflective garment. **[61.3.2.g]**

- B. Sworn and Limited Enforcement Personnel** directing traffic at scenes of special events or unusual occurrences (e.g., civil disorders; hostage/barricade situations) must allow only authorized traffic to enter the perimeter. All other traffic must be routed to other areas.
- C.** Escort Services may be provided under certain circumstances so that safe, efficient and orderly passage on the City's streets can be shared with the normal traffic. With prior approval, escorts may be provided to: **[61.3.3.a]**
- Funerals (in accordance with Traffic Safety Section Standard Operating Procedures);
 - VIPs (in accordance with Special Operations Team Standard Operating Procedures);
 - Public officials, dignitaries, organized groups, parades, and special events;
 - Oversized vehicles and hazardous/unusual cargo;
- Note: Requests for escorts should be referred to the **Traffic Safety Section Supervisor** for consideration during normal business hours. The **Traffic Safety Section Supervisor** may approve routine requests for escorts under guidelines provided through the normal chain of command. Requests for escorts that come in after normal business hours, and that will occur before the next business day, should be referred to the Patrol Watch Commander for appropriate action.
- D.** No AM or PM rush hour escorts are permitted without the permission of the Chief of Police, and all unusual escort requests must have advance approval from the FOB Commander.
- E.** Officers will not escort civilian vehicles in medical emergencies because of the inherent danger to all parties involved and other users of the highways. Officers should instead call for an ambulance and provide security and assistance until the ambulance arrives. **[61.3.3.b]**

11.21.05	ENFORCEMENT
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- A.** Only sworn officers operating police vehicles completely equipped as an emergency vehicle, i.e., emergency light and siren, are permitted to initiate a traffic stop. (See also: VA Code 46.2-1061)
- B.** Officers are guided by their own discretion in the enforcement of traffic laws and ordinances. However, the policy statement in 11.21.01 should be the officer's primary source of guidance when determining whether to issue a citation or give a verbal warning. Officers should consider the severity of the offense and whether a warning will better facilitate voluntary compliance with the traffic code. **[1.2.6; 61.1.2.c]**

- C. When staffing permits, officers may set up stationary traffic posts at their discretion (in accordance with guidelines on fixed traffic posts provided by the Commonwealth's Attorney's Office.) The locations selected should be based on knowledge of the traffic problems in their beat areas. Supervisors may direct that officers conduct mobile patrols and/or stationary traffic posts in specified areas, to address particular traffic problems that have been brought to their attention. Supervisors may authorize the use of unmarked vehicles and/or covert traffic surveillance if necessary to accomplish a police purpose. Unmarked vehicles should not normally be used to accomplish traffic stops when other vehicles are available (except unmarked vehicles assigned specifically for radar enforcement).

Reducing traffic collisions is the ultimate goal of selective traffic enforcement. Efforts toward this may be accomplished by the following:

- Patrol commanders can obtain accident/collision data from PRISM or the SRS reports.
 - Patrol commanders should analyze the data and determine if additional enforcement will assist with the reduction of traffic collisions at these locations. Deployment of selective enforcement should be made so the majority of resources are utilized during the peak accident times and assigned to the areas with the greatest concentration of accidents with emphasis placed on enforcement action directed against those violations determined to be causative.
 - Patrol commanders will evaluate the effectiveness of the accident reduction efforts and provide this information at the scheduled SRS meetings.
 - The commander of the Traffic Division will be responsible for providing a yearly report outlining the efforts of the Department and any collision reductions accomplished **[61.1.6.a – c; 61.1.1]**
- D. Highway safety, deterrence and public awareness, and voluntary compliance are primary goals of radar speed enforcement. The radar enforcement program is designed to detect and apprehend those vehicle operators violating speed laws of the Commonwealth of Virginia and the City of Alexandria.
- E. Whenever possible, officers will enforce traffic violations involving the illegal use of radar detectors to avoid police radar.
- F. Only personnel who have received specialized training in the use of the Department's speed measuring devices are authorized to use those devices for enforcement (see also 11.21.08).

11.21.06**TRAFFIC STOPS****[61.1.7]**

- A.** The following guidelines apply in all cases in which an employee attempts a traffic stop, regardless of the nature of the stop.
- B.** Except when performing routine traffic direction and control duties, employees will not intentionally stand, move or remain in front of, near, or in close proximity to a moving vehicle for any reason.
- C.** Employees conducting routine traffic direction and control must have a planned and available escape route before placing themselves in any location in which traffic is normally traveling.
- D.** Employees conducting routine traffic enforcement from a stationary location such as radar details, roadside safety or sobriety checkpoints are permitted to signal traffic to stop by briefly entering the roadway at a point not directly in the path of the vehicle they intend to stop. Employees must enter the roadway only long enough to provide the signal to stop and must promptly remove themselves from the roadway, regardless of whether or not the driver appears to be complying with their signal.
- E.** Officers engaged in traffic stops should remember their responsibility to the public for attempting to alter favorably the violator's future driving habits. Officers should be courteous but firm, maintain control of the situation, and minimize conflict between the officer and the violator. Officers must have an articulable reason for making a traffic stop. **[61.1.8]**
- F.** At the initiation of traffic stops, officers will inform the dispatcher of:
 - 1. their location;
 - 2. the vehicle tag number;
 - 3. the vehicle description (e.g., red Camaro.)
 - 4. Officers may, at their discretion or upon a dispatcher's request, provide additional information.
- G.** Officers will select appropriate locations for traffic stops, avoiding curves, hills, heavy-traffic and poorly lit areas, and should attempt to stop vehicles to the side of the highway, out of traffic lanes.
- H.** Officers will activate their emergency lights to indicate to violators that they must stop. The siren and/or public address system may be used, if necessary, to stop the vehicle. The emergency lights are to be left on until the traffic stop is concluded.
- I.** Officers should stop their vehicles a safe distance behind a violator's vehicle. The police vehicle should be angled so that the headlights and spotlight afford cover at night. Spotlights may be used to illuminate the interior of the vehicle for

officer safety. Officers should use caution when approaching vehicles, being sure to watch the occupant(s), doors, and trunk.

- J. Absent any mitigating or exigent circumstances, officers shall immediately greet and identify themselves to the operator and state the basis for the stop.
- K. Mitigating and exigent circumstances shall only include articulable officer safety concerns, medical emergencies, or situations where the best interests of the Department and the City would not be served by advising the basis for the stop.
- L. Whenever possible, after traffic stops have been completed, officers should maneuver their vehicles in such a manner as to facilitate the safe re-entry of vehicles into the traffic flow.

11.21.07	FELONY STOPS
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The term "felony vehicle stop" has its basis in training and is meant to differentiate from a normal traffic stop, as a way of teaching employees to protect themselves in potentially dangerous situations. Employees with arrest authority should be governed by their training and experience when determining when and how to perform a felony vehicle stop.

A. Justification for felony vehicle stops

Following are examples of and proper procedures for use of the "felony vehicle stop" technique:

- When stopping a vehicle matching the description of one seen leaving the location of a homicide, armed robbery, felonious assault or other serious, violent crime where weapons are used, displayed, or implied;
- When stopping a vehicle containing occupants wanted for questioning in a felony, when the occupant(s) have shown, by their actions, that they intend to avoid being detained (e.g., ramming police or private vehicles and continuing to attempt to drive away; attempting to intentionally injure officers with a vehicle);
- When an officer will be able to clearly articulate (in court) the belief that one or more occupants of the vehicle has behaved in such a manner as to put the officer in fear or his or her life.

B. Procedures for felony vehicle stops

While involved in efforts to stop moving vehicles or to immobilize stopped vehicles, employees must use extreme caution to protect themselves from potentially armed suspects and to avoid placing themselves in a crossfire situation with other employees. Following is an example of procedures that may be used where there is reason to believe the occupants of a vehicle may be armed and dangerous:



- Visual inspection of radar;
- Internal circuit check;
- Light diode check;
- Tuning fork test;

Note: If for any reason the tests for accuracy cannot be completed after working radar, a list of all defendants issued summonses for speeding will be presented to the Assistant Commonwealth's Attorney assigned to prosecute traffic cases so it can be determined if he or she wishes to proceed with prosecution. If the decision is to not prosecute the cases, a list of all defendants will be given to the Clerk of the General District Court.

- D.** Radar may be used in stationary or moving mode, at the discretion of the operator. **[61.1.9.b]**
- E.** The radar antenna may be mounted on the outside or the inside of the vehicle, at the discretion of the operator. However, all components of the radar unit will be mounted securely on the inside of the vehicle during inclement weather. **[61.1.9.b]**
- F.** Radar units or tuning forks that malfunction will be taken out of service for repair immediately. These items of equipment will be reported to the Traffic Safety Section Supervisor, who will ensure the coordination of any work to be completed. All maintenance must be performed in accordance with manufacturer's specifications. The Traffic Safety Section Supervisor will also ensure that regular, required maintenance is performed in accordance with the manufacturer's recommendations. **[61.1.9.c-d]**
- G.** The **Traffic Division Commander** will ensure that all radar equipment purchased complies with standards set by the Division of Purchases and Supply, pursuant to Code of Virginia § 2.2-1112 and as specified in Code of Virginia § 46.2-882. **[61.1.9.a]**

H. **Calibrations**

1. *Virginia State Code §46.2-882 requires that the speedometer of vehicles used for traffic enforcement be calibrated every six (6) months. Calibration due dates are listed on the monthly Preventive Maintenance (PM) list. It is the responsibility of the assigned officer/s to ensure the calibration is completed before the due date. If a calibration is not completed by the due date, the officer will not utilize the vehicle to measure speed by pacing nor will it be used to perform moving radar. The assigned officer/s will also notify the Fleet Management Unit, through their chain of command, in writing the reason the calibration was not completed by the due date and the date the calibration was ultimately completed.*
2. *The Fleet Management Unit will review each certified calibration report completed by the Department of General Services' Fleet Services staff to ensure*

calibrations do not exceed the 2-MPH standard. If a calibration exceeds the 2-MPH standard, the officer will be notified by the Fleet Management Unit and the vehicle will not be used to measure speed by pacing nor will it be used to perform moving radar until the vehicle is retested and determined to be within the 2-MPH standard.

3. *Officers will maintain a copy of the most recent certified calibration report in their vehicles.*

- I. **The Court Liaison Officer** will ensure that a file containing all certificates of calibration is maintained at the Commonwealth's Attorney's Office. Officers must sign out the file prior to taking it to court and return the file immediately after court and sign it in. The file will contain certificates of calibration for the radar units and tuning forks. No calibration or testing for radar equipment and vehicles will be valid for longer than six months. All expired certificates of calibration will be kept on file for as long as administratively necessary.

[61.1.9.d]

11.21.09 VIRGINIA UNIFORM SUMMONS (VUS)
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- A. A VUS will be completed whenever a person is charged with a violation of any City or State code relating to the operation of any motor vehicle. Officers will fill the VUS out completely, using all blocks that apply and using standard abbreviation codes found on the back of the Suspect/Arrest Report (APD-0007B). Officers will print legibly, using a black ballpoint pen. [61.1.2.b]
 - In the boxes marked Law Section and Describe Charge, the officer should enter the code section and a brief description of the charge. All traffic offenses having an appropriate city code section will be cited under that section (except DWI; because of an existing conflict between the City and State codes on DWI, the Commonwealth's Attorney has requested that officers charge all DWI violations under the State code until further notice.)
 - If a violator is charged with multiple offenses resulting from one incident, a separate VUS must be completed for each charge. Page numbers must be placed in the space provided in the upper right corner.
 - In speeding violations, the officer must indicate whether it is a pace or radar violation, and the violator's speed and the posted speed limit must be shown (e.g., 10-3-874, Speeding 40/25 pace or 10-3-875, Speeding 50/35 radar).
 - The officer will instruct the violator to sign the summons in the space provided, after briefly explaining the charge, court appearance, and the reason for the violator's signature. Officers must check the appropriate box in the Mailing Address block. [61.1.4.c]
 - In the box marked Accident, the officer should check yes if an accident was involved, so court personnel will know to issue a witness subpoena.
 - In the box marked Location of Offense, the officer should enter an accurate description of the location (e.g., 915 N. Columbus St.).

- In the boxes marked Officer and Code/Badge No., the officer should legibly print the first and middle initial, last name, unit assignment (required to facilitate return of transcripts), and serial number.
- When the time of the arrest differs from the time of the offense, the arrest time will be entered in the space provided for that purpose in the lower right corner.

B. Court Date - Officers will select an assigned court date approximately four weeks from the date of the offense unless:

[61.1.4.a]

- the charge is one which requires the violator to appear in court within ten (10) days;
- the violator is taken into custody and the officer or the magistrate must select the court date;
- the violator invokes the right to an immediate trial;
- the officer believes that the assigned court date is inconvenient for the violator; or
- the violator is a juvenile.

1. **Advisement Within Ten (10) Days** - The charges for which adult violators must appear in court for the advisement of counsel within ten (10) days are:
 - Driving While Intoxicated (18.2-266);
 - Driving on Suspended Permit (46.2-301);
 - Hit and Run, Unattended Property, more than \$250 in damage (46.2-896);
 - No Valid Operator's License (46.2-300);
 - Habitual Offender (46.2-357(A));
 - Display an Altered Operator's License (46.2-346);
 - Driving While Revoked – DWI Related (18.2-272 or 46.2-391 (D)(1));
 - Unauthorized Possession of an Inspection Sticker (46.2-1172);
 - Any traffic-related Class 1 misdemeanor not specifically delineated above.
2. **Mandatory Appearance** - The charges listed in 1 above (consideredailable offenses), court appearance is required and the appropriate box must be checked on the VUS. Appearance and check box completion is also required for all other offenses in which the court will not accept pre-payment of fines. The list of offenses for which the court requires appearance changes as code sections are added or deleted by DMV. Officers are encouraged to check with the court when in doubt.

[61.1.4.b]

3. **Suggested Court Date** - When the court date entered on the VUS is not the trial date, the officer will place the desired court date in the space provided for that purpose in the lower right corner.
4. **In Custody or demanding a hearing** - When a violator is taken into custody or demands a hearing at the next session of court, the arresting officer will give

the first and second pages of the VUS to the magistrate, after a supervisor has approved it.

- C. Witnesses - Witnesses to a traffic violation whose testimony is necessary for a conviction will be issued a Witness Subpoena (APD-4) by the arresting officer. Witness information (name, address, etc.) will be completed on the back of the first copy of the VUS. A notation should be made below the witness information indicating that an APD-4 has been issued. If a violator is taken into custody and brought before a magistrate, the arresting officer will not issue an APD-4. The Commonwealth's Attorney will subpoena witnesses in this instance.
- D. Driver Record Information - Officers will request driver record information by forwarding the fourth copy of the VUS to the Information Services Section (ISS). If a VUS is not issued, driver record information may be obtained by requesting a transcript from ISS. ISS will forward the driver records to the requesting officer once the transcripts are obtained. Officers may request driver record information for any charge.
- E. Accountability of the VUS and Copies - Officers will sign out VUS books from ISS. Officers will issue the VUS in numerical order, and will only use their own VUS, except for emergencies. Officers obtaining a VUS from another officer will attach a note informing ISS personnel that the VUS is attributable to an officer who is not logged out with that VUS (for entry in the automated tracking program.) A VUS that is begun but not completed must be voided (by a supervisor initialing and writing VOID across it) and turned in to Information Services. **The loss of a VUS must be immediately reported to the officer's immediate supervisor and written notification forwarded to the Information Services Commander.** Information Services personnel are responsible to ensure that each VUS is properly accounted for. [82.3.4]

When released on a VUS, the violator will be given the third page.

[61.1.4.d]

The court and DMV copies (pages 1 and 2) will be turned in to Information Services, to be forwarded to court. If a VUS is the result of a warrant, the warrant will be attached to the court copy (page 1). The fourth page will be forwarded to Information Services. The top portion will be retained for at least ninety days. The issuing officer will retain his or her copy (page 5).

- F. Documentation - Officers will make field notes about the violator's actions for use as evidence of the violation. Officers should refer to the Virginia State Code for the elements of an offense.

11.21.10 DRIVING WHILE SUSPENDED OR REVOKED**[61.1.5.b]**

Upon receiving radio confirmation that a (DMV) teletype indicates a person's privilege to operate a motor vehicle in Virginia has been suspended or revoked, officers will charge and release the violator on a VUS under City Code 10-3-301 (except DWI cases requiring mandatory impounds.) When officers determine from a DMV record that a person whom they had seen driving had a suspended or revoked license at the time they witnessed the driving, they will obtain a warrant.

Warrants should be obtained only if the DMV record indicates:

- personal service of the notification of suspension or revocation was made;
- there is some other indication that the violator has been advised of the suspension or revocation (e.g., the driver admits to knowing his or her license was suspended or revoked); or
- the driver was notified by the court or law enforcement officials.

11.21.11 TRAFFIC WARRANTS

When obtaining a traffic offense warrant related to a previous traffic offense in which a VUS was issued, the obtaining officer must attach a copy of the original VUS to the warrant.

A VUS will be completed in conjunction with a magistrate's "Summons to Appear and Answer" when it relates to a traffic offense. If warrants involve both felony and misdemeanor traffic charges against a violator, a separate VUS will be completed for each warrant. The case number on the warrant and the name of the officer originating the warrant will be placed in the spaces provided in the lower right corner of the VUS. When serving a Fail to Appear Traffic Capias, only "Fail to Appear Traffic Capias" will be written in the Describe Charge block. When serving a Fail to Appear Traffic Bench Warrant, the officer will write "46.2-938" in the Law Section block. In the Describing Charge block, the officer should enter "Fail to Appear". The original charge should not appear on the summons. A Suspect/Arrest Report (APD-0007B) is required in all Fail to Appear traffic arrests.

11.21.12 TRAFFIC WARRANTS FROM OTHER JURISDICTIONS

A VUS must be completed for traffic arrests made on warrants originating and returnable to other jurisdictions, as well as an APD-0007B. Officers will enter in the Offense/Incident block on the APD-0007B "Foreign Warrant." The VUS contains pre-printed information about the Alexandria Courts. The pre-printed information should be neatly crossed out and the other jurisdiction's information substituted. The Jurisdiction of Offense block will be completed if the other jurisdiction's code is known. The

executing officer will attach a copy of the warrant to the VUS. If the name of the officer originating the warrant is known, it will be entered in the space provided in the lower right corner.

11.21.13 JUVENILE VIOLATORS**[61.1.3.b]**

Officers are to personally notify the parents or legal guardian of any juvenile who is stopped for a traffic violation, regardless of whether or not a VUS is issued. Contact should be made during the stop if at all possible to maximize its effectiveness. However, contact can be made by telephone or in person as soon as practical and before the end of the officer's shift.

While the decision to issue a warning or a VUS is still left largely to the individual officer's discretion, we must ensure that parents are notified of unsafe driving as an additional means to gain young drivers' compliance with traffic laws.

The procedures for the release of juveniles on a VUS are the same as for the release of adults, with the following exceptions and additions:

- juveniles may not prepay any traffic fine, they must always appear in court for any charge;
- parent information must be completed on the back of the first copy of the VUS;
- the box for Juvenile and Domestic Relations Court will be checked;
- juveniles will be told that at least one of their parents (or legal guardian) must appear with them;
- officers should select a court date on a **Thursday at 9:00 a.m.** at least three (3) weeks from the date of the offense. Traffic offenses requiring advisement, which are the same as those cases listed in 11.21.9, B.1, will also be set for a **Thursday at 9:00 a.m.** (excluding holidays). Please allow one or two weeks so the court can summons the parent or guardian. The officer does not have to appear at the advisement. If an officer writes an advisable offense (e.g., No O.L.) plus an offense which does not require advisement (e.g., speeding 44/25), the officer should mark the summonses "1 of 2" and "2 of 2". Set the court date for the offense not requiring advisement for any **Thursday at 9:00 a.m.** Put that same date as the suggested court date on the VUS for the advisable offense.

11.21.14 RECIPROCAL STATES AGREEMENT**[61.1.3.a]**

Residents of reciprocal states possessing valid operator licenses are not required to post bond or collateral to secure their appearance for trial. Reciprocating state violators may be released on their personal recognizance by signing the issued VUS. This agreement only applies to those traffic violations for which a Virginia resident can be released on a VUS, rather than being brought before a Magistrate and processed

through Booking. A current copy of the "Magistrate's Handbook" can be reviewed for an up-to-date list of all states participating in this agreement.

The terms of the agreement also apply to Virginia residents traveling in reciprocal states.

The provisions of the agreement do not apply to parking violations, highway weight limit violations and violations of the law governing the transportation of hazardous materials.

11.21.15	INCOMPETENT DRIVERS	[61.1.12]
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When officers doubt the competency of a person's driving skills, they should use DMV form Med 3, Driver Medical Review Request (available through InfoPath), to recommend that DMV re-test the driver.

11.21.16	IMMUNITY	[61.1.3.d]
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A. Diplomatic

1. When a driver having diplomatic immunity is stopped for a traffic violation, and has proper and valid identification indicating immunity, officers may issue a VUS. The issuance of a traffic VUS does not constitute an arrest or detention.
2. When a violator is a diplomat, officers will attempt to obtain a signature to appear on the VUS; it is, however, not mandatory. If the violator will not sign, enter "Refused" on the signature line. In all cases where a diplomat receives a VUS, the issuing officer will make a notation on the signature line indicating that the violator is a diplomat.
3. The primary consideration in a DWI incident is that the driver does not endanger himself or herself or the public. Preventive steps may include taking the subject to another location to permit sufficient recovery to drive safely, providing transportation, or taking other appropriate corrective action while respecting any immunity that may apply. Access to a telephone must be provided.
4. Once it is confirmed that officials are entitled to criminal immunity, they will not be subjected to any sobriety or other mandatory test, and, except in extreme cases, should not be restrained. The driver should be told that the officer's primary responsibility is to care for the safety of the Official and the safety of others. Force must not be used except when necessary

to prevent injury to the Official or others and then only the absolute minimum.

5. Diplomatic ownership of a vehicle or the immunity of a driver or passenger does not prevent the issuance of a traffic VUS or a parking citation. Vehicles bearing diplomatic plates may be towed, if necessary, to prevent a serious obstruction of traffic circulation. As a courtesy, prior to taking such action, contact should be attempted with the mission involved to seek the voluntary removal of the vehicle.
6. Papers, documents, or the archives of a person entitled to immunity or in a vehicle bearing valid federal diplomatic plates remain inviolable, even if the driver is restrained or the vehicle is removed or immobilized.
7. Officers must, in addition to normal procedures, send a copy of the VUS and State accident report (FR-300P) to:
U.S. Department of State
Office of Foreign Missions
Driver Records Unit
3005 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Whenever:

- a. The VUS is issued to the driver of a vehicle (or an accident involves a vehicle) with U.S. Department of State Diplomatic License Plates;
 - b. The VUS is issued to (or an accident involves) the bearer of a U.S. Department of State Diplomatic driver's license; or
 - c. The VUS is issued to (or an accident involves) a driver whose identity has been confirmed as a member of a foreign mission.
8. Telephonic Information/Verification - Inquiry should promptly be made to the Department of State in any case where an individual claims immunity and cannot present satisfactory identification or in any case where the officer has reason to believe that invalid identification is being presented. The following telephone numbers are provided for use in this connection:

RE: Diplomatic and Consular Personnel and International Organizations Other Than the United Nations

During Business Hours (0800 - 1700 EST):

- Current status of U.S. Department of State driver licenses, diplomatic license plates, (registrations, or other diplomatic motor vehicle information: [REDACTED])

- For reporting traffic incidents or accidents, issuance of citations, etc., involving Foreign missions personnel: [REDACTED]
- Send all citations and/or reports to: [REDACTED]
- To verify immunity status: [REDACTED]

Please Send Copies Of Criminal Incident Reports And Citations To:

- The Office of the Chief of Protocol Fax: [REDACTED]
- Diplomatic Security Service Protective Liaison Division Fax: [REDACTED]

After business hours:

- After business hours, all inquiries should be made to the [REDACTED]
- U.S. Department of State Diplomatic Security Command Center (operates 24-hours daily): [REDACTED]

RE: United Nations Personnel:

During Business Hours (0800 - 1700 EST):

- Diplomatic agents and family members, UN Mission staff and family members, and UN Secretariat employees: [REDACTED]
- U.S. Department of State license tags, registration, or other motor vehicle information: [REDACTED]

After Business Hours:

- Information is available from the Communications Section of the U.S. Mission to the United Nations (USUN - operates 24-hours daily): [REDACTED]

B. Legislative

[61.1.3.c]

Federal and State legislators are immune from arrest, excluding treason, felonies or breaches of the peace, only while attending or going to or from their respective legislative assemblies when in session. The Commonwealth's Attorney has determined that DWI qualifies as a breach of the peace and officers should take appropriate action when faced with such a violation. Officers may use their discretion when issuing a VUS to a legislator under circumstances mentioned in this section. Issuance of a VUS does not constitute an arrest or detention, but officers should make every effort to avoid unnecessarily detaining a legislator traveling to a legislative session.

11.21.17 MILITARY PERSONNEL [61.1.3.e]

The Military District of Washington has no procedures requiring law enforcement personnel to notify military authorities upon the arrest of military personnel. Officers should not notify military authorities of any arrests of military personnel, unless a "hit" on

a wanted check shows that the person is wanted by military authorities for Unauthorized Absence or a similar offense that requires military authorities to immediately take custody of the person. The Office of Sheriff will respond to telephone requests from military authorities in reference to any military personnel being held at the Detention Center, on a case-by-case basis.

11.21.18**ROADSIDE SAFETY CHECKS****[61.1.6.d]**

Officers are permitted to conduct safety checks for the purpose of checking operation of vehicular safety equipment such as lights, brakes, and other legally mandated equipment; and to conduct educational and enforcement safety checkpoints for the purpose of improving compliance with laws related to the use of safety restraint systems. All safety checkpoint plans shall be reviewed and approved by the Patrol Commander prior to implementation.

- A.** Prior to the deployment of a roadside safety check or Traffic Checkpoint, the Department of Emergency Communications shall be notified of the location, authorizing supervisor's identity (unit numbers), patrol units assigned, and purpose of the road check.
- B.** A supervisor shall oversee road check site(s). The responding supervisor will examine each road check site to determine the effectiveness and adherence to Department policy. The supervisor must pre-determine which vehicles are going to be stopped. This can be all vehicles, or just those with observable violations as they approach, i.e., expired inspection or tags, damaged windshield, or child not in a safety seat.
- B.** A minimum of two officers will be utilized when staffing a roadside safety check site.
- D.** Officers assigned to a roadside check shall be in uniform and will wear a traffic vest for high visibility. Procedures identified in 11.21.06.D will be followed.
- E.** If traffic should become congested during a road check, so that delays in excess of five minutes are being experienced, traffic shall be directed to continue and not be diverted to the checkpoint area.
- F.** Upon diverting a vehicle to the checkpoint area, officers shall check the following:
 - 1. Vehicle registration
 - 2. Vehicle inspection
 - 3. Driver's license
 - 4. Insurance card
 - 5. Safety belt usage
 - 6. Other apparent equipment violations (i.e. lamp defects, tires, etc.)

- G. If observations of a driver raise reasonable suspicions that they are driving in violation 18.2-266, an investigation will be conducted to determine his/her level of impaired ability to operate a motor vehicle.
- H. If there are no violations and no probable cause to believe that other violations exist, officers will courteously direct the motorist to proceed out of the road check, without delay. If violations are discovered, drivers will be cited pursuant to the department's policy governing traffic enforcement.
- I. Procedures for stationary DWI Checkpoints are listed in the addendum to PD 11.8, DWI Enforcement.

11.21.19	RELATED INFORMATION
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United States Department of State Publication 10524 Diplomatic and Consular Immunity, Guidance for Law Enforcement and Judicial Authorities (Revised *July 2011*) and,
Police Directive 11.1, Accident Investigation.
Police PD 11.8, DWI Enforcement.

By Authority Of:

Michael L. Brown
Chief of Police