

NEW CANAAN POLICE DEPARTMENT

SUBJECT: TRAFFIC LAW ENFORCEMENT

GENERAL ORDER NUMBER: 89-15-68

FILE: OPS 8-1

TRAFFIC OPERATIONS

I PURPOSE/POLICY

The purpose of this general order is to establish guidelines for the Traffic Law Enforcement Program of the New Canaan Police Department, which will preserve public safety, and control alleged violations through preventative patrol and active enforcement.

II RESPONSIBILITY

It is the responsibility of all department personnel to adhere to this general order. It is the additional responsibility of the Commander of the Operations Division, Command Staff and supervisory personnel to ensure compliance.

III PROCEDURES (TRAFFIC LAW ENFORCEMENT)

A Officers shall take the appropriate enforcement action for each traffic law violation witnessed or reported to them. All enforcement action will be accomplished in a firm, fair, courteous and impartial manner using the following procedures;

1. Warnings - (Verbal or Written) - Officers may issue a verbal or written warning to an offender if the offense committed is minor and free of willful or repeated intent.
2. Infraction Summons - The issuance of an infraction summons shall not be deemed an arrest or an offense, as defined in C.G.S. 53a-24. Officers will in most cases, issue an infraction summons in the field. Exceptions include;
 - a. Motorists who reside in a state which does not participate in the reciprocating agreement pact with the state of Connecticut (Re: C.G.S. 51-164 (o)).
 - b. Offenders who have been charged with additional misdemeanor or criminal charges. In such cases, the officer may be required to take custody of the offender.
3. Misdemeanor Summons - Generally, when a summons is issued for a misdemeanor offense the officer shall have the option of releasing the offender on his/her own recognizance (PTA) if it is reasonably calculated the offender will appear on the specified court date.
 - a. When making this determination, consideration should be given to the following factors;
 - 1) Employment
 - 2) Character and mental condition

- 3) Length of residency in the area
 - 4) Record of convictions
 - 5) Record of appearances in court
 - 6) Instructions received from court/state statute
 - 7) Seriousness of the offense
 - 8) Any other relevant information.
- b. When an arrest is made for any of the following offenses, officers are generally required to make an in-custody (physical) arrest.
- 1) C.G.S. 14-227a - Operating a motor vehicle under the influence of liquor or drugs
 - 2) C.G.S. 53a-119(a)(d) - Using a motor vehicle without the owner's permission
 - 3) C.G.S. 14-224 - Evading responsibility, when it involves extensive property damage, serious injury or death.
 - 4) Arrest by Warrant
 - 5) Felony Arrest
 - 6) Circumstances which may preclude an officer from making an in-custody arrest include;
 - a) When an offender is injured and transported to a medical facility
 - b) When directed by the shift supervisor to do otherwise.
- c. For cases involving domestic violence, C.G.S. 46b-38b stipulates that if probable cause exists that a crime has occurred, the officer shall arrest the person suspected of committing such crime.
- d. Unless (a) through (c) apply, the preferred alternative to arresting an offender suspected of committing a minor criminal and/or motor vehicle offense, shall be for the officer to issue a misdemeanor summons in the field and avoid taking the offender into custody and pre-arraignment confinement.

B Situations may arise which require the officer to deviate from the procedures outlined in section III,A of this general order. The situations involve traffic violations committed by classes of people that may require special handling by virtue of state or federal mandate. These classes include;

1. Non-residents of the Agencies Service Area

- a. Infraction Summons - If the offender is a resident of a state which has reciprocity with the State of Connecticut with respect to the suspension of operators licenses, the non-resident may pay by mail as provided in C.G.S. 51-164o and shall not be required to post bond. If however, the non-resident lives in a State which does not have reciprocity, the offender shall be required to post a Cash Bond or Guaranteed Bail Bond Certificate. The amount of the bond shall be as prescribed in C.G.S. 54-143 and C.G.S. 54-143(a).
- b. Misdemeanor Summons - If the offender is a resident of a state which has reciprocity with the State of Connecticut, and there are no mitigating circumstances which would lead the officer to question whether the offender would appear in court, (re: section III,A) the offender will be released on his/her recognizance (PTA), after signing the summons. If this is not the case, the offender will be required to post a bond.
 - 1) For Speeding Offenses in violation of C.G.S. 14-219(a)(1), (b), (c)(1) or (c)(2), where the offender resides in a state with reciprocity, the offender will be issued a summons and form JD-CR.27. The offender will then have the option to;
 - a) Mail the amount of the bond listed on the form instead of appearing in court on the date specified on the summons.
 - b) Appear in court on the date specified
 - c) Mail the amount of the bond to the court, which will be forfeited if the offender fails to appear in court.

2. Juveniles

- a. As a general rule, juveniles who have committed a traffic violation will not be taken into custody. Exceptions to this rule are outlined in section III,A of this general order.
- b. In all cases where a juvenile is taken to custody, the officer will follow the procedures outlined in General Order 88-6-50, Juvenile Operations. The officer is responsible for notifying the juvenile's parents/guardians of the circumstances as soon as possible.

3. Legislatures

- a. Members of the United States Congress will, in all cases except treason, felony and breach of peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place. (Re: U.S. Constitution I:6)

4. Foreign Diplomats/Consular Officials

- a. Diplomatic and Consular Officials should be accorded their respective privileges, rights and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions.

5. Military Personnel

- a. Military personnel will be afforded the same rights and privileges as the general citizenry. However, when such a person is on active duty and has committed a serious offense, the appropriate military authorities will be notified.

C At the time that a motorist is charged with a violation, the officer will provide information relative to the specific charge and a copy of the summons to said motorist.

1. The information will include:

- a. Court appearance/answer date schedule
- b. Whether court appearance by the motorist is mandatory
- c. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau; and
- d. Other information that must be provided to the motorist prior to release.

2. The officer should make sure that the instructions are clear and understood.

D Appropriate and uniform enforcement action for traffic violations is important if motorists are to experience safe driving within the police department's jurisdiction. Good judgment by the officer, taking into consideration the facts and circumstances at the time of the violation will aid in rendering a fair and impartial decision, thereby increasing public confidence in traffic law enforcement.

The ultimate goal of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations.

1. Officers should adhere to the following policies regarding traffic violations. It is however, essential that officers understand that such policies are not intended to supplant officer discretion, for it is impossible to foresee every conceivable situation involving traffic violations. Officers must determine what enforcement action is appropriate, based upon a combination of training, experience and common sense.

a. Impaired Driving Enforcement

- 1) The enforcement of the laws related to Driving Under the Influence of Liquor and/or Drugs is a priority to the department. Consequently, unless extenuating circumstances exist, (i.e., injury, diplomatic immunity, etc.), officers shall arrest any operator found to be in violation of these laws. Arrests will be determined by the operator's observed operation of the vehicle, involvement in an accident, field sobriety tests and blood alcohol tests.

b. Speeding Violations.

- 1) The enforcement of all laws related to speed enforcement is a priority to the department. Legally, there is no defense for exceeding the posted speed limit or for driving faster than conditions permit, however slight.

- 2) Discretion should be exercised when determining if a warning or summons is appropriate. Consideration should be given to weather conditions, traffic volume, pedestrian traffic, location, magnitude of the violation and departmental guidelines.
- 3) Officers must be cognizant that there is a direct correlation between excessive speed, accidents and injuries.

c. Seatbelt Enforcement

- 1) The enforcement of all laws related to seatbelt enforcement and child safety seat violations are a priority to the department.
- 2) Discretion should be exercised when determining if a warning or summons is appropriate. Consideration should be given to medical conditions which may prevent the use of a seat belt.
- 3) Officers must be cognizant that there is a direct correlation between not using seat belts and/or child safety seats and the degree of injury that results from an accident.
- 4) Officers shall regularly enforce the laws related to seatbelts and child safety seats.

d. Hazardous violations

- 1) Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate the safe movement of vehicles and pedestrians. There are two categories of this violation:
 - a) Unsafe behavior - an action or omission in traffic law which is hazardous even when vehicles, streets or highways, and people involved are in legal condition.
 - b) Unsafe condition - causing or permitting an illegal and possibly hazardous condition of a driver or pedestrian in traffic, streets or highways used by traffic and/or vehicles used in traffic.
- 2) As a general rule, officers shall issue a summons or arrest an operator who has committed such a violation. However, this should not preclude an officer from taking lesser action when appropriate.

e. Other Non-Hazardous Violations

- 1) Minor, non-hazardous traffic violations may be resolved by a verbal or written warning. Subsequent violations may necessitate the issuance of a summons.

f. Equipment Violations

- 1) When a vehicle is found to be in violation of several equipment requirements, or it is a repeat or serious equipment violation, the operator of said vehicle will generally be issued a summons.

- 2) Minor, non-repeat equipment violations may be resolved with the issuance of a verbal or written warning.

g. Multiple Violations

- 1) As a matter of policy, the fact that an operator has committed multiple traffic violations should not preclude an officer from issuing a summons for each violation, if such violations fall within the tolerances established by the department. However, there are circumstances where it would be inappropriate for this to occur. The circumstances include;

- a) Situations where the violations under consideration are similar to the extent that one law exists for the purpose of compliance with another law.

Example: When an operator has failed to stop as required and his/her actions result in a right-of-way violation, a summons would be issued for the stop sign but, it would be inappropriate to take action for the failure to grant the right of way violation.

- b) Cases where the violation is an all-inclusive charge, (i.e., the second and successive charges would be critical for the successful prosecution of first/primary charge).

Example: An operator who has been charged with Reckless Operation would not be additionally charged with passing in a no-passing zone or speeding if those are important factors in the case of Reckless Operation.

- 2) In instances where multiple violations can be classified separately as hazardous and non-hazardous, they should be dealt with independently.

Example: An operator is stopped for following too closely and subsequently found to be operating without a license, a summons may be issued for each violation. It is also possible, dependent upon accepted tolerances, to issue a warning for one violation and a summons for an unrelated violation.

h. Public Carrier/Commercial Vehicle Violations

- 1) The operator of a public carrier and/or commercial vehicle who has committed a violation shall receive appropriate and uniform enforcement action in accordance with the provisions of this general order.

i. Newly Enacted Laws and/or Regulations

- 1) The department recognizes the need to educate the motoring public on newly enacted laws and regulations with which they must abide. As such, the department will whenever possible, alert the public to any such enactment by way of a press release from the Public Information Officer, or through the issuance of verbal and written warnings for a specific grace period.
 - a) Procedures regarding the enforcement of newly enacted regulations shall be determined by the Commander of the Operations Division on a case by case basis. When determining enforcement procedures, factors which may influence how the regulation is enforced may include;
 - 1a. The content of the law/regulation
 - 2b. State mandated policies
 - 3c. Other mitigating factors

E Based on the principal that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement functions will be conducted accordingly. Officers shall operate the patrol vehicles in accordance with state statute and departmental policy and in such a manner as to demonstrate exemplary driving behavior.

1. As a general policy, routine patrol will be area patrol by a marked patrol unit.
2. When stationary, fixed-post observation of a location is necessary to maximize the effectiveness of a selective enforcement program, officers shall park in a safe manner and not impede or disrupt the flow of traffic.
3. Unmarked police vehicles may be used for traffic law enforcement. When utilized for this purpose, the unmarked vehicles shall be equipped with the appropriate emergency equipment.

F The proper use of emergency equipment is essential to the safety of the officer and other motorists. Therefore, officers must only utilize this equipment when absolutely necessary.

1. Officers may utilize emergency equipment when:
 - a. Authorized to do so by the desk officer/dispatcher or supervisory personnel.
 - b. Situations confront them that require the use of such equipment.
 - c. Inspecting the equipment for malfunction/damage.

2. Emergency equipment includes:

- a. **Emergency Lights** - These will be utilized in conjunction with the siren based upon the type of response indicated (i.e., Code II, Code III) by the desk officer dispatcher or the situation presenting itself - it is of critical importance that officers understand that the use of emergency lights alone, without the use of a siren, does not constitute an emergency vehicle (Re: C.G.S. 14-283). Emergency lights will be utilized in the following circumstances:
 - 1) In accordance with General Order 89-2-55, Pursuit Policy, and 89-1-54, Patrol
 - 2) When conducting a motor vehicle stop
 - 3) When assisting motorists parked or stopped in a hazardous location.
 - 4) When the patrol vehicle is obstructing or impeding the flow of traffic on the roadway.
- b. **Siren** - The siren is to be utilized simultaneously with the emergency lights when in pursuit, or initiating a Code III response. It may also be used to signal offenders to stop when other means of attracting the offender's attention have failed.
- c. **Spotlight/Take-down lights** - These lights should be used as a protection to the officer, especially when dealing with known or suspected felons. These lights should not routinely be used to signal offenders to stop due to the possibility of temporary blindness on the operator and other drivers from the glare created by the lights. Officers should exercise care not to be silhouetted by the light.
- d. **Public Address System** - The public address system is invaluable when stopping a traffic offender, particularly when the offender is a known or suspected felon. It gives an officer the ability to control/direct a situation from a safe distance, thereby minimizing the hazard to the officer. It may also be used for other purposes which may include:
 - 1) Directing persons when unusual conditions exist
 - 2) Crowd control

G Traffic summonses, and arrest reports form the basis for prosecution and ultimate adjudication of traffic offenses. Therefore, it is essential that officers complete the required documentation completely, accurately and in a timely manner. Specific guidelines for the preparation and processing of such documentation include;

- 1. All summonses shall be neatly and legibly written in ink.
- 2. All spaces requiring information will be completed.
- 3. Answer/Court dates shall be assigned in accordance with court guidelines.
 - a. If the offender has a problem with the court date, he/she will be responsible for contacting the court and attempt to have the court date changed.

4. Officers will write a statement containing the facts and circumstances concerning the incident on the prosecutor's copies of an Infraction Summons. If additional space is needed or there are unusual circumstances, a Case/Incident Report should be completed.
5. Misdemeanor Summonses may be documented using the Case/Incident Report Form (re. General Order 88-4-48 Records).
6. All Summonses, together with Case/Incident Report, Uniform Arrest Report (if applicable) and supporting documentation, shall be reviewed by the shift supervisor and submitted to the Records Unit in accordance with General Order 88-4-48, Records.

H The records unit shall be accountable for all traffic summonses issued by the department. This shall be accomplished by:

1. Maintaining a manual Record/Receipt of all summonses issued to an officer. Information recorded on the receipt includes:
 - a. Number of first and last summons in the book issued.
 - b. Receiving Officer, Badge Number.
 - c. Date of issue and by whom.
2. Upon issuance of an infraction summons to an offender, the information will be entered into the Citation File of the Automated Records System.
3. When a misdemeanor summons is issued, the records unit will enter the information into the Adult Criminal History File of the Automated Records System.
4. In the case of a lost or stolen traffic summons or parking ticket, the issuing officer will complete the Cancellation/Voided Ticket Form as required and submit same to the shift supervisor to review. The Chief of Police shall have final approval, after which the form will be submitted to the records unit for filing.
5. Voiding of summonses shall be handled in the following manner:
 - a. If an error is made when completing a summons, or if the summons has become damaged due to accidental exposure to rain, snow, etc. it may be administratively voided using the Cancellation/Voided Ticket Form.
 - b. A shift supervisor may direct an officer to void a summons if, upon investigation, it appears it was improperly or inappropriately issued. This type of action would follow the normal voiding process (i.e., use of Cancellation/Voided Ticket Form).
 - c. The issuing officer shall submit a Cancellation/Voided Ticket Form through the chain of command to the Chief of Police, along with all copies of the summons to be voided. Such requests will be signed if approved by the Shift Supervisor, Commander of the Operation Division and Chief of Police.

- d. In no case (except in 2b) will any officer cause a traffic summons by another officer to be voided. If investigation reveals that an improper charge has been filed, the matter will be referred to the prosecutors office for proper disposition.
6. Periodic inspections of the summons records shall be conducted as directed by the Chief of Police or Commander of the Staff Services Division. Such inspections will include:
 - a. Review of Summons Book Receipts.
 - b. Comparison of summons information with automated records system data.
 - c. Observation of Canceled/Voided Ticket file.
 - d. Review of other pertinent data as necessary.
 7. The police department record (pink copy of the Summons) shall be maintained by the records unit.

I Traffic law enforcement is one of the routine tasks performed by patrol officers, but it may be an extremely emotional experience for the offender. Officers should be cognizant of this and should strive to make each contact educational, and leave the offender with the impression that the officer has performed a necessary task in a professional manner.

1. The following procedures are recommended, in order to maintain a high level of professionalism and to minimize conflict between the officer and offender.
 - a. Be certain that the observations of the offense are accurate, without reservation.
 - b. Be alert at all times for the unexpected, but not overly apprehensive.
 - c. Present a professional and courteous demeanor.
 - d. Be prepared for the contact by having the necessary forms readily available.
 - e. Decide on the appropriate enforcement action based upon the offender's behavior, not attitude. Whenever possible, decide on the enforcement action prior to the initial contact with the offender.
 - f. Greet the offender with the appropriate title and in a courteous manner.
 - g. Inform the offender of the traffic law violated and intended enforcement action. The offender should not be kept in suspense.
 - h. Ask for the offender's operators license, insurance identification and registration information.
 - i. Allow the offender to reasonably discuss the offense.
 - j. Complete the required documentation as necessary or exercise a verbal warning.

- k. Explain to the offender exactly what he/she is suppose to do as a result of the enforcement action.
- l. Make sure the offender knows when and where to appear if a court appearance is required. Do not predict the actions of the court.
- m. Check for signs of physical impairment, emotional distress and alcohol and/or drug abuse.
- n. Return the offenders license, insurance identification, registration and copy of the summons or warning, if applicable.
- o. Assist the violator to safely re-enter traffic.

J Although no two traffic stops are identical, the following are recommended procedures when an officer conducts a motor vehicle stop for a traffic offense.

1. When initiating a stop officers should:

- a. Choose the stop location carefully, avoiding curves, hill crests and intersections.
- b. Inform the desk officer/dispatcher of the vehicle's registration number, including state, type, location and reason for the stop.
- c. Activate emergency lights, use horn or siren as necessary to alert driver to your presence.
- d. Position the patrol unit approximately 15 feet behind the stopped vehicle and offset to the left about 3 feet into traffic lane. Turn the front wheels to the left, leave the engine running and drivers door unlocked. Consider who may be in the immediate area of the patrol vehicle when leaving it unattended.
- e. Before exiting the patrol unit, observe the occupant(s) of the vehicle for approximately 10-15 seconds for unusual movements.
- f. At night, the spotlight and/or take-down lights should be used to conceal officers movements and for visibility inside the offender's vehicle.
- g. When an offender exits the vehicle, they should be immediately ordered back inside and the officer be prepared to take evasive action should the offender continue to advance.
- h. Consider weapon readiness on all motor vehicle stops.
- i. While approaching, watch occupant(s), check for altered registration plates, check trunk to see that it is closed and locked, and observe the interior for possible weapons or hidden passengers. At night officers should avoid passing between the lights of the patrol unit and offender's vehicle.
- j. Stand beside the vehicle as closely as possible, and to the rear of the driver. Be watchful of any passenger(s).

- k. Keep a constant view of the violator's hands. Have the violator reach outside, preferably with their left hand. The officer should take the license and other identification with his/her non-gun hand.
- 2. While conducting a motor vehicle stop, officers should;
 - a. Check for license validity, driving record, wants or warrants if appropriate, by running a computer check on the operator.
 - b. Whenever possible, write the summons while resting it on the steering wheel, so that it is possible to continually observe the vehicle and its occupant(s).
 - c. After returning to the stopped vehicle to issue the summons, observe again for changes in the vehicle.
 - 3. While conducting a high-risk motor vehicle stop:
 - a. Officers shall have, at minimum, one additional officer as a backup, prior to approaching or engaging the vehicle occupant(s). The initial contact officer shall act as the primary.
 - b. The primary officer may utilize the public address system in the cruiser to give instructions to the vehicle occupant(s).
 - c. The shift supervisor shall be notified as soon as practicable when conducting a high-risk motor vehicle stop.
 - 4. Once the motor vehicle stop is completed officers should:
 - a. Allow the stopped vehicle to re-enter traffic first.
 - b. Turn off emergency lights and other auxiliary lights before re-entering traffic.
- K** The following guidelines will be followed by officers when they encounter motorists who are charged with operating a motor vehicle after their driving privileges have been suspended.
- 1. Unless extenuating circumstances exist (re. section III,A), operator's who are charged with C.G.S. 14-215, Operating a Motor Vehicle While Under Suspension will not be taken into custody. Instead, the officer shall issue a Misdemeanor Summons in the field and release the operator on their own recognizance (PTA).
 - 2. Out of state operators who have had their license suspended or revoked by their respective state shall not be charged with C.G.S. 14-215. In such cases the operator will be charged with C.G.S. 14-36, Operating a Motor Vehicle Without a License. However, if the operator has had his/her right to operate a motor vehicle in Connecticut suspended, the operator will be charged with C.G.S. 14-215.
 - 3. Any operator who is charged with this offense shall not be permitted to continue driving the vehicle from the scene. The operator may, with supervisory approval, safely secure the vehicle at the scene until the vehicle can be removed (e.g.: another licensed driver who can pick up the vehicle, etc.). Otherwise, the vehicle will be towed in accordance with General Order 90-3-79, Traffic Ancillary Services.

- L** The police department recognizes the importance of reliable and accurate speed measuring devices if it is to provide an accepted traffic law enforcement program. The devices most widely utilized by the department to measure speed is traffic radar and laser. These devices are complex, have inherent limitations and are subject to external and internal interference. As such, their effective use is dependent upon the operator's understanding of the specific limitations of such devices and adequate training/certification in their use.
1. Radar/Laser shall be utilized in high or potentially high accident locations where speed appears to be a factor, in areas where speeding offenses are prevalent and in response to complaints from the public concerning speeding motorists.
 2. All officers using radar/laser units shall have successfully completed a basic instruction program and receive certification prior to such use.
 - a. This training shall be coordinated by the Training Office and instructed by a Certified Instructor.
 3. The precise method for using a radar/laser unit may vary in accordance with the specific equipment used. Generally, the following operating procedures are applicable:
 - a. The radar/laser unit must be properly installed (if applicable) and connected to the appropriate power supply.
 - b. The radar/laser unit must be properly calibrated, both internally and externally. A check must be made to ensure that all lights and digital readouts are functioning properly. These tests shall be performed prior to and after each motor vehicle stop. Most manufacturers recommend specific methods of checking calibration.
 - 1) If the radar/laser unit does not operate properly, it must be removed from service immediately and a report forwarded to the Commander of the Staff Services Division.
 - c. The effective range of the radar/laser unit must be known by the operator so visual observations can support the radar readings.
 4. The Commander of the Staff Services Division shall be responsible for:
 - a. Ensuring that adequate maintenance, calibration and operational records are adequately maintained.
 - b. Ensuring that the radar units are properly maintained, serviced and calibrated on a regular basis.
- M** Drivers impaired by alcohol and/or drugs represent a serious threat to the public. Consequently, a coordinated, comprehensive and ongoing countermeasures program involving education, enforcement, adjudication, treatment and public support is essential if a program is to be successful in resolving this problem. Critical components of this countermeasures program include:
1. **Training** - The Training Officer shall continue to ensure that officer skills are adequate. As resources permit, officers will be afforded the opportunity to attend advanced D.W.I. Courses in order to improve detection techniques.

2. **Enforcement** - Without the apprehension of impaired drivers, the rest of the system cannot function. Officers on patrol must be alert for signs of alcohol and/or drug impairment when coming into contact with a motorist. Systematic approaches which may be used in various combinations by the department in the alcohol enforcement program include:
 - a. Selective assignment of personnel at a time when and to locations where analyses have shown a significant number of violations and/or accidents involving impaired drivers have occurred.
 - b. Selected alcohol-related accident investigation and analyses of findings.
 - c. Selective roadway checks for deterrence purposes, if used.
 - d. Selective enforcement of drinking-driving laws through concentration on existing laws and the expeditious processing of violators.
3. **Public Education** - The department's Community Relations Officer(s) primarily responsible for alcohol/drug and driver awareness programs to schools, business and civic organizations.

N The detection and arrest of a person driving while intoxicated differs significantly from handling of other traffic law offenses. There are specific legal levels of intoxication. Specific statutes govern driving under the influence of alcohol and/or drugs, implied consent for chemical tests, and the tests for blood/alcohol content themselves. The statutes outline the officer's scope of authority and establish procedures for detection, arrest and processing of an intoxicated driver.

1. Detection is the first stage of D.W.I. enforcement action. It is a critical stage as it is here that probable cause to arrest is established. This stage includes:
 - a. Recognize and identify behaviors that would indicate the driver may be impaired.
 - b. Recognize and identify specific behaviors occurring during a motor vehicle stop that provide support of suspicion that the driver is under the influence.
 - c. Approach and interview the driver. If, after the initial contact with the driver, the officer believes the driver is under the influence, the officer should request the operator to exit the vehicle and move to a safe location to administer Standardized Field Sobriety Tests.
 - d. Select and administer appropriate field sobriety tests to assess impairment.
 - e. Note all observations which lead the officer to believe the driver may be intoxicated.
 - f. Formulate the appropriate arrest decision based upon driving ability, driver's behavior and sobriety tests. If the officer believes the driver is under the influence, a custodial arrest will be made of the driver.
 - g. Searching/Inventorying the contents of the vehicle as necessary. If conducted, it shall be performed while the arrestee remains at the scene in accordance with General Order 90-3-79, Traffic Ancillary Services.

- a. Prior to any substantial increase in the enforcement effort directed towards pedestrian traffic, sufficient publicity and community awareness programs will be initiated by the police department.
 - b. Officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have occurred or where there is a substantial risk of an accident.
2. It is inherent in the role of police to enforce laws pertaining to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying these laws. Such discretion should, result in a reasonable and consistent application of the law.
- a. Officers should actively enforce laws pertaining to the proper operation of bicycles in areas where:
 - 1) Congestion and/or the frequency of accidents involving bicycles have been predominant.
 - 2) There is a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles.
 - b. In those areas where vehicular traffic is minimal, visibility is unobstructed and accidents infrequent, officers should exercise discretion when enforcing bicycle laws.

Q Unless extenuating circumstances exist, the following guidelines will be adhered to when investigating off-road vehicle accidents and the enforcement of regulations pertaining to the use of such vehicles.

1. All accidents involving off-road vehicles shall be documented using the Accident Report Form. Additional forms/reports will be used as necessary.
2. The operator of an off-road vehicle driver upon a public roadway in violation of applicable laws will be subject to the same enforcement action as other motor vehicles driven upon such roadways.
3. Towing of off road vehicles shall be in accordance with General Order 90-3-79, Traffic Ancillary Services.
4. Juvenile offenders will be handled in accordance with General Order 88-6-50, Juvenile Operations.

R The New Canaan Parking Authority is primarily responsible for the Town's parking enforcement program within the business district and commuter parking areas. The police department will supplement the parking authority in these areas as well as enforce parking regulations throughout other areas of the town.

1. When enforcing parking violations, officers who come in contact with the operator whose vehicle is in violation, and the violation is minor, should attempt to remedy the problem prior to the issuance of a parking ticket. If this is not possible, a parking ticket should be issued as necessary.
2. As a general policy, a summons will be issued for a parking violation only when the violation is willful, repeat or a total disregard of the law.

3. If a vehicle is an immediate hazard and requires towing, a reasonable attempt should be made, when practical, to contact the registered owner prior to such tow.

IV DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

V EFFECTIVE DATE

This general order approved by the Police Commission on October 17, 1990 and is effective November 1, 1990.

Revised January 1991.
Revised June 1997
Reviewed April 2000
Revised April 2005
Revised May 2006

Per Order,

Edward J. Nadriczny
Chief of Police