

TITLE: TRAFFIC LAW ENFORCEMENT**CODIFIED: 66.1****EFFECTIVE: 07/23/04****RESCINDS/AMMENDS: SOP****PAGES: 7****PURPOSE**

The purpose of this directive is to establish procedural guidelines and standards for uniformed sworn employees charged with enforcing traffic laws.

DISCUSSION

Traffic law enforcement is the responsibility of all uniformed law enforcement personnel. Emphasis is placed on the qualitative aspects of traffic law enforcement, rather than quantitative. Activities should be directed to control violations of the traffic law through preventative patrol and active enforcement.

POLICY

It shall be the policy of the Department to enforce the traffic laws of the State of New Mexico, and local traffic ordinances and regulations in a uniform and consistent manner, without regard to race, religion, sex, age, or economic standing in the community.

Officers shall conduct themselves in a courteous manner, and not intentionally humiliate, embarrass, or harass citizens.

Officers shall retain their discretionary privilege, and shall exercise sound judgement in reference to traffic law enforcement.

There shall be no "quota system" nor other procedure by which an employee is required to cite a specific or minimum number of motorists during a specified period of time.

PROCEDURE

66.1.01 Enforcement action is necessary whenever an Officer observes a serious or overt traffic violation, or a violation which places others in immediate or near danger.

66.1.02 Traffic violations of a routine nature will not be the subject of enforcement action by off duty personnel. Only those violations which pose an immediate threat to the safety of the public, in which an "on duty" officer cannot be summoned, shall be authorized for off duty stopping/enforcement.

66.1.03 Officers responding to a previously dispatched call for service will balance the seriousness of the traffic violation against the urgency of the call for service to which he/she is responding.

66.1.04 Officers shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to officers:

- **Warning** – Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the officer feels the warning is sufficient to correct the violation.
- **Traffic Citation** – Officers may issue Uniform Traffic Citations for specific violations of New Mexico State Statutes and Municipal Ordinances. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Officers have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate, the defendant will be charged using the Uniform Traffic Citation.
- **Physical Arrest** – Physical arrest may be made for most misdemeanors and all felony criminal violations of the traffic laws.

66.1.05 Misdemeanor violations may be handled:

- By the issuance of a Uniform Traffic Citation with mandatory court appearance;
- By arrest and release upon issuance of a Uniform Traffic Citation;

- Through arrest, issuance of a Uniform Traffic Citation, and completion of an Arrest Report.

66.1.06 Felony violations may be handled by the issuance of a UTC and submission of a Criminal Complain Affidavit to the Santa Fe Magistrate or District Court.

66.1.07 In all cases, officers will exercise sound judgement and discretion when deciding what level and type of enforcement action to take.

TRAFFIC ENFORCEMENT PRACTICES

66.1.08 Concentrated enforcement efforts should be directed at those areas, at the times and for the offenses which have been identified by analysis. A variety of tactics may be used to enforce compliance with the traffic laws.

66.1.09 Visible Traffic Patrol – shall be used while conducting:

- **Area Patrol** - Units may be deployed to a specific geographical area to enforce the traffic laws. Officers will be assigned to particular areas events or circumstances to conduct highly visible preventable patrols.
- **Line Patrol** - Units are stationed on particular roads, either in stationary observation or moving patrol. Line patrols will be conducted when specific roads are identified as having unusually high crash or fatality rates. Rigorous enforcement of all traffic laws should be employed.
- **Directed Patrol** – Directed patrols should be employed to tackle specific problems or complaints. Officers are directed in their enforcement actions toward those violations identified as contributing to the crashes or specific complaints. Officers assigned directed patrols shall document the actions taken during the detail and forward the information to the Operations Support Sergeant.

66.1.10 Stationary Observation – Stationary observation may be covert or overt and employed to for the operation of radar, detection of defective equipment violations, surveys and the enforcement of other traffic violations. Stationary observation may be conducted in two ways:

- **Overt** – Highly visible stationary observation may be employed to slow traffic, remind citizens of their responsibility to obey the traffic laws, or observe, identify and target particular problems. Officers should park vehicles so as to avoid presenting a roadway or visibility obstruction. Radar may be effectively employed during overt observation.
- **Covert** – Covert observation is normally employed to conduct surveys or detect those violations of traffic laws which would not occur if Officer's presence was known. Officers may use covert observation to detect and enforce any violations of the laws of the State of New Mexico and the City of Santa Fe. Covert observation of intersections, roadways and school crossings are recommended during traffic surveys.

66.1.11 Unmarked Vehicles - All unmarked vehicles used for traffic enforcement shall be equipped with emergency lighting equipment and a siren.

66.1.12 Normally, the Department does not deploy unmarked vehicles for traffic enforcement activities; however, uniformed sworn personnel observing violations are charged with enforcement activities.

66.1.13 Plain-clothes sworn personnel shall not conduct traffic stops; however, an exception would be violations or circumstances which expose the public to danger.

66.1.14 Plain-clothes officers conducting traffic stops shall advise the dispatcher of the stop, location, license plate number, description of the vehicle and the fact that they are in plainclothes, and request that a uniformed officer be dispatched to their location.

66.1.15 Plain-clothes officers shall clearly identify themselves to the violator and advise the violator to stand-by until a uniformed officer arrives.

66.1.16 The officer stopping the violator shall handle the enforcement actions.

UNIFORM TRAFFIC LAW ENFORCEMENT ACTIONS

66.1.17 It is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, Officers must decide what

enforcement action is proper based on a combination of training, experience and common sense.

DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS

66.1.18 Officers shall make a concerted effort to detect and apprehend those persons suspected of violating New Mexico State Statute or Municipal Ordinance for Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or Driving With an Unlawful Blood-Alcohol Level.

SPEED VIOLATIONS

66.1.19 Officers enforcing speed violations using speed measuring devices must have completed the radar certification course established by the New Mexico Law Enforcement Academy.

66.1.20 Officers using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to ensure an accurate reading prior to the stop

66.1.21 Officers not certified in radar operation may support certified operators by issuing citations and listing the Officer who operated the device as a witness.

EQUIPMENT VIOLATIONS

66.1.22 Officers shall consider using written warnings for minor equipment violations in lieu of traffic citations.

66.1.23 If the citation is issued refer to section 66.1.68 of this Directive.

66.1.24 If a written warning is issued, the issuing Officer shall explain the procedure for making the necessary repairs.

PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

66.1.25 Public carrier and commercial vehicles must comply with all applicable laws, rules and regulations.

66.1.26 Officers may summon assistance from the New Mexico Department of Public Safety (N.M.D.P.S.) or New Mexico Department of Transportation for special equipment needs.

66.1.27 School buses must comply with Federal laws as well New Mexico Statutes.

TRAFFIC VIOLATIONS

66.1.28 Traffic citations shall be based on lawful authority and probable cause which satisfies the elements of the specific violation being charged. Officers enforcing hazardous and non-hazardous violations may use discretion when appropriate.

66.1.29 Hazardous violations expose a person or property to risk, loss or damage (i.e., running a red light/stop sign, careless driving, reckless driving).

66.1.30 Non-hazardous violations are violations which are not likely to involve or expose persons and/or property to risk, loss, or damage (i.e. operating a motor vehicle after driving privileges have been suspended or revoked).

MULTIPLE VIOLATIONS

66.1.31 Officers shall exercise discretion when dealing with multiple violations. Consideration should be given to issuing citations for charges encompassing multiple lesser violations, i.e., running a stop sign and speeding can be cited as careless driving.

NEWLY ENACTED LAWS AND/OR REGULATIONS

66.1.32 Officers shall be notified of newly enacted laws or regulations via legal bulletins.

66.1.33 When considering enforcement action in the above listed situations, the Officer shall evaluate:

- The actual or potential danger to person and property;
- The seriousness of the violation;
- The degree or excessiveness to which the motorist violated the law;
- The attitude of the motorist;
- The urgency of calls for service to which the Officers may be responding.

BICYCLE/PEDESTRIAN VIOLATIONS

66.1.34 Written warnings, Uniform Traffic Citations or Misdemeanor Citations (whichever applies) shall be issued to bicycle operators and pedestrians who violate traffic laws, with particular attention being paid to the following offenses:

- Riding on the wrong side of the road, against traffic;
- Or improper lights during night riding;
- Failure to obey traffic signs or signals;
- Failure to yield to on-coming traffic when exiting residential driveways;
- Soliciting a ride, employment, or business from an occupant of any vehicle;
- Crossing an intersection at other than right angles.

66.1.35 Traffic citations or warning for bicycle/pedestrian violations shall be issued under the following guidelines:

- For violators 14 years of age or older, the Officer shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.
- First time violator under 14 year of age should be issued a verbal or written warning.

66.1.36 If a written warning is issued, the Officer shall write a “B” for bicycle or “P” for pedestrian on the top left corner of the warning to indicate a bicycle infraction.

66.1.37 The Officer shall obtain the violators parent’s name, address, and zip code and write this information on the citation.

66.1.38 Warning citations shall be forwarded to Traffic Administration.

66.1.39 For serious violators and repeat offenders under the age of 14, the Officer should use discretion when deciding to issue a citation, written or verbal warning.

66.1.40 If a Uniform Traffic Citation is issued, the Officer shall write the letter “B” or “P”, as applicable, on the top left corner of the infraction.

66.1.41 Officers shall advise Communications of bicycle/pedestrian violation contacts and the action taken. This information shall be used as data for analysis and counteracting the precipitating factors.

66.1.42 Officers shall enforce all traffic laws as they apply to off-road recreational vehicles.

66.1.43 Written warnings and Uniform Traffic Citations shall be issued to operators who violate traffic laws, with particular attention being paid to the following offenses:

- Unlicensed vehicles operating on the roadway. Officers shall immediately remove or cause unlicensed vehicles to be removed from the roadway.
- Misuse of public trails.
- Improper crossing of roadway.

66.1.44 For violators 14 years of age or older, the Officer shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.

66.1.45 First time violators under 14 years of age should be issued a verbal or written warning. The Officer shall obtain the violator’s parent’s name, address, and zip code and write this information on the citation.

66.1.46 For serious violators and repeat offenders under the age of 14, the Officer should use discretion when deciding to issue a citation, written or verbal warning. Refer to Directive 46.1.03, Juvenile Matters, for further assistance when issuing citations to offenders under the age of 14.

66.1.47 Officers shall advise Communications of off-road recreational vehicle violations and the action taken.

VEHICLE OPERATION

ROUTINE VEHICLE OPERATION

66.1.48 Under normal, non-emergency operating conditions and while responding to routine calls for service, operators of Department vehicles shall strictly adhere to all traffic laws, and shall drive defensively in a safe and courteous manner. Seatbelts shall be worn at all times as required by State Statutes.

EMERGENCY OPERATION

66.1.49 Department personnel may engage in emergency vehicle operations in accordance with New Mexico State Law when responding to an emergency or when in pursuit. (See directive 75.1)

OFF-ROAD VEHICLES

66.1.50 Department vehicles engaged in emergency operations shall utilize emergency lights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. Hazardous warning lights, the spotlight, take-down lights and public address system may be used as additional safety measures during emergency operations.

66.1.51 When engaged in emergency operations, the operator shall exercise extreme care.

66.1.52 In accordance with State Law, emergency vehicle operators may:

- Exceed the speed limit so long as life or property are not endangered. Speed shall be limited by road and weather conditions and the exercise of good judgement.
- Proceed past stop signal or sign, but only after slowing down or stopping to allow cross-traffic to yield in each lane before attempting to cross that lane.

Disregard regulations governing direction of movement or turning in specified direction, so long as life or property is not endangered.

- Disregard regulations governing parking laws under normal circumstances, except that Department vehicles shall not block access to a fire hydrant at the scene of a fire, or in any way obstruct fire apparatus.

66.1.53 Emergency operation of Department vehicles shall immediately be reported to Communications via radio.

66.1.54 Operators shall immediately terminate emergency operation when ordered to do so by superior authority.

TRAFFIC STOPS

66.1.55 Officers making traffic stops shall contact the radio dispatcher and advise that a vehicle is being stopped, the location, the tag number and the vehicle description (model, color, year, other identifying features.) This shall be done in manner that allows the dispatcher to copy the information.

66.1.56 The Officer making the stop shall direct the violator to a suitable stopping point where the normal traffic flow will not be impeded.

66.1.57 When possible, Officers shall avoid using private drives and business access areas for traffic stops.

66.1.58 Traffic stops should be made at the right-hand edge of the roadway.

66.1.59 Officers shall exercise caution when approaching the violator's vehicle, observing for suspicious activity by vehicle's occupants. The approach method employed should be based upon the Officer's training, experience and circumstances surrounding the stop.

FELONY TRAFFIC STOPS

66.1.60 Felony Stop Procedures are to be utilized when there is probable cause to believe that a crime has been committed and the perpetrator(s) are in the vehicle being stopped, or when an officer has probable cause to believe a subject in the vehicle is armed and presents a clear and present danger to the officer(s).

66.1.61 PRIOR TO TURNING ON YOUR EMERGENCY LIGHTS to make the felony stop, if possible, notify communications of the following:

- A. Your intention to make a felony traffic stop.
 - B. Suspect's vehicle's license plate number and vehicle description, i.e., year, make, model, style, color, etc.
 - C. Number of visible occupants in the vehicle.
 - D. Your present location and direction of travel.
 - E. Purpose for the stop.
- 66.1.62** Notify the On-Duty Patrol Commander of the situation.

66.1.63 Request additional backup officers. A MINIMUM OF TWO (2) backup officers shall be requested, if not already present.

66.1.64 Ask the backup officers what their present location is and coordinate the felony traffic stop with the backup officers.

66.1.65 Select a suitable location for the stop, to include if possible:

- A. Adequate lighting.
- B. Visibility of the police vehicle(s) and the suspect's vehicle.
- C. An area of little pedestrian and vehicular traffic.

- D.** Surroundings, (officer safety and available cover; bystanders, location in reference to back-ups).
- E.** Escape route(s).
- NOTE:** The officer's safety and the safety of the public are the most important considerations.
- 66.1.66** Using your police vehicle's emergency equipment, i.e., emergency lights, headlights, spotlight, siren, horn, public address system (PA), etc., stop the suspect's vehicle.
- 66.1.67** ALWAYS remain observant for any suspicious and/or unusual activities/movements by the driver and/or passengers in the suspect's vehicle.
- 66.1.68** Upon stopping the suspect's vehicle, notify communications of your exact location.
- 66.1.69** Police vehicles will be positioned so that they provide maximum coverage and concealment for the officers and maximum visibility of the suspect's vehicle and its occupants.
- 66.1.70** The PRIMARY OFFICER shall be responsible for controlling the action of the suspect(s) as they exit from the vehicle.
- 66.1.71** BACKUP OFFICER #1 shall be responsible for handcuffing, frisking and placing the suspect(s) in the police vehicles.
- 66.1.72** BACKUP OFFICER #2 shall be responsible for all person(s) remaining in the suspect's vehicle.
- 66.1.73** While remaining behind cover and using your PA, the PRIMARY OFFICER shall identify himself/herself as a police officer and:
- A.** Order the driver and/or passengers in the vehicle to remain in the vehicle.
 - B.** Order the driver and/or passengers in the vehicle to place their hands in plain view.
 - C.** Inform them that they are considered armed and dangerous, and ANY movements made by them without being ordered to do so by a police officer, will be considered a threat against the officers.
 - D.** Order the driver to turn off the vehicle using his/her left hand and throw the vehicle keys out the window.
 - E.** Order the driver to place both his/her hands out of the driver's door window and open the driver's door using his/her right hand.
 - F.** Order the driver to slowly exit the vehicle, facing forward away from the police vehicles, with his/her hands behind his/her head and his/her fingers laced tightly together.
 - G.** Order the driver to slowly turn around in a complete circle.
 - 1.** As the driver makes the turn, look for any visible weapons the driver may have in his/her possession.
 - H.** Order the driver to walk backwards until he/she is directly in front of the police vehicle, then STOP.
 - I.** Order the driver to step to his/her left until he/she is clear of the police vehicle, then STOP.
 - J.** Order the driver to kneel onto his/her knees.
 - K.** Order the driver to cross his/her feet and sit back onto his/her ankles.
- 66.1.74** BACKUP OFFICER #1 will handcuff, frisk and place the suspect in a police vehicle.
- 66.1.75** BACKUP OFFICER #1 will obtain the following information from each suspect immediately upon placing him/her in the police vehicle:
- A.** Number of remaining suspects in the vehicle and their location.
 - B.** If there are any weapons in the vehicle and their location.
- 66.1.76** In a similar manner, remove the remaining occupants from the vehicle, starting with anyone in the front seat of the vehicle. All remaining occupants will exit the vehicle from the right side.
- 66.1.77** When all the visible occupants have been removed from the suspect's vehicle and secured, the following will be done:
- A.** BACKUP OFFICER #1 will remain with the suspect(s).
 - B.** The PRIMARY OFFICER will approach the suspect's vehicle, USING THE UPMOST CAUTION, with the assistance of BACKUP OFFICER #2.

C. BACKUP OFFICER #2 will provide cover for the PRIMARY OFFICER, as he/she approaches the suspect's vehicle.

66.1.78 The suspect's vehicle will be checked for any other person(s) who may be hiding in the vehicle. ALL areas that may conceal a person will be checked.

66.1.79 The suspect's vehicle will be checked for any weapons and/or contraband, in accordance with Directive 55.1, Search and Seizure.

CITIZEN CONTACT

66.1.80 The Officer's initial contact with the violator shall be courteous and professional in nature. The Officer shall not approach the citizen in a rude and offensive manner.

66.1.81 The Officer shall be certain that the vehicle stopped has committed the violation.

66.1.82 The Officer shall present a professional image by proper dress, grooming, language, bearing, and emotional stability.

66.1.83 Citizens shall be greeted and addressed by an appropriate title(Sir, Ma'am). Officers shall advise the driver of the reason for the stop.

66.1.84 The Officer should explain the violation, ensuring the driver understands how he/she violated the law and the proper course of conduct to correct the violation.

66.1.85 During contact with the violator, the Officer should check for signs of physical impairment, emotional distress, and alcohol/drug abuse.

66.1.86 Upon completion of the traffic stop the Officer should assist the violator to re-enter the traffic flow safely.

UNIFORM TRAFFIC CITATION PROCEDURE

66.1.88 All violations, to include, 1st, 2nd and 3rd DWI's, covered by City Ordinance, shall be cited into Municipal Court. The only exception is when the violations are secondary to a primary charge that is a high-court misdemeanor or felony. At the time a motorist is charged with a violation the Officer will:

- Advise the motorist whether court appearance is mandatory or optional, the Officer shall advise

the motorist that if he/she wants a court appearance, they must request a court date from the clerk of the court. If court appearance is mandatory, the Officer should indicate it on the citation and explain to the motorist that he/she will be receiving notification of this court date via the mail.

- Advise the motorist if he/she will be allowed to pay a fine in lieu of court appearance, the amount of the fine, and that it may be paid by mail.
- Advise the motorist of any other options available to him/her, if other options apply.
- Point out the information sections on the defendant's copy of the citation.

WARNING CITATIONS

66.1.89 When a warning citation is issued by an Officer the violator's copy shall be given to the violator along with a verbal explanation of the violation and what measures should be taken in the future to prevent the reoccurrence of the violation.

NOTE: Warning Citations shall not be issued in cases involving Motor Vehicle Crashes.

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DATE: 09-29-04