

UNIFORM TRAFFIC LAW ENFORCEMENT

7.01 PURPOSE

The purpose of this regulation is to establish policy for uniform traffic law enforcement.

7.02 POLICY

- A. It is the policy of the Department that traffic law enforcement action should be initiated whenever a member becomes aware of an act that is both unlawful and potentially hazardous, and the member can establish the identity of the actor(s). Further, it shall be the policy of this Department that members in uniform and on duty shall, whenever practicable, stop every traffic law violator observed and take appropriate enforcement action.
- B. This regulation cannot anticipate every possible situation that will arise involving traffic law violations. There is no substitute for sound judgment. In many instances, members must draw on their training, experience, and sound judgment to arrive at the necessary conclusions to take appropriate enforcement action. Violators shall be handled uniformly regardless of their position or status; e.g., military personnel, legislators.
 1. In accordance with Article II, Section 15, of the Pennsylvania Constitution, "Members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach of surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from same."
 2. For the purposes of this regulation, arrest is defined as a custodial arrest. This section does not preclude the issuance of a **Traffic Citation, Form SP 7-0017A; Traffic and Criminal Software (TraCS) Traffic Citation, Form SP 7-0017ATX; Police Warning Notice, Form MV-433A; or TraCS Police Warning Notice** to a member of the General Assembly.

7.03 ENFORCEMENT ACTION—OPTIONS

- A. Custody Arrest: This option, when lawful, shall be used:
1. When required by law for the offense committed.
 2. When necessary to ensure the violator's appearance in court.
 3. To protect the violator or the public from injury.
 4. When necessary, to arrest juveniles within the guidelines of current Department regulations regarding juvenile offenders.
 5. When necessary, to arrest military personnel. When military personnel are arrested, the liaison officer of the nearest armed forces investigative Headquarters Division shall be notified.
- B. Citation: When appropriate, the Traffic Citation **or TraCS Traffic Citation** shall be issued for violations of traffic law for which sufficient evidence exists to initiate prosecution.
- C. Notice of Violation: A notice of violation is issued on the **TraCS Police Warning Notice or a** Police Warning Notice. It may be followed by a citation/summons in cases where the circumstances justify further action. Justification for further action may be based upon receipt of traffic safety history information or a subject's failure to comply with the instructions on the notice.
- D. Warning: The **TraCS Police Warning Notice or the** Police Warning Notice should be issued to a driver who has committed an act which is less than a clear-cut and substantial traffic law offense. It is intended to heighten the awareness of the driving public to traffic law infractions without initiating a formal prosecution.

7.04 ENFORCEMENT GUIDE

- A. Emphasis: While it should be understood that members will proceed against every observed traffic law violator, whenever practicable, consideration shall be given to the following:

1. Operation of a vehicle after driving privileges have been suspended or revoked.
 2. Any nonhazardous violation.
 3. Off-road vehicle violations.
 4. Equipment violations.
 5. Public carrier/commercial vehicle violations.
 6. Pedestrian and bicycle violations.
- B. Special Emphasis: Special emphasis shall be given to violations in the following areas:
1. Driving under the influence of alcohol or controlled substance.
 2. Maximum speed limits.
 3. Other hazardous violations which create the risk of personal injury and/or contribute to traffic crashes.
- C. Multiple Violations: In some instances, it may be appropriate to single out the most serious and readily provable offense committed and develop a case around this offense. However, the unique circumstances of a multiple-violation incident may merit the member proceeding with several separate charges.
- D. New Statutes: Violators of newly enacted traffic laws, which may impose additional or new restrictions, may be given warnings during a period of familiarization and education that could precede the actual commencement of aggressive enforcement action.