

# Traffic

## 500.1 PURPOSE AND SCOPE

Best Practice NYSLEAP - 47.1 NYSLEAP- 8.6 - 47.1 NYSLEAP- 8.7 - 47.1 NYSLEAP 2023 - 47.1

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

## 500.2 POLICY

Best Practice NYSLEAP- 8.6 - 47.1 NYSLEAP- 8.7 - 47.1 NYSLEAP - 47.1

It is the policy of the Town of Cheektowaga Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

## 500.3 DEPLOYMENT

Best Practice NYSLEAP - 47.4 NYSLEAP- 8.7 - 47.4 NYSLEAP- 8.6 - 47.4 NYSLEAP 2023 - 47.4

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high

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visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

The Department may use speed measuring devices in traffic enforcement operations. Members must be properly trained in the use and operation of such devices. The Department will ensure that all such equipment is properly calibrated and that all necessary records are maintained so as to ensure that speed measurements are legally admissible.

#### 500.4 ENFORCEMENT

**Best Practice** NYSLEAP- 8.7 - 47.2 NYSLEAP 2023 - 47.2 NYSLEAP- 8.6 - 47.2 NYSLEAP - 47.2

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or tickets issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Traffic enforcement should be focused on the reduction of traffic accidents.

##### 500.4.1 WARNINGS

**Best Practice** NYSLEAP - 47.2 NYSLEAP- 8.7 - 47.2 NYSLEAP 2023 - 47.2 NYSLEAP- 8.6 - 47.2

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

##### 500.4.2 TICKETS

**Best Practice** NYSLEAP 2023 - 47.2 NYSLEAP- 8.6 - 47.2 NYSLEAP- 8.7 - 47.2 NYSLEAP - 47.2

Tickets should be issued when a member believes it is appropriate. When issuing a ticket for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with:

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

##### 500.4.3 PHYSICAL ARREST

**Best Practice**

Officers should exercise discretion in determining whether a physical arrest is appropriate for criminal traffic offenses (see the Appearance Tickets Policy for additional guidance).

#### 500.5 SUSPENDED OR REVOKED LICENSES

**State** **MODIFIED**

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If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic ticket or make an arrest as appropriate.

An officer shall tow a vehicle for aggravated unlicensed operation of a motor vehicle in the first or second degree if (Vehicle and Traffic Law § 511-b):

- (a) The driver is the registered owner of the vehicle.
- (b) The vehicle is not properly registered.
- (c) Proof of financial security is not produced.
- (d) The driver is not the registered owner of the vehicle, and no other licensed driver authorized to drive the vehicle is present.

If the driver is not the owner, the Department is required to notify the owner (Vehicle and Traffic Law § 511-c).

#### 500.6 TRAFFIC PROCEDURES MANUAL

**Best Practice** NYSLEAP- 8.7 - 47.1 (A), 47.1 (B), 47.2 NYSLEAP 2023 - 47.1 (A), 47.1 (B), 47.2 NYSLEAP - 47.1 (B), 47.2, 47.1 (A) NYSLEAP- 8.6 - 47.1 (A), 47.2, 47.1 (B)

The Traffic Unit Lieutenant is responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws. Traffic procedures shall include, but are not limited to:

- Roadside safety checks.
- Stopping and approaching vehicles.
- Required information provided to violators.
- High- and unknown-risk traffic stops.

The Traffic Unit Lieutenant is responsible for developing and maintaining violator procedures for traffic law violations committed by, but not limited to:

- Non-residents of the department jurisdiction.
- Juveniles.
- Legislators.
- Foreign diplomats and consular representatives (see the Foreign Diplomatic and Consular Representatives Policy).
- Active military members.

#### 500.7 HIGH-VISIBILITY VESTS

**Federal** **MODIFIED** NYSLEAP- 8.6 - 47.3 NYSLEAP - 47.3 NYSLEAP 2023 - 47.3 NYSLEAP- 8.7 - 47.3

The Department requires patrol officers to purchase an American National Standards Institute (ANSI) Class II high-visibility vest to increase the visibility of department members who may

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be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

#### 500.7.1 REQUIRED USE

Federal | NYSLEAP - 47.3 | NYSLEAP 2023 - 47.3 | NYSLEAP- 8.6 - 47.3 | NYSLEAP- 8.7 - 47.3

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

#### 500.7.2 CARE AND STORAGE

Best Practice | MODIFIED | NYSLEAP - 47.3 | NYSLEAP- 8.6 - 47.3 | NYSLEAP- 8.7 - 47.3 | NYSLEAP 2023 - 47.3

High-visibility vests shall be purchased and maintained, by each individual patrol officer, as part of their required equipment. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored in their gear bag.