

Traffic

500.1 PURPOSE AND SCOPE

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

500.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Office will be driven by such factors as citizen complaints, observations and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of office members and equipment, the establishment of preventive patrols to deal with specific categories of unsafe / 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 deployment of office members. Factors for analysis include, but are not limited to, the following:

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

Montgomery County Sheriff's Office

Policy Manual

Traffic

500.4 ENFORCEMENT

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

Several methods are effective in the reduction of traffic crashes and traffic violations.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the Deputy when circumstances warrant, for example when addressing driver conduct constituting a potential hazard to the motoring public which does not rise to the level of a substantial clear-cut violation of the law.

Verbal warnings may be given.

500.4.2 CITATIONS

When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, the citation shall contain (N.C.G.S. § 15A-302(c)):

- (a) An explanation of the violation or charge.
- (b) The name and address of the person cited, or other identification if that cannot be ascertained.
- (c) The court appearance procedure, including the optional or mandatory appearance by the motorist, date, time and location of trial.
- (d) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (e) The identity of the deputy issuing the citation.

A copy of the citation shall be delivered to the person cited and the original filed with the clerk by the deputy. If a person refuses to sign the citation, delivery shall be certified by the deputy signing the original and filing it with the court. Failure of a person to sign the citation is not grounds for arrest nor does it require that the person post a bond.

Deputies issuing a traffic citation to a nonresident from a state that is a member of the Nonresident Violator Compact shall not require him/her to post collateral or bond to secure appearance for trial unless the offense would result in the suspension or revocation of a person's license under North Carolina law. Unless the nonresident requests to post collateral or bond or is from a non-compact state, deputies should all allow the nonresident to sign the citation and proceed on their way.

500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases do not include infractions. These offenses do include all felonies, which include vehicular homicides (for example, second-degree murder, involuntary manslaughter, felony death by vehicle), habitual DWI, and hit-and-run.

Montgomery County Sheriff's Office

Policy Manual

Traffic

500.5 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Deputies, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment.

500.5.1 REQUIRED USE

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

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

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

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

500.5.2 CARE AND STORAGE

High-visibility vests shall be maintained in each patrol and investigation vehicle. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition.