

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE SEPTEMBER 11, 2024	EFFECTIVE DATE SEPTEMBER 11, 2024	NO. 044-24
SUBJECT: GENERAL ORDER Vehicle & Traffic Law Enforcement		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 47.1, 47.2			RESCINDS 044-19

Purpose: To familiarize members regarding proper procedures relative to violations of the New York State vehicle and Traffic Law.

Policy: It is the police of the Monroe County Sheriff's Office (MCSO) to vigorously enforce the New York State Vehicle and Traffic Law. Uniformed personnel are to be sensitive to enforcement activity in the areas of DWI, DWAI, speed violations, distracted driving, equipment violations, newly enacted laws and/or regulations, other hazardous violations (such as reckless driving), public carrier and commercial vehicle violations and all other non-hazardous violations.

I. Member/Violator Contact

- A. Traffic violation enforcement is one of many routine tasks performed by Police Bureau members and should strive to leave the violator with the impression the member has performed a necessary task in a professional manner.
- * B. Upon stopping violators for any reason, the member's safety is paramount. Members will take all lawful steps and precautions necessary during traffic stops to ensure their safety and well-being

II. High Risk / Unknown Risk Stops

Prior to engaging in a high risk or unknown risk stop, if possible, the member should consider methods to ensure their safety, the safety of other responding members and the safety of the citizens, and in accordance with experience and training.

III. Suspended or Revoked Driver's License

If the member has probable cause to believe the violator's license has been suspended or revoked, they should effect a physical arrest of the subject and assume custodial responsibility for the subject and their property.

IV. Enforcement Options

- A. Verbal Warnings: Personnel may issue a verbal warning at their discretion for a minor or inadvertent violation.
- * B. Written Warning Tickets: Personnel may issue a written warning ticket at their discretion.
- C. Uniform Traffic Ticket (UTT):

1. When the decision is made to issue a summons in connection with violations, the violator will be advised of:
 - a. Location of court.
 - b. Date and time of appearance
 - c. Plea by mail option
 - d. Specific violation(s) charged.
 2. The violator will be given the defendant copy of the UTT and completed Supporting Deposition Form.
- D. Physical Arrest: Circumstances may arise which lead to the physical arrest of a traffic violator. Procedures as stated in **MBGO-017 Arrest Procedures** will be adhered to.

V. Enforcement Methods and Deployment

- A. Routine Patrol:
1. All members will advise E.C.D. of their location each time a vehicle traffic stop is conducted via the mobile data terminal, or if circumstances warrant a more timely response, by utilizing the voice radio or verified by GPS.
 2. Members will inform violators (when practicable) of the reason for the stop.
 3. Personnel will monitor high frequency accident areas during non-directed patrol time. Enforcement activity in these areas should aid in the reduction of motor vehicle accidents. Locations such as these are identified by analytical studies completed by Sheriff's Office personnel, County Traffic Engineering, New York State Department of Transportation and other traffic-related calls for service data.
 4. Uniformed personnel are to advise their supervisors of any problem areas they deem to deserve more enforcement action. In addition, these areas may be referred to County Traffic Engineering for a more thorough analysis of accident and traffic volume.
- B. Enforcement goals will be accomplished through:
1. High visibility in the identified area.
 2. Area patrol-moving patrol or stationary observation in an area that includes a number of streets, roads, or sections of highways.
 3. Stationary observation
 - a. Stop signs
 - b. Traffic signals
 - * c. Use of LIDAR or RADAR
 - d. Traffic checkpoints will be established only under the following guidelines:
 - i. Only as approved by the Zone Commander

- A site which minimizes risk to the public and personnel assigned.
 - Emergency lights, adequate personnel and flares, etc. will be utilized to alert traffic.
 - A non-discriminatory system of stopping vehicles will be used (such as every second, third or fourth vehicle).
 - In accordance with **PBGO-029 Roadblock & Traffic Checkpoint Procedures**.
4. Line Patrol: Moving patrol or stationary observation on a specific road between two points, usually on one street.
 5. Directed Patrol: Moving patrol or stationary observation at a specific location at specified times for a particular traffic problem.
 6. Use of unmarked vehicles:
 - a. When circumstances dictate the use of an unmarked vehicle for traffic enforcement, it will be equipped with a flashing red light, alternating headlights and a siren.
 - b. Unmarked vehicles will only be used when approved by the Zone Commander.
 7. Decoy Car: Is a marked, un-manned vehicle that will be strategically deployed to help combat traffic complaints within problematic areas and will be set up during daylight hours. The shift supervisor will be responsible for approving the vehicle based on the available vehicles, manpower for the day and current call volume.

VI. Processing of Non-Routine Violators

- A. Non-Residents and Military Personnel: Violators issued U.T.T.s who are non-residents of NYS or who are on active duty from the military, are to be advised they may attach an affidavit with the plea by mail to the court, in lieu of personal appearance.
- B. Foreign Diplomats: Should a violator claim diplomatic immunity, personnel will advise the violator to submit to the court written verification from the U.S. Mission to the United Nations confirming their immunity and the U.T.T. will be dismissed (reference **PBGO-047 Foreign Diplomats, Consular Official, Immunities & Special Privileges**).
- C. Juvenile Violators: Traffic violators found to be juveniles will be handled in accordance with **PBGO-008 Juvenile Procedures**.
- D. Legislators (or other V.I.P.s): No special consideration is given to violators in this category.
- E. Multiple Violations: Violators apprehended for multiple violations will be handled at the discretion of the arresting deputy; taking into account the number and seriousness of the violations. The arresting deputy may issue UTT's for one serious violation, a combination of serious and minor violations, or all violations committed.
- F. Bicycle and Pedestrian Enforcement

1. Members are to be cognizant of violations committed by pedestrians and bicyclist in suburban, village and rural areas.
2. Violators are to be processed pursuant to the N.Y.S. Vehicle and Traffic Law and/or current juvenile procedures.

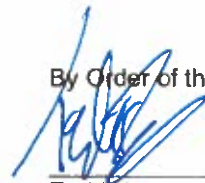
VII. Off-Road Vehicle Enforcement

- A. Personnel will process traffic violators operating off-road vehicles pursuant to the N.Y.S. vehicle and Traffic Law, town ordinances and Monroe County Parks Law.
- B. Unregistered vehicles may be towed at the owner's expense if operated on a public highway.
- * C. When an unregistered vehicle is operated on a public highway in a manner deemed to constitute reckless endangerment, intentionally obstructing the normal flow of traffic to cause annoyance or alarm, such as street takeovers, demonstrations, blocking of roadways and speeding or show off stunts, the vehicle will be towed at the owner's expense and released upon proper proof of ownership.
- D. Special Attention will be given to illegal use on public trails and improper crossing of highways.
- E. Juvenile Offenders:
 1. Vehicle may be towed.
 2. Parent or guardian will be advised of circumstances.
 3. Juveniles will be processed pursuant to current directives.

VIII. Identifying Physically – or Mentally Impaired Drivers

- A. Through routine enforcement and traffic accident investigation, members may identify drivers who are believed to be physically or mentally impaired from exercising reasonable and ordinary care in the operation of motor vehicles. In cases such as this personnel will completed and forward a "Request for Review" forms to the Department of Motor Vehicles. This form enumerates the reasons why the driver review is being requested.
- B. When the driver is involved in a Motor Vehicle Accident, a copy of the MV-104A will be attached to the "Request for Review".

By Order of the Sheriff,



Todd K. Baxter

