

## **Chapter 5 - Traffic Operations**

## Traffic

### 500.1 PURPOSE AND SCOPE

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

### 500.2 POLICY

It is the policy of the Falls Church 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

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

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#### **500.4 ENFORCEMENT**

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 made or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance (Va. Code § 2.2-5516; Va. Code § 15.2-1609.11; Va. Code § 15.2-1710.1).

Several methods are effective in the reduction of traffic accidents.

##### 500.4.1 WARNINGS

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 SUMMONS

A summons should be issued when a member believes it is appropriate. When issuing a summons 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 (Va. Code § 46.2-388):

- (a) An explanation of the violation or charge.
- (b) The amount of the fine that may be assessed for the violation or charge.
- (c) The court appearance date and procedure, including the optional or mandatory appearance by the motorist.
- (d) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (e) The consequences of a failure to timely pay or contest the charge.

##### 500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with but are not limited to:

- (a) Involuntary manslaughter (Va. Code § 18.2-36.1).
- (b) Felony and misdemeanor driving under the influence (DUI) of alcohol or drugs (Va. Code § 18.2-270).
- (c) Felony or misdemeanor hit-and-run (Va. Code § 46.2-894).
- (d) DUI with accident (Va. Code § 19.2-81).
- (e) Reckless driving that results in the death of another while driving with a suspended driver's license (Va. Code § 46.2-868).
- (f) Racing a vehicle in violation of Va. Code § 46.2-865 that results in serious bodily injury or death to another person (Va. Code § 46.2-865.1).

#### **500.5 SUSPENDED OR REVOKED LICENSES**

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate (Va. Code § 46.2-301).

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#### **500.6 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

##### **500.6.1 REQUIRED USE**

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.

##### **500.6.2 CARE AND MAINTENANCE**

Each vest should be maintained in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

The Quartermaster shall maintain a supply of high visibility vests to be made available for replacement of damaged or unserviceable vests. Members needing a replacement vest shall notify the Quartermaster..

#### **500.7 HAZARDOUS CONDITIONS**

Officers encountering hazardous road conditions should assess the severity of the hazard and take appropriate action including, but not limited to:

- (a) Notifying the City department responsible for maintaining that section of the road.
- (b) Removing the hazard from the roadway if it is reasonably safe to do so.
- (c) Placing a warning device around the hazard to warn oncoming traffic.
- (d) When practicable and safe to do so, positioning a patrol car in front of the hazard to warn oncoming traffic and direct the traffic around the hazard.

#### **500.8 VEHICLE CHECKPOINTS**

The Operations Division may establish guidelines for roadside vehicle checkpoints based upon reasonable criteria (e.g., holidays, traffic injuries or fatalities, community requests). Operational decisions should be made by supervising officers. Guidelines for checkpoints should include, but are not limited to:

- (a) Reasonable location and duration.
- (b) Neutral criteria for stopping motorists.

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- (c) Clear indicators of the official nature of the checkpoint.
- (d) Clearly identified officers and equipment.
- (e) Adequate safety precautions.
- (f) Minimal detention of motorists.
- (g) Advance public notice.

#### 500.8.1 CHECKPOINT IMPLEMENTATION

The following procedures should be used by the supervisor assigned to a checkpoint operation when implementing a checkpoint:

- (a) Establish the goal of the checkpoint, (e.g., DUI detection, Seatbelt violations.)
- (b) Establish and operational plan that satisfies the guidelines as established by the Operations Division Commander.
- (c) Assign and notify the officers chosen to conduct the checkpoint.
- (d) Conduct an operational briefing prior to activation, communicate the operational plan and checkpoint goal.
- (e) Activate the checkpoint.
- (f) Track all contact and traffic that was not stopped.
- (g) Conduct an after-action debriefing when the checkpoint is concluded.
- (h) Generate an after-action report detailing the contacts, arrests, contraband found, areas for improvement and successes.

#### 500.9 TRAFFIC STOPS

Officers should perform traffic stops only when there is an articulable reason to do so. The safety of the officer, the driver of the vehicle and the public shall be considered prior to conducting a traffic stop.

Traffic stops should be performed by a uniformed on-duty officer.

Officers initiating a traffic stop shall follow department-approved safety procedures including, but not limited to:

- (a) Contacting Emergency Communications Center regarding the location, vehicle description and registration, and occupants prior to making the stop.
- (b) Activating the emergency lights and siren.
- (c) Escorting the vehicle to a tactically safe location to conduct the stop.
- (d) Positioning the department vehicle to maximize officer safety.
- (e) Approaching the vehicle and interacting with the occupants in accordance with department-approved procedures.
- (f) Calling for backup when warranted.
- (g) If so equipped, activating the Mobile Audio Video System.

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#### **500.10 TRAFFIC CONTROL**

Members of the Falls Church Police Department may control traffic using both department-approved temporary traffic control devices and also uniform hand signals and gestures for manual traffic direction:

- (a) At public events.
- (b) At the scene of a traffic collision.
- (c) At the scene of a fire or other emergency.
- (d) During periods of adverse road and/or weather conditions.
- (e) When circumstances warrant the manual operation of traffic control devices.
- (f) As required by other road or traffic conditions.

#### **500.11 VEHICLE ESCORT SERVICES**

Vehicle escort services are generally not performed. All requests for escort services should be approved by the Chief of Police or their designee.

If a request is granted, the Operations Division Commander should be responsible for:

- (a) Identify the required department resources.
- (b) Coordinate with outside agencies.
- (c) Identify safety and security risks.
- (d) Take reasonable precautions to ensure public safety.

Only vehicles equipped with emergency lights and sirens should be used to provide escort services.

Funeral escorts are permitted at the discretion of the on-duty Watch Commander.

Requests for escort for medical transport or civilian vehicles should be in accordance with the specifications in the Medical Aid and Response Policy.

## Traffic Crashes

### 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic crashes.

### 501.2 POLICY

It is the policy of the Falls Church Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request.

### 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be notified when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
  - 1. A City of Falls Church vehicle involved.
  - 2. A City of Falls Church official involved.
  - 3. Involvement of an on-duty member of this department.

#### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices, if available, to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.

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- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.
- (g) Protection of the crash scene for evidence preservation when required.
- (h) Disturbances between principals.

#### **501.4 NOTIFICATION**

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Watch Commander. The Watch Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Watch Commander will ensure notification is made to the Operations Division Commander, department command staff and the City Manager in accordance with the Major Incident Notification Policy.

##### 501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim (Va. Code § 32.1-309.1).

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

An FR-300 shall be taken when:

- (a) A fatality, any injury (including complaint of pain), driving under the influence or hit-and-run is involved (Va. Code § 46.2-894).
- (b) The crash results in a collision with an unattended vehicle and/or damage to property other than a vehicle and the owner of that vehicle or property cannot be located (Va. Code § 46.2-896).
- (c) There is property damage of at least \$1,500 (Va. Code § 46.2-373).
- (d) Directed by a supervisor.

In addition to an FR-300, an incident report shall be taken when:

- (a) An-on duty member is involved.
- (b) City property (such as a traffic sign or light pole) is damaged.
- (c) There are disturbances between two or more involved parties that rises to the level of criminal activity.
- (d) There is damage to any vehicle to the extent that towing is required.
- (e) Prosecution or follow-up investigation is contemplated.
- (f) Directed by a supervisor.



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##### **501.5.1 PRIVATE PROPERTY**

Generally, reports should be taken regardless of whether the traffic crash occurs on private or public property (Va. Code § 46.2-899).

##### **501.5.2 CITY VEHICLE INVOLVED**

An FR-300 shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

An incident report may be taken in lieu of an FR-300 at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle

Whenever there is damage to a City vehicle, the member should gather insurance information from all involved parties, provide a narrative, and take photographs of the scene.

##### **501.5.3 INJURED ANIMALS**

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

#### **501.6 INVESTIGATION**

When a traffic crash meets minimum reporting requirements, the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

##### **501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

The Operations Division Commander or on-duty Watch Commander should request that the Virginia State Police (VSP) or another outside law enforcement agency investigate and complete a traffic crash investigation when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Falls Church Police Department and involves:

- (a) An on- or off-duty member of the Department.
- (b) An on- or off-duty official or employee of the City of Falls Church.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

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##### **501.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should issue a summons or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

##### **501.8 REPORTS**

Department members shall utilize forms approved by the Department of Motor Vehicles as required for the reporting of traffic crashes (Va. Code § 46.2-374).

All FR-300 Crash Reports will be filed within 24 hours after the investigation is complete (Va. Code § 46.2-373).

FR-300 Crash Reports shall include (Va. Code § 46.2-373):

- (a) The name or names of the insurance carrier or the insurance agent of the automobile liability policy on each vehicle involved in the crash.
- (b) The speed of each vehicle involved in the crash.
- (c) The types of vehicles involved in all crashes between passenger vehicles and vehicles or combinations of vehicles used to transport property.
- (d) Whether any trucks involved in such crashes were covered or uncovered.

##### **501.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

##### **501.8.2 TRAFFIC CRASH DATA**

The Chief of Police will designate an administrative staff member who will compile traffic crash data on a quarterly basis and submit a summary report to the Command Staff. Their duties may include:

- (a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are shared with Command Staff or other persons as requested.
- (b) Ensuring that the FR-300 is filed with the VSP within 24 hours after the investigation is complete (Va. Code § 46.2-373).

## Vehicle Towing

### 502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

### 502.2 POLICY

The Falls Church Police Department will tow vehicles when appropriate and in accordance with the law.

### 502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, or cannot be removed within a reasonable amount of time, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Emergency Communications Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (Va. Code § 46.2-1209; Va. Code § 46.2-1210; Va. Code § 46.2-1211; Va. Code § 46.2-1212; Va. Code § 46.2-1212.1; Va. Code § 46.2-1213).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

### 502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer shall tow the vehicle to provide reasonable safekeeping. If reasonable alternatives exist, the vehicle may be turned over to a licensed driver to drive the vehicle with the permission of the vehicle owner (Va. Code § 19.2-80.1).

### 502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

### 502.6 EMERGENCY COMMUNICATIONS CENTER

Emergency Communications Center members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the Virginia Department of Motor Vehicles (DMV) database (Va. Code § 46.2-1209). Officers should submit a completed "Vehicle Tow-In and Inventory Record" form to the ECC as soon as possible in order to facilitate the entry.

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##### 502.6.1 VEHICLE IMPOUND REPORT

Department members towing a vehicle shall complete a vehicle impound report and include the towing information in any applicable report type.

##### 502.6.2 NOTICE OF TOW

When a vehicle is removed from public or private property by a member of the Falls Church Police Department, the member shall contact the DMV and all registered owners, and provide them notice of towing (Va. Code § 46.2-1209; Va. Code § 46.2-1211).

The member shall provide to the registered owners the following information:

- (a) The name, address and telephone number of the Falls Church Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
  - 1. Color.
  - 2. Manufacturer year.
  - 3. Make and model.
  - 4. License plate number and/or Vehicle Identification Number (VIN).
  - 5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.

##### **502.7 TOWING SERVICES**

The City of Falls Church may, by ordinance, regulate the selection of one or more businesses to act as the official tow services of Falls Church (Va. Code § 46.2-1217).

Members shall not show preference among towing services that have been authorized for use by the Department. If more than one towing service has been awarded contracts, they shall be placed on a rotation list.

##### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger compartment of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

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- (b) In addition to the passenger compartment as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) All containers located either within the vehicle or any of the vehicle's compartments will be a part of the inventory process.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property Room Policy.

A copy of the vehicle tow-in and inventory form will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

#### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search or inventory of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search or inventory shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle.

## Impaired Driving

### 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI) of alcohol or drugs.

### 503.2 POLICY

The Falls Church Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Virginia's impaired driving laws.

### 503.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Operations Division Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Virginia or another jurisdiction.

### 503.4 FIELD TESTS

The Operations Division Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

#### 503.4.1 PRELIMINARY BREATH TESTS

If the driver is suspected of being DUI and has failed the standardized FSTs, a preliminary breath test (PBT), if available, shall be offered. The person shall be advised of his/her right to refuse the PBT. The person may observe the process of analysis and the results of the test, if requested (Va. Code § 18.2-267).

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##### **503.5 CHEMICAL TESTS**

A person, whether licensed in Virginia or not, implies consent under Virginia law to a chemical test or tests, and to providing the associated chemical sample if the person has been arrested for any of the following (or a similar ordinance) within three hours of the alleged offense (Va. Code § 18.2-268.2; Va. Code § 46.2-341.26:2):

- (a) DUI (Va. Code § 18.2-266)
- (b) Minor DUI (Va. Code § 18.2-266.1)
- (c) Driving after license forfeiture (Va. Code § 18.2-272)
- (d) Commercial vehicle DUI (Va. Code § 46.2-341.24; Va. Code § 46.2-341.31)

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

The test shall be of the person's breath unless a breath test is unavailable or the person is physically unable to submit to a breath test (or the officer suspects drug use), in which case a blood test shall be given. If there is reason to believe that the person was driving under the influence of both alcohol and drugs, or drugs alone, a blood test may be administered in addition to the breath test.

##### **503.5.1 STATUTORY NOTIFICATIONS**

The officer shall inform the person, prior to the test, that analysis of the reading and the results may be observed. If the equipment used produces a written printout, the person shall be given a copy (Va. Code § 18.2-268.2).

##### **503.5.2 BREATH SAMPLES**

The Operations Division Commander should ensure that the Portable Breath Test used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained. Any anomalies or equipment failures of the Portable Breath Test should be promptly reported to the Operations Division Commander

The Services Division Commander should ensure that the Intoxilyzer used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers who have been certified to obtain a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Services Division Commander (Va. Code § 18.2-268.9).

##### **503.5.3 BLOOD SAMPLES**

Only persons authorized by law to draw blood shall collect blood samples (Va. Code § 18.2-268.5). The blood draw should be witnessed by the assigned officer. Officers shall not perform this task even if properly certified.

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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample is collected for alternate testing at the arrestee's discretion. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the Department of Forensic Science.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **503.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers shall (Va. Code § 18.2-268.3; Va. Code § 46.2-341.26:3):

- (a) Advise the arrestee of the requirement to provide a sample (Va. Code § 18.2-268.2; Va. Code § 46.2-341.26:2).
  - 1. If the person was driving on private property, the officer should make reasonable attempts to obtain a voluntary chemical test sample.
- (b) Audio- and/or video-record the Declaration and Acknowledgement of Refusal and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

##### **503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

Upon refusal to submit to a chemical test, officers shall advise the person, using the Declaration and Acknowledgement of Refusal form, of the consequences of such refusal (Va. Code § 18.2-268.3; Va. Code § 46.2-341.26:3).

##### **503.6.2 OFFICER DECLARATIONS UNDER OATH**

The arresting officer shall execute the Declaration and Acknowledgement of Refusal form, under oath before a magistrate certifying (Va. Code § 18.2-268.3; Va. Code § 46.2-341.26:3):

- (a) The arrestee has refused to permit breath or blood samples to be taken for testing.
- (b) The officer has read the Declaration and Acknowledgement of Refusal form to the arrestee.
- (c) The arrestee has still refused to provide a sample after being read the Declaration and Acknowledgement of Refusal form.
- (d) Whether the arrestee has any prior convictions of DUI or refusal within the last 10 years.



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##### 503.6.3 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from a crash investigation or medical treatment of the person.

##### 503.6.4 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond. Refer to Biological Samples General Order for methods to consider when seeking voluntary compliance.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

# Falls Church Police Department

## General Orders Manual

### General Orders Manual

#### *Impaired Driving*

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#### **503.7 ARREST AND INVESTIGATION**

Officers may make a warrantless arrest within three hours of an alleged DUI offense, whether or not the offense was committed in the officer's presence (Va. Code § 19.2-81).

##### **503.7.1 TRAFFIC CRASHES**

Virginia law allows officers to make an arrest of a DUI driver involved in a crash even though the crash was not committed in his/her presence (Va. Code § 19.2-81). Officers shall include relevant facts and circumstantial evidence that tends to show that the particular person was the driver of the vehicle.

#### **503.8 RECORDS SECTION RESPONSIBILITIES**

The Administrative Division Commander will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **503.9 ADMINISTRATIVE HEARINGS**

The Administrative Division Commander will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Virginia Department of Motor Vehicles (DMV) and entered into the Virginia Criminal Information Network (VCIN) as applicable.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

## Traffic and Parking Citations

### 504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

### 504.2 POLICY

It is the policy of the Falls Church Police Department to enforce all traffic laws fairly and equally for all persons. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

### 504.3 RESPONSIBILITIES

The Operations Commander shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department. Citations will be kept in a secure location and issued to patrol supervisors as needed. Members will sign for the citation books when issued or upon return of unused citations.

Members of the Falls Church Police Department shall only use department-approved traffic and parking citation forms.

The issuing officer should provide information to the violator including the mandatory or discretionary court appearance schedule and any prepayment information.

#### 504.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

### 504.4 TRAFFIC CITATIONS

#### 504.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Section. The issuing officer shall send a letter to the citation recipient addressing the change and return the citation to the Clerk of Court along with a copy of the letter.

#### 504.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Section.

# Falls Church Police Department

## General Orders Manual

### General Orders Manual

#### *Traffic and Parking Citations*

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##### 504.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation.

##### 504.4.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department may be reviewed by each member's immediate supervisor and forwarded to the ECC by the end of each shift.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Operations Division Commander.

##### 504.4.5 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

##### 504.4.6 DATA COLLECTION

Each time an officer makes a traffic stop, the officer shall report any information as required in the Bias-Based Policing Policy.

#### **504.5 PARKING CITATION APPEALS**

Parking citations may be appealed in accordance with local and state law.

## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Falls Church Police Department.

### 505.2 POLICY

It is the policy of the Falls Church Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

### 505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the emergency communications technician should be advised of the location of the disabled vehicle and the need for assistance. The emergency communications technician should then assign another department member to respond as soon as practicable.

### 505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

#### 505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle.

#### 505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 505.4.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

#### 505.4.4 EMERGENCY CONDITIONS

Should the disabled motorist be in jeopardy of injury or any other emergency condition is evident, the assistance response should be elevated to correspond to the circumstance.