

## RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Steve Pitts		
Approving Deputy Chief: Mac Venzon		
General Order No: P-370-04	Issued: Aug 7, 2012	Supersedes: P-370-05 P-313-04
General Order Title: <b>TRAFFIC PROCEDURE</b>		

### **POLICY**

The Reno Police Department's Traffic Division oversees activities pertaining to enforcement of traffic laws, response to traffic accidents including investigative follow-up and accidents involving police vehicles, and education and statistical analysis of causative factors of traffic accidents.

### **TRAFFIC ACCIDENT PROCEDURES**

#### **Initial Response to Accidents**

Generally, officers will be required to respond to accident scenes and conduct investigations, including accidents resulting in damage to private property, anytime that one or more of the following conditions exist:

- Fatality
- Actual/claimed injury
- Driver suspected of being under the influence of alcohol/drugs
- Extensive property damage
- Reckless/careless driving is suspected
- Hit and run involved that results in major property damage, injury, or death, or investigative information is obtained that justifies follow-up and possible prosecution
- Traffic-related felony involved
- Damage to City vehicle/property
- Major traffic congestion results from accident
- Accident has caused vehicle damage necessitating towing
- Hazardous material/fire involved
- Disturbance between principals
- Principal demands
- Outside agency assistance

Accidents that do not contain any of the above conditions may be referred (by a supervisor) to the Public Service Desk for a desk report. These reports must be made in person.

Accidents on private property will normally be referred to one of the Public Service Desks unless one of the above elements exists.

### **Dispatched Accidents**

Officers will not normally respond code three unless special circumstances exist.

If officers arrive first on scene, they are responsible for providing basic life support/emergency medical care, within their level of training.

If there is a confirmed fatality, the body is not to be moved without authorization from the Washoe County Coroner's Office.

### **Approach To/Arrival at Traffic Accident Scenes**

Upon arrival, avoid obliterating or destroying evidence.

Use patrol vehicle's overhead lights, flares, or other appropriate warning devices to protect scene and alert approaching traffic.

If the roadway is blocked by vehicles/debris and preservation of evidence is not a factor, officers will clear roadway as soon as possible.

### **On-Scene Officer Responsibilities**

The first officer on scene will be in charge until relieved by the primary dispatched officer, supervisor, or traffic accident investigator. Relief will be verbally assigned and not merely assumed by the physical presence of another officer or supervisor.

The first officer on scene must stabilize the scene by:

1. Checking for injuries and administering emergency medical care;
2. Radioing for an ambulance/additional assistance;
3. Protecting the accident scene/preserving evidence; and
4. Establishing traffic direction/control.

After stabilization, the assigned officer will conduct the on-scene investigation and will assign other units to assist with preliminary investigation tasks, including:

1. Locating and interviewing witnesses and recording accident information;
2. Obtaining statements, diagrams, photographs, and collecting physical evidence as needed

for the investigation;

3. Expediting removal of vehicles/debris from roadway;
4. Determining any violation(s) and taking needed enforcement action; and
5. Providing case numbers and follow-up information to involved drivers.

### **Supervisor Responsibilities**

The Field Supervisor will be responsible for the following:

1. Correct and thorough completion of on-scene investigation;
2. Accuracy and thoroughness of the reports;
3. Notification of command officers in the case of fatal or major-injury accidents; and
4. Notification of the Major Accident Investigation Team (MAIT) when necessary, *e.g.*, fatality, hit and run with injury, etc.

### **Reporting Requirements and Forms**

Requirements and guidelines for the preparation of accident reports are found in the State of Nevada's Traffic Accident Report Manual and NRS 484.

Officers will use uniform and approved traffic accident report forms.

If an involved driver is arrested or cited, the assigned officer will include a written statement which provides a clear, overall reconstruction of the accident and of the violations committed.

### **Enforcement Action**

As provided by NRS 484.801, officers are expected to take enforcement action whenever their accident investigation produces probable cause to believe that a violation of the law has occurred. In taking such enforcement action, the officer is responsible for establishing elements of the violation based on investigation, witness statements, statements or admissions by the alleged violator, and technical and physical evidence.

### **Diagrams/Photographs**

Normally diagrams will be completed and photographs taken for the following types of accidents:

- City vehicle accidents
- Accidents involving City property
- Accidents involving serious injury
- Fatal accidents

- Any accident in which an officer believes that a diagram/photographs will assist in proving a case in court; and
- Photographs only, upon recovery of a hit and run suspect vehicle.

If the diagram/photographs are not attached to the accident report, and the accident falls into one of the categories outlined above, the officer will document the reason for such omission. Diagrams and field sketches must be sufficiently informative as to enable a third party to reconstruct the scene at a later time.

Field sketches will be included with the accident report even though a “post” diagram may have been completed later on.

### **Hit and Run Accidents**

Upon arrival at the accident scene the assigned officer will provide Communications with a description of the suspect vehicle, including probable damage to the vehicle, description of driver, and number and description of passengers, and direction of travel.

### **Hit and Run Evidence Collection**

Evidence relating to the suspect vehicle will be collected and reported in accordance with evidence procedures.

If the suspect is apprehended in a felony traffic accident, normal procedures for chemical testing will be followed.

If the suspect vehicle is located, it will normally be impounded.

The hit and run investigator will maintain files on all hit and run cases. Every reasonable effort will be made to clear cases.

### **Accident Investigations Involving Adjacent Law Enforcement Agencies**

The Department will respond, upon request by an adjacent law enforcement agency, to accidents involving their vehicles. Any time an officer is sent pursuant to such a request, Communications will notify the field supervisor and/or the watch commander.

### **Follow-up Accident Investigation**

Follow-up information sought should include:

- Off-scene data;
- Written formal statements from witnesses;
- Reconstruction of accidents; and
- Formal reports supporting any criminal charges arising from the accident.

The Department will conduct follow-up accident investigation services in support of an ongoing or anticipated criminal prosecution as necessary and appropriate.

## **RPD VEHICLE-INVOLVED ACCIDENT/INCIDENT PROCEDURES**

### **Accidents Involving RPD Employees Using Department Vehicles**

An on-duty employee involved in, or having knowledge of, an accident/incident with a Department vehicle, will immediately notify Communications and inform them of the type of accident/incident, its location, and if there are any injuries.

The involved employee will not become directly involved in the accident investigation, but will remain on scene until the investigation is completed, unless the employee has sustained injuries requiring immediate medical attention, or the employee has been directed to leave by a supervisor.

The involved employees will not make any statements or comments to the other drivers or witnesses which describe the employee's involvement in the accident/incident.

Employees riding as passengers in, or witnessing a Department vehicle accident/incident, will adhere to the applicable provisions of this General Order.

### **Investigation of Accidents Involving Employees in Department Vehicles**

If an accident/incident is minor in nature, with no injuries and only minor property damage, the Department retains the option of having the accident investigated by Department personnel, per Traffic Division protocol. Department personnel will also conduct accident/incident investigations when no outside agency is available to respond.

When an investigation is needed for accidents/incidents involving on-duty employees, sworn or non-sworn, in Department vehicles, it will generally be conducted by an agency other than the Reno Police Department. The outside agency should be determined by the scope of the accident and availability of the outside agency, in most cases the Washoe County Sheriff's Office would be the agency with jurisdictional authority. This procedure ensures an objective and independent investigation.

### **Investigation of Accidents Involving Outside Agency Employees**

The Department will investigate accidents/incidents involving other law enforcement agencies when they occur within the City limits following Standing Order No. 2001-01 "Protocol Vehicle Accident/Incidents," attached to this General Order. A complete diagram and photographs will normally be submitted with the accident report. The place of employment may be substituted for the outside-agency employee's residence.

### **Administrative-Directed Investigation**

#### **Memo of Occurrence**

In addition to the accident investigation conducted by RPD, NHP or the Washoe County Sheriff's Office, a Department supervisor will be sent to the scene to conduct an independent personnel investigation. If the involved employee is assigned to Patrol, the employee's

immediate supervisor will normally handle this assignment. If the employee's immediate supervisor is unavailable, or if the employee is assigned to a division other than Patrol, a Patrol supervisor of higher rank will be assigned to complete the personnel investigation.

The assigned supervisor will submit the completed personnel investigation with findings, via the chain-of-command, to the employee's Division Commander. The assigned supervisor will also complete an E-mail of Occurrence, via the chain-of-command, to the Division Commander, cc'ed to Internal Affairs and Risk Management, prior to the conclusion of the responding supervisor's shift. The Memo will contain a synopsis of what occurred, who was involved (names and addresses of all citizens involved), and other pertinent information. The following headings will be used in the e-mail of occurrence:

- Agency case number;
- The date, time, and location of the accident;
- The name(s) of the employee(s) involved;
- Name(s) of citizen(s) involved
- Vehicles involved;
- The extent of injuries;
- The name, address, and phone number of the witness(es);
- The investigating agency, including the investigating officer's name, and the case number;
- If alcohol or drugs were involved;
- The location to which the City vehicle is being taken or towed;
- Summary of incident; and
- What other action, if any, is being taken.

## **Final Report**

The final administrative investigative report, in memo form, will be completed by assigned supervisor. Barring extraordinary circumstances, the final administrative investigative report should be completed within ten days of receipt of the completed accident investigation. The final report will include relevant information, any mitigating circumstances, and conclusions as to cause. The report will also include a finding as to whether the employee violated any departmental regulation. Accidents/incidents found to warrant disciplinary action will be handled through the Department's established disciplinary process. The following headings will be used in the report:

- Agency case number:
- Employee involved:
- Investigative conclusions: (avoidable/unavoidable, etc)
- Summary of incident:
- Prior Accident History:
- Witnesses:
- Conclusions:
- Investigator Recommendation:
- Case Resources:

## **Report Review**

Upon completion of the administrative investigation, the assigned supervisor will submit the investigative report, via the chain-of-command, to the Division Commander for review. The report will then be forwarded by the Division Commander to Internal Affairs who will review and prepare the case for submission to the Disciplinary Review Board.

## **Criminal Enforcement**

Sworn employees do not have statutory exemption to criminal sanctions for any violation of State or City laws pertaining to on-duty accidents/incidents. NHP will normally submit all on-duty vehicle accident/incident cases to the Washoe County District Attorney's Office for prosecutorial review. Accident/incident cases investigated by the Department that involve on-duty employees from an outside law enforcement agency will normally be submitted for prosecutorial review to either the Reno City Attorney's Office, if there are potential misdemeanor charges, or to the District Attorney's Office, if there are potential gross misdemeanor or felony charges.

## **TRAFFIC ENFORCEMENT PROCEDURES**

### **Enforcement Action**

Officers will take enforcement action in traffic situations as deemed appropriate. These actions include:

- Verbal warnings, in the case of a minor infraction;
- Issuance of a citation, the primary form of enforcement; or
- Physical arrest when required by State law or deemed appropriate.

Officers will use emergency lights/sirens/spotlights as necessary to alert the violator to stop. Hazardous warning lights and the vehicle's public address system may be used as needed.

Stationary and/or off-street traffic observation may be used. Unmarked vehicles may be used for traffic enforcement if equipped with a siren and portable red light.

In the event that a motorist commits multiple violations, officer must use discretion to determine if citations will be issued for all violations, or if just one citation will be issued for the most serious violation.

Officers will take appropriate enforcement action when bicycle or pedestrian traffic law violations are observed.

if a driver that has been stopped for a violation is believed to be incompetent, or suffering from a physical or mental disability, a disease, or other condition that may render him or her unable to exercise reasonable care and control over a motor vehicle, a Request for Driver's License Re-Examination Form, provided by the State Department of Motor Vehicles, will be completed and sent to the DMV's Driver's License Division.

Parking regulations, as specified in the Reno Municipal Code, will be enforced. Normal parking violation enforcement will routinely be administered by the PVA Unit.

Statistics on causes of accidents will be given to officers periodically, and enforcement action encouraged against violations stressed as common contributors to accident situations.

### **Motor Unit Responsibilities**

The Motor Unit's primary function is to handle traffic service requests and conduct traffic enforcement at high-accident locations. The responsibility for accident investigations still remains with the Traffic Division, and the Motor Unit will assist as needed.

### **SPEED MEASURING DEVICES (RADAR/LIDAR)**

Research shows that excessive speed is a contributing factor in traffic accidents and accidents where speed is a factor are much more likely to produce serious injury or death. To reduce the occurrence of high-speed accidents, this Department will utilize advanced equipment such as Radar/Lidar units.

The Department shall only use those units endorsed by the International Association of Chiefs of Police (per NRS 459.920).

All officers operating such equipment will be properly trained and certified in accordance with the standards set forth by the Commission on Peace Officers' Standards and Training for the State of Nevada (per NRS 459.920).

### **PURPOSE**

- To establish the procedure for training and certification of officers in the use of Radar/Lidar units;
- To establish the procedure for the care, calibration and certification of Radar/Lidar units; and
- To establish the procedure for the certification of instructors in Radar/Lidar unit training.

### **DEFINITIONS**

**RADAR – Radio Detection and Ranging**

**LIDAR – Light Detection and Ranging**

### **PROCEDURES**

#### **Radar/Lidar Operator Certificates**

Officers shall not issue Radar/Lidar-based traffic citations until they have been trained and certified in the use of Radar/Lidar. Certificates will only be issued to those officers who have attended and successfully completed a certified Radar/Lidar training course.



## **Instructors**

Instructors must have successfully completed a certified training course in the theory and operation of Radar/Lidar, taught by a certified instructor. Instructors will be responsible for evaluating each officer and issuing certificates to those officers who successfully complete Radar/Lidar training.

## **Re-Certification**

Previously certified officers who have not used a Radar/Lidar unit for a period greater than one year shall be re-evaluated by a certified instructor for proper use and technique of such unit.

## **Calibration Verification (radar only)**

Officers will verify calibration of the radar units at the beginning and end of each shift and periodically throughout the shift.

## **Enforcement Action**

Officers will not issue traffic citations that are Radar/Lidar-based unless all aspects of the tracking history are present per the training received.

## **Radar and Tuning Fork(s)**

Radar units and tuning fork(s) are to be calibrated every three years for accuracy by a certified agency or radio shop, per NRS 459.920. Individual officers are responsible for re-calibration of any radar unit assigned to them.

The radar coordinator shall be responsible for maintaining all records for certification purposes

## **Citation Procedures**

Officers may issue traffic citations in lieu of custodial arrest to offenders who qualify for citation releases. Exceptions to this may include, but are not limited to, a violator stopped for a DUI, reckless driving, a revoked/suspended driver's license. etc., or in other cases where arrest is required by statute.

A traffic citation may be issued in lieu of arrest for a DUI if the driver is injured, is being examined or treated at a medical facility, and/or is to be admitted to a medical facility and is capable and willing to sign a citation.

Persons may be arrested rather than cited if one or more of the following conditions exists:

- The person has refused to sign a citation
- The person demands an immediate appearance before a magistrate
- The person is physically combative or belligerent, and the officer uses physical force to subdue him/her

- The person is charged with a companion, or accompanying charge, that does not qualify for a citation release;
- The person does not furnish satisfactory evidence of his/her identity.

In all cases when a person is arrested rather than cited, the reason must be included in the arrest report.

In the case of accidents involving on-duty law enforcement personnel, no citations will be issued on-scene. These accident reports will be reviewed by the City Attorney's Office or the District Attorney's Office.

Officers are accountable for all of their citations. Any voided, lost, or unaccounted-for citations will be reported on a "Voided Citation Report." Officers must notify their field supervisor in writing of any lost or unaccounted-for citations.

### **Special Citation Circumstances**

Non-resident drivers who meet traffic citation eligibility criteria will be issued traffic citations. If the issuing officer has reason to believe that the violator will disregard a written promise to appear, the violator may be escorted to the Reno Municipal Court to post bail on the citation in lieu of arrest.

Foreign diplomats and/or Consular officials will not be cited for infractions or misdemeanor traffic violations.

### **Officer-Violator Relationship**

Officers will stop and approach all violators with caution. They will project a professional image and demeanor and present an appropriate appearance. Officers will explain the circumstances surrounding the issuance of a citation and explain the citation procedure to the violator.

## **TRAFFIC ADMINISTRATION PROCEDURES**

### **Traffic Records System**

The Department's Records Section is responsible for processing, maintaining, and routing of all accident reports in accordance with established procedures. Retention and release of accident reports is governed by NRS 239/484.

Specific information related to Traffic Enforcement and Accident Investigation is available from the following sources:

1. Completed Accident Reports/Diagrams and digital or Polaroid photos – RPD Records Section
2. Accident Photographs (35 mm only) – Washoe County Sheriff's Office Forensic Investigations
3. Accident Data – State of Nevada Highway Department, City of Reno Traffic Engineer, and RPD MTRS data base

4. Traffic Enforcement Data – RPD Traffic Division, City of Reno Street Department, and City of Reno Traffic Engineer
5. Roadway Hazards Reports – RPD Traffic Division, City of Reno Street Department, and City of Reno Traffic Engineer
6. Traffic Enforcement Activity Reports – RPD Traffic Division supervisor, RPD MTRS data base, and the Nevada Department of Transportation
7. Traffic Volume and Distribution Reports and Data – City of Reno Traffic Engineer’s Office

### **Traffic Investigator**

The Traffic Investigator is responsible for disseminating copies of accident report face sheets to:

- State of Nevada Safety Responsibility Section
- State of Nevada Highway Department
- City of Reno Traffic Engineering Department
- RPD Patrol Division
- Washoe County Coroner’s office (fatalities only)

### **Traffic Division Office**

The Traffic Division office staff maintains a computer program for analysis which contains accident and citation information by location, time of day, day of the week, and other pertinent information.

The Traffic Division Supervisor obtains traffic accident profiles from the Traffic Division MTRS for monthly review, and at other times as deemed necessary. These accident profiles, which cover a minimum of a one-month period, include, but are not limited to, the following data:

- Day of the week
- Time of day
- Location
- Type of collision
- Injuries
- Fatalities
- Weather conditions

The Nevada State Highway Department may also be contacted for more in-depth traffic accident statistics.

### **Selective Enforcement**

Traffic enforcement personnel should be deployed to areas having the greatest concentration of accidents and/or calls for service. Enforcement should concentrate on those violations found to be the most common causes of accidents. Selective enforcement strategies are also employed in specific areas based on citizen complaints.

The Traffic Division Supervisor is responsible for the analysis of traffic accident/enforcement data. The analysis is used in preparing special enforcement strategies and deployments,

including increased patrol activity, use of radar, specialized equipment, or other methods to best resolve targeted-area traffic problems. Analysis of traffic accidents includes geographic, temporal, and causative factors. Selective enforcement personnel efforts are monitored and reviewed on a continuing basis for effectiveness.