



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



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SUBJECT: TRAFFIC CONTROL AND ENFORCEMENT OPERATIONS

1.0 PURPOSE

The purpose of this policy is to establish procedures for traffic enforcement and control.

2.0 POLICY

It is the policy of the Department of Public Safety to participate in proactive and reactive traffic enforcement activities. Traffic enforcement should be reactive to observed violations of law, community concerns, or traffic crash investigations which indicate that a violation of traffic law caused or contributed to the crash. Proactive enforcement should strive to reduce traffic law violations, crash rates, and criminal activity. Effective traffic enforcement may involve warnings, citations, or physical arrests.

3.0 APPLICABILITY

This policy is applicable to all commissioned personnel within the Department of Public Safety.

4.0 REFERENCES

- A. Article 4 Section 13, Constitution of New Mexico.**
- B. CALEA Chapter 61, Traffic.**
- C. CALEA Chapter 82, Records.**
- D. Federal Highway Administration Regulation 23 CFR Part 634: Worker Visibility (ANSI/ISEA 107-2004)**
- E. New Mexico Criminal and Traffic Law Manual.**

5.0 DEFINITIONS

- A. Checkpoint** – A designated location in a roadway at which vehicles or people are stopped for inspection and clearance. A check point is not a traffic stop. It is designed with safety in mind to determine that NM Motor Vehicle Laws are being complied with; i.e. seatbelt and child restraint usage checkpoints, drivers’ license, registration, and insurance checkpoints, sobriety checkpoints, commercial motor vehicle regulation checkpoints, etc.
- B. Roadblock** – A restriction, obstruction, or device used or intended for the purpose of restricting and preventing the free passage of motor vehicles on a roadway.

6.0 PROCEDURE

- A. Traffic Enforcement Activities**

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1. District Commanders, or their designees, are responsible for directing traffic enforcement activities within their areas of responsibility. These activities should be directed to specific areas according to the needs of the district with an emphasis on reducing the number and severity of traffic-related crashes.
2. District Commanders shall, at least quarterly, compile and review traffic-related activity and crash data to identify areas requiring additional resources and/or deployment of traffic enforcement personnel.
3. District Commanders shall evaluate the effectiveness of selective traffic enforcement projects by comparing pre and post traffic crash data and adjust their efforts accordingly.
4. Crashes within a certain area can also be the result of traffic flow or highway engineering problems. District Commanders should identify these types of issues within their areas of responsibility.
 - a. Suggestions for improving traffic flow and/or highway engineering can be forwarded to the Department of Transportation by completing the appropriate paperwork. This may be completed on department letterhead.
 - b. Citizen complaints may also give rise to suggestions for improving highways and traffic flow. These complaints should be documented and forwarded to the Department of Transportation. Department or another form of independent verification should be made on citizen complaints before completing and submitting highway improvement forms.

B. Traffic Enforcement

1. Enforcement Actions
 - a. The officer, will have some discretion and may issue verbal warnings, written warnings, or citations for traffic violations. In order to meet the department goals and safety initiatives, a district commander may set specific criteria/restrictions as to when an officer may or may not issue written warnings.
 - b. Enforcement action should be taken against violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including the hazardous or unsafe operation of motor vehicles or improperly equipped vehicles.
 - i. Officers shall use the New Mexico Uniform Traffic Citation when issuing written warnings or citations.
 - ii. Officers shall completely fill in all appropriate spaces on the citation and ensure it is legible.
 - iii. Officers issuing written warnings shall:
 - 1 Complete the information section of the citation.
 2. Explain to the violator that the warning notice is an acknowledgement of guilt for the offense cited.
 3. Have the violator sign the warning notice.

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4. Give the violator the "Violator Copy" of the citation.
 5. Advise the violator that no further action is necessary.
- iv. Officers issuing citations shall:
1. Complete the information section of the citation.
 2. Explain the option of either remitting the penalty assessment or appearing in court for the offense cited.
 - a. If the violator chooses to remit the penalty assessment, the officer shall:
 - i. Mark the penalty assessment box on the citation, to include the amount of the penalty assessment.
 - ii. Advise the violator that in choosing to remit the penalty assessment, it is an acknowledgement of guilt for the offense cited.
 - iii. Have the violator sign the citation and agreement to pay the penalty assessment amount.
 - iv. Give the violator the "Violator Copy" of the citation and, if available, an envelope with the address to the New Mexico Motor Vehicle Division.
 - v. At no time shall officers accept payment for any penalty assessment.
 - b. If the violator chooses to appear in court for the violation cited, the officer shall:
 - i. Mark the box on the citation indicating that a court appearance is requested.
 - ii. Complete the section of the citation specifying the time and place to appear.
 - iii. Have the violator sign the citation and agreement to appear as specified.
 - iv. Advise the violator that signing the citation is not an admission of guilt.
 - v. Give the violator the "Violator Copy" of the citation.
- c. Physical Arrests
- i. Officers shall make arrests based upon probable cause, or following the issuance of an arrest warrant. Officers shall not make an arrest based solely on information received from an anonymous source or anything less than probable cause, e.g., a mere suspicion, a gut feeling or a hunch.

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- ii. Officers shall make a physical arrest of the following, unless exigent circumstances such as responding to a higher-priority call exist that would prevent the arrest:
 - 1. DWI offenders.
 - 2. When the officer has probable cause to believe the violator has committed a felony.
 - 3. When a violator is stopped for attempting to elude a law enforcement officer.
 - 4. When a vehicle operator is interfering with the officer's investigation or is concealing his/her identity to avoid being arrested or charged with a violation.
 - 5. If the violator refuses to sign the citation § 66-8-122 (F) NMSA 1978.
 - 6. The violator has a valid arrest warrant.
 - 7. The violator has a revoked license pursuant to § 66-8-122(G) NMSA 1978.
 - 8. The violator is charged with reckless driving.
 - 9. The violator has failed to stop in the event of an accident causing death, personal injuries or damage to property.
- iii. Refer to department policy *OPR:33 Arrests* for further details regarding physical arrests.
- d. Foreign diplomats and certain consular officials and their families are immune from some or all criminal process according to treaty obligations of the United States. Traffic citations may be issued to diplomatic officials regardless of their rank or status. Their vehicles may **not** be searched or impounded. Even though they may not be arrested, they can be detained if they present a continuing danger to the public. A supervisor will be contacted when this occurs and ensure a communication, including the diplomat's identification and all circumstances, will be forwarded to the United States State Department.
- e. Juveniles will be charged with misdemeanor violations of traffic laws on regular citations. In these instances, all juveniles shall be referred to the court of statutory authority (municipal, magistrate, metropolitan). The penalty assessment option **shall not** be offered to juveniles. This does not preclude officers from issuing written warnings to juvenile offenders. For further details on this section, refer to department policy *OPR:38 Juvenile Enforcement & Custody*.
- f. Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and when going to and returning from the same.
- g. At the same time a motorist is charged with a violation, the officer shall provide them with information relative to the charge, to include:

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- i. The violation that they are charged with.
- ii. The court that will hear the charge: Metropolitan, Magistrate, or Juvenile.
- iii. Court appearance date or time frame to appear.
- iv. That the violator may appear in court to enter a plea or not appear and pay a penalty assessment.

Only violations listed in Sections 66-8-116, 66-8-116.1, 66-8-116.2 and 66-8-116.3 NMSA 1978 are allowed the option of submitting a penalty assessment or making a court appearance. All other violations of criminal or traffic law are mandatory court appearances.

- v. How to contact the respective court.

h. DWI

- i. District Commanders or their designees, are responsible for the identification and implementation of DWI enforcement countermeasure programs within their areas of responsibility.
 - 1. The overall objective of these programs is to reduce alcohol and/or drug related traffic offenses by assigning units or individuals who are trained and experienced in the enforcement of DWI/drug-related traffic laws.
 - 2. District Commanders should identify those officers within their districts who show an aptitude for DWI enforcement. These officers should receive additional DWI related training and equipment to develop their skills in detecting those persons who drive while under the influence of intoxicating liquor and/or drugs.
 - 3. District manpower permitting, these officers can be assigned as DWI enforcement teams. These teams can be assigned to areas according to needs identified by the District Commander, or his/her designee.
- ii. District Commanders are encouraged to use innovative ideas to address DWI problems within their areas of responsibility and to coordinate their efforts with all law enforcement divisions when developing DWI countermeasures. DWI countermeasures should also include public awareness campaigns, as appropriate.
- iii. Refer to department policy *OPR:51 Investigation of Persons Suspected of Driving Under the Influence* for further details regarding DWI enforcement.

i. Special Considerations for Enforcement Action

- i. Speed violations - Consider the location of the violation and the posted speed limit. School zones and construction zones may require special or dedicated enforcement.
- ii. Hazardous violations – Violations that impair the safe and efficient movement of vehicles and pedestrians. Examples of hazardous violations include speeding, following too close, and improper passing. Consider the degree of the hazard.

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- iii. Non-hazardous violations – Those traffic violations that do not have potential of causing or resulting in crashes. Examples of non-hazardous violations are vehicle registration violations, driver's license regulations, and financial responsibility violations. Non-hazardous violations may also include minor equipment violations. Officers shall consider the continued safe operation of the vehicle and the general condition of the equipment as well as type of defect. Defects that are not obvious to the violator should be considered when issuing citations.
- iv. Commercial vehicle violations should be dealt with in the same manner as private passenger vehicles. The only exceptions to this section are laws which apply only to commercial vehicles. Enforcement assistance may be requested from CVSA certified officers. This may include citing multiple offenders.
- v. Multiple violations - The officer may issue citations for all violations or use discretion and cite only for those violations he/she deems necessary.
- vi. Newly enacted laws - The officer's discretion should be used according to the circumstances.
- vii. Violations resulting in traffic crashes – Enforcement action is suggested whenever a crash results from traffic and/or equipment violations. Officers should issue citations for the specific violation which caused the crash.

Officers shall not issue **penalty assessment** citations in those crashes wherein the violation of law caused or contributed to the cause of a crash resulting in injury or death to a person pursuant to § 66-8-113 or 66-8-114 NMSA 1978. These types of violations should be handled through the appropriate court.

- viii. These procedures are guidelines for routine situations. In unusual circumstances, the officer must decide what enforcement action is proper based on a combination of training, experience, and sound judgment. The officer may also request assistance from a supervisor, the Office of Legal Affairs, or local District Attorney's Office.

C. Enforcement Strategies

1. Visible Traffic Patrol

- a. Normal traffic enforcement involves visible traffic patrol by officers who observe traffic violations during the performance of their normal duties. There are three types of visible traffic patrol which can be utilized:
 - i. Area patrol - Involves enforcement within the officer's assigned area of responsibility.
 - ii. Stationary observance - Either covert or overt, stationary observance may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to

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park their patrol vehicles in a conspicuous location where their presence will serve as deterrence.

- iii. Directed or line patrols - Specified enforcement activities designed to address problems at a specific location and/or during a designated time. This may be a proactive or reactive response to collected data, citizen complaints or officer's knowledge of an enforcement problem.
- iv. Commercial motor vehicle impact operations can be used as a tool for drug interdiction, criminal activity, and as a mechanism to reduce crash rates. These operations are comprehensive enforcement activities in either urban or rural areas of New Mexico that can involve additional personnel and resources and focus on a specific geographic location. These operations may include CVSA certified officers who perform a range of activities including size/weight enforcement, credential checks, tax/permit verification, safety inspections, cargo checks, and other commercial vehicle code violations. For guidance on setting up an impact operation refer to OPR:35 Impact Operations.

2. Speed Measuring Devices

- a. Officers shall be trained and certified in the use of timing devices before being allowed to operate them in the field. The State Police Training and Recruiting Bureau is responsible for ensuring that all radar operators are certified.
- b. All timing devices utilized by the Department shall meet the equipment specifications and performance standards prescribed by the National Highway Traffic Safety Administration (NHTSA).
- c. Operational procedures shall be in conformance with those recommended by the NHTSA, and as taught by the State Police Training and Recruiting Bureau.
- d. It is the responsibility of the District Commander, or his/her designee to maintain the records of maintenance and calibration of speed measuring devices. This documentation shall be maintained in a file at the district/sub-district office.
- e. Timing devices will be serviced by the company holding the state contract for maintenance. The District Commander shall be responsible for maintaining maintenance and calibration records for timing devices/equipment issued to officers within his/her district.
- f. This section of policy shall not preclude officers from operating stop watch operations (both ground and aerial) for the measurement of speed.

3. Roadblocks/Checkpoints

Roadblocks/checkpoints are used by the Department of Public Safety when reasonably necessary to detour motorists from dangerous roadway conditions, when authorized by supervisors for selective traffic enforcement, when it is necessary to prevent the escape of a felon(s) from a contained area, and when all other means have failed and it is reasonably necessary to stop the driver of a vehicle attempting to avoid apprehension.

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a. Classification of Roadblocks

- i. Class "A" Roadblock – Used to stop traffic utilizing portable signs, traffic cones and pylons, and warning devices without physically blocking the roadway.

Class "A" roadblocks may be utilized to inspect and clear vehicles and persons during jail/prison breaks, major felony investigations, sobriety checkpoints, etc.

- ii. Class "B" Roadblock – Used to stop traffic by physically blocking the roadway with light weight materials or equipment which will cause little or no damage to vehicles. Material utilized may include lightweight barricade devices, flares, pylons, etc.

Class "B" roadblocks may be used to warn motorists of severe road conditions, such as snow and ice, or to reroute traffic due to special events, traffic accidents, crime scenes, etc.

- iii. Class "C" Roadblock – Used to physically block the roadway with heavy material or equipment, i.e., patrol vehicles, state-owned equipment, etc. Privately owned material or equipment such as a commercial tractor trailer may only be used as a last resort in an immediate emergency situation.

A Class "C" Roadblock is considered deadly force and is not to be used unless the elements of deadly force are present; specifically, when immediate action is required to stop an individual posing an immediate threat of great bodily injury or death to officers, other motorists, or pedestrians.

b. Criteria for Class A Roadblocks/Checkpoints

- i. The selection of the site and procedural operations of the roadblock or checkpoint must be made and established by supervisory law enforcement personnel rather than field officers.
- ii. Restrictions and discretion of field officers shall be limited.
- iii. The safety of the public and the officers shall be paramount.
- iv. The location of the roadblock/checkpoint must be reasonable.
- v. The time and duration of the roadblock/checkpoint shall be reasonable.
- vi. Indicia of the official nature of the roadblock/checkpoint shall be immediately apparent.
- vii. The length and nature of detention shall be reasonable.
- viii. A Class A roadblock shall have advance publicity to raise its deterrence value.
- ix. When a roadblock is specifically for a sobriety checkpoint or other selective traffic enforcement checkpoint, supervisors shall notify the appropriate detention center of the possibility for an increase in prisoners. The

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supervisor shall also advise the on-call tow/wrecker company of an anticipated increase in service requests.

c. Criteria for All Roadblocks/Checkpoints

- i. All roadblocks/checkpoints shall strive, when practical, to have advance publicity to raise its deterrence value. Class A roadblocks shall have advance publicity at all times.
- ii. Roadblocks shall be approved, established and cancelled only when directed and approved by supervisory or commanding personnel. A supervisor shall be in charge at the scene of a roadblock.
- iii. When practical, planning should occur prior to the utilization of any roadblock.
- iv. A roadblock utilized for the apprehension of a felon shall only be activated after a supervisor takes into account the seriousness of the crime, whether there is sufficient information regarding the wanted person and vehicle, and whether the elapsed time between the criminal act and its discovery is reasonable.
- v. The selection of a site for a roadblock shall be based on the best use of available manpower and should provide surprise, safety and convenience in stopping vehicles.

NOTE: HIGH-VISIBILITY REFLECTIVE VESTS SHALL BE WORN BY ALL PERSONNEL WORKING ROADBLOCKS.

D. SPECIAL WEIGHT TEAM OPERATIONS

Weight teams are usually daylight only operations made up of three (3) or more officers and inspectors.

1. OPERATIONS

The following procedures apply to all special weight team operations

- a. Weight team personnel shall wear BDU's
- b. Officers will be vigilant for obvious violators
- c. All officers will wear body armor and their duty weapon.
- d. Inspectors may participate in these operations.
- e. Appropriate approved warning signs will be utilized.
- f. Inspections will be performed utilizing laptop computers when appropriate. Officer Safety will be the number one priority when making the determination whether or not to utilize a laptop computer.
- g. Traffic will be monitored so trucks are not allowed back onto the highway.
- h. Night time operations may be conducted with appropriate personnel, Generators, lights, signs, cones and other warning and safety devices. Weight

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team operations may be conducted with Drug Interdiction Assistance Program operations.

- i. It will be ensured that PAWS and/or wheel weighers are set up properly and tested before actual use.

2. CARGO INSPECTION

Officers will conduct cargo inspections as part of weight team operations. The following guidelines shall be adhered to:

- a. The driver should be asked to open the trailer. If the driver refuses to open or unlock the trailer(s), the officer may use bolt cutters on a locked trailer.
- b. The officer shall check the trailer contents against the bill of lading or manifest and note any discrepancies, that cargo is secured and any violations.
- c. Any seals that were removed shall be replaced by department issued inspection seals.
- d. If the trailer did not have any original seals, the trailer shall be sealed by an department issued inspection seal at the conclusion of the commodity inspection.
- e. A commodity inspection certificate (Form 11091) shall be completed and signed by the driver.

E. DRUG INTERDICTION ASSISTANCE PROGRAM (DIAP) OPERATIONS

DIAP, (a federal commercial vehicle program), brings together the resources of training, manpower, specialized equipment, K-9 team and intelligence through a series of field operations designed to address both driver impairment, contraband trafficking and related criminal activity.,

1. PLANNING AND SCHEDULING

DIAP operations should be scheduled well in advance. All district Captains shall be fully informed of DIAP operations to prevent potential conflicts over assets.

Since DIAP operations use the same off road sites as weight teams, the two efforts should be logistically combined. DIAP operations could be included in regular saturation efforts utilizing port of entry facilities and /or off road inspection sites. Night time operations shall be considered in planning any DIAP operation.

2. INTELLIGENCE

- a. Intelligence is a major factor in planning DIAP operations. The El Paso Intelligence Center (EPIC), Western States Information Network (WSIN), Joint Task Force Six (JTF6) and the Rocky Mountain Information Network (RMIN), have extensive material on drug operations and transportation methods.
- b. Other agencies such as the United States Drug Enforcement Agency (DEA), United States Customs and Border Protection (CBP), Federal Bureau of Investigation (FBI), United States Department of Transportation (USDOT) as

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well as state and local law enforcement agencies may possess valuable data that may assist in the planning of a DIAP operation.

- c. Other factors such as traffic volume, highway conditions, forecast weather conditions, terrain analysis, strategically planned operations scheduled after or during other agency operations, etc., should all be utilized in planning a DIAP operation to achieve the greatest surprise and the maximum potential for success.

3. BRIEFING

Formal briefings are mandatory before commencing any DIAP operation.

NOTE: Any DIAP operation that includes the participation of other agency personnel requires prior approval by the Chief.

F. Traffic/Non-Traffic Citations

1. Preparation, processing and accountability of traffic citations and misdemeanor citations, shall be accomplished in the following manner:
 - a. All traffic citations shall be issued by supervisors on the Department's standard form indicating the number of books issued and the citation numbers contained within each. Officers will be accountable for each citation book issued to them. Officers will turn in completed citations as soon as practical.
 - b. All un-issued traffic citations will be maintained in a secure location. The secure location shall be at the discretion of the District Commander.
 - c. The District Commander shall audit citations, both issued and un-issued, semi-annually for purposes of maintaining strict control over them. These audits shall be conducted during the months of June and December. The documentation of these audits shall be forwarded to the appropriate zone commander for filing purposes. The District Commander may provide this information electronically.
2. Any incident of a lost or stolen citation shall require an Intra-Departmental Correspondence (IDC) regarding the circumstances surrounding the loss of the citation(s) by the officer to his commander through his chain of command.
3. Voided Citations
 - a. When voiding a citation, the officer shall write "**VOID**" boldly across the face of the original copy, pursuant to § 66-8-133 NMSA 1978.
4. Dismissed Citations
 - a. Citations can be dismissed by the Judge of the court having jurisdiction over the case or the original issuing officer, unless the citation was issued in error. If the citation was issued in error, a dismissal may be considered by the Office of the Chief.
 - b. Commissioned officers are not to cancel or solicit the dismissal or cancellation of any uniform traffic citation, except as legally permitted.

5. Non-Traffic Citations

- a. Pursuant to § 66-8-123 NMSA 1978, an officer who arrests a person without a warrant for a misdemeanor violation of the Motor Carrier Act, the Criminal Code, the Liquor Control Act or other New Mexico law, may use the uniform traffic citation and offer the person arrested the option of accepting a non-traffic citation to appear in court in lieu of taking them to jail.
 - i. A non-traffic citation issued for a misdemeanor or petty misdemeanor offense shall be issued pursuant to procedures outlined in § 31-1-6 NMSA 1978.
 - ii. Officers shall exercise the sound discretion when issuing non-traffic citations for misdemeanor or petty misdemeanor offenses in lieu of taking them to jail.
- b. Officers shall be informed and made aware of the accepted practice of the courts in their jurisdiction, as some courts may not accept non-traffic citations in lieu of criminal complaints.
- c. Non-traffic citations shall not be issued to individuals who are being physically arrested for the same offense charged on the non-traffic citation.

G. Contacts with Violators

1. An important purpose for proper law enforcement action is to attempt to alter favorably the violator's future driving behavior. The process employed must always be on a professional level.
 - a. The officer involved in traffic enforcement shall always be conscious of his/her professional image, language and bearing.
 - b. The officer must be certain of his/her observations before initiating a traffic stop.
 - c. The officer shall be prepared, having necessary equipment and forms available.
 - d. The officer should use courteous, professional greetings when beginning a conversation with a violator.
 - e. The officer shall request a driver's license, proof of insurance, and vehicle registration or other identification.
 - f. When possible, the officer should run a records check on the violator and vehicle through NCIC.
 - g. The officer shall explain to the violator the reason for the stop and required actions.
 - h. The officer shall complete all required forms.
 - i. The officer shall check for signs of physical impairment, fatigue, emotional distress, and alcohol and/or drug abuse.
 - j. If practical, the officer shall assist the motorist in re-entering the traffic flow safely.

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- k. Recordings shall be made of all violator contacts.
2. Vehicle Approaches.
- Whenever stopping a traffic violator, the officer shall:
- a. If practical, call in the vehicle description, occupant(s) description, location, and license plate number prior to engaging emergency equipment. The officer shall pull completely off the roadway, if possible.
 - b. Officers shall record the entire traffic stop. When recording devices, (either audio or video) are installed in the officer's unit, the equipment shall be utilized.
 - c. Always approach the stopped vehicle with caution, watching both for approaching traffic and the occupants of the stopped vehicle. Be alert for movement by the driver and/or occupants.
 - d. The "right handed approach" on a traffic stop is a proven officer safety enhancing procedure and is recommended, when practical.
 - e. If the officer is initiating a felony stop, he shall take up a defensive position at the patrol vehicle's door, use the public address system and follow established "felony stop" guidelines to complete the encounter. Use "felony stop" guidelines which were taught during in-service or recruit school instruction
 - f. Officers will follow established training procedures for traffic stops with officer safety being the number one priority.
3. Felony/High Risk Stops.
- a. Know the reason for the stop.
 - b. Request backup officers.
 - c. Follow suspect until backup officers arrive.
 - d. Communicate to telecommunicator, location and direction of travel.
 - e. If suspect stops, maintain cover until backup officers arrive.
 - f. Advise telecommunicator of location of the stop.
 - g. Position patrol unit at least 30 feet to the rear of suspect vehicle and offset 1-2 feet right of center at an angle.
 - h. Maintain cover with weapon at a ready position.
 - i. Officer shall identify him/herself as a police officer.
 - j. Use public address system or verbally convey commands to suspect.
4. Use of Unmarked vehicles
- Pursuant to Section 66-7-6 NMSA 1978, authorized emergency vehicles shall be equipped with a device that emits an audible signal by bell, siren or exhaust whistle and equipped with at least one lighted lamp displaying a red light visible under

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normal atmospheric conditions from a distance of 500 feet to the front of the vehicle.

- a. Use of unmarked emergency vehicles for traffic enforcement is allowed.
 - b. Officers who are driving a semi/unmarked vehicle should use discretion when stopping violators.
 - c. Officers should be mindful that a violator may be reluctant to stop for a vehicle which is not clearly distinguishable as a police vehicle.
 - d. If an officer is wearing civilian attire operating a semi/unmarked vehicle, and he/she observes a traffic violation which endangers public safety, he/she should contact the district in which he/she is traveling and request assistance from a marked unit. If there is no marked unit available, officers are authorized to stop the vehicle using extreme caution.
5. Use of Median Crossovers

All officers are only to use median crossovers in the performance of their duties. This includes apprehension of law violators or responding to emergencies where an immediate u-turn is necessary. When necessity requires the utilization of median crossovers, officers are expected to be aware of their surroundings and exercise due caution to include the consideration of the safety of the occupants of vehicles in close proximity.

H. Special Problems in Traffic Enforcement

1. Pedestrian and Bicycle Enforcement/Safety
 - a. Every person propelling a vehicle by human power or riding a bicycle shall have all the rights and all the duties applicable to the driver except in special regulations by law. Officers should be conscious of violations by bicyclists or pedestrians on the roadway and of violations by motorists toward bicyclists or pedestrians.
2. Off-Road Vehicles
 - a. When violations are observed, officers should issue citations for the use of off-road vehicles on public highways and non-motorized trails.
3. Parking Enforcement
 - a. Street parking is restricted in various areas of cities and the state to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the state to include:
 - i. Handicapped spaces
 - ii. Fire zones
 - iii. No Parking/Tow Away Zones
 - iv. Safety Zones

v. Illegal parking on state highways

I. Traffic Direction and Control

1. Commissioned employees are to utilize the procedures outlined in department policy *OPR:45 Traffic Crash Investigation* for traffic control procedures to be used at the scene of traffic crashes.
2. Traffic direction and control at the scene of critical incidents can pose significant challenges. Employees providing traffic direction/control must evaluate security of the scene and potential dangers when directing traffic through a critical incident. Effort should be made to implement the *7 Critical Tasks* to the level necessary to ensure safety and security. Requests for additional resources should also be made to facilitate traffic direction and control.
3. Traffic direction and control is also necessary during times of adverse road and weather conditions. Employees must exercise sound judgment when evaluating the need to provide traffic direction and control as well as anytime the road must be closed. Employees may use their patrol vehicles to block sections of road or other methods such as road flares and/or cones. Requests for assistance from the Department of Transportation can be made to assist with traffic direction and control as well as road closures.
4. The use of temporary traffic control devices, such as mobile stop signs, is encouraged when appropriate. The occasion may arise at an intersection equipped with a malfunctioning stop light. Employees may also have to provide manual control of this type of intersection in the event of a malfunction, weather related malfunction or motor vehicle crash.
5. Anytime commissioned employees are providing manual traffic control, they will use readily identifiable hand routine signals/gestures. These signals/gestures are to provide clear and understandable directions to motorists and pedestrians at crash and other incident scenes. Standard hand signals/gestures are taught during academy training. Any employee working within the right-of-way of any highway, directing traffic, processing crash scenes or engaging in other high-risk traffic safety operations where officer visibility is critical must wear a high-visibility reflective vest or apparel that meets the Performance Class 2 or 3 requirements of the American National Standard for High Visibility Apparel (ANSI/ISEA 107-2004) for safety purposes.
6. During incidents where traffic direction and control will be required for an extended period of time such as a hazardous highway condition, or for crashes or incidents requiring extensive traffic direction and control equipment, employees are encouraged to request assistance from the Department of Transportation or other resources as needed. Reasonable effort shall be made to reroute traffic around the crash or incident scene, using other lanes, shoulders, frontage roads or alternative routes that may be available.
7. Road closures by other law enforcement agencies
 - a. Upon notification of road closures by other law enforcement agencies, the state police shall evaluate the emergency situation and determine if the closure is

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necessary and, with the assistance of the investigating agency, shall reroute traffic around the scene.

- b. New Mexico State Police shall make the final determination regarding the need for road closures and the length of time it is necessary to maintain the closures in accordance with state law.

J. Ancillary Services

These services are activities that have an indirect effect on traffic flow, as well as those that are responses to citizen-generated requests for assistance. These tasks include general assistance, emergency assistance, providing public information and directions, identifying and reporting roadway and roadside hazards, checking abandoned vehicles, and locating and recovering stolen vehicles.

1. General Assistance

- a. Officers shall provide general assistance to motorists and other persons in a courteous manner. These types of request for assistance may include but not be limited to:
 - i. Requests for directions.
 - ii. Requests for road and weather conditions.
 - iii. Requests for lodging suggestions, etc.

2. Assisting a Stranded Motorist

- a. When an officer encounters a stranded motorist, the officer shall determine what assistance is necessary and make every practical effort to obtain or render the assistance needed, including requesting a wrecker or other mechanical assistance, if appropriate.
- b. If a stranded motorist is observed and an officer is en route to a call, the telecommunications center shall be notified of the motorist's location to ensure assistance is dispatched. If practical, the officer should stop and advise the motorist that other assistance is en route, and then proceed to the assigned call.
- c. Officers shall provide reasonable protection of stranded motorists in those situations where the officer deems necessary and appropriate or when the motorist requests this service. The officer shall notify the telecommunications center of the fact he/she is providing protection for the stranded motorist so as to be logged on the CAD.
- d. Towing vehicles – Vehicle shall be towed pursuant to department policy *OPR:36 Vehicle Towing and Inventory*.

3. Providing Emergency Assistance

- a. When the assistance rendered to a stranded or disabled motorist is of an emergency nature, the officer shall render first aid, as appropriate, request additional assistance through the telecommunications center and remain with the motorist until his/her assistance is no longer needed.

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- b. Officers shall also provide fire suppression, as appropriate and within their capabilities, to motorists requiring such aid. Fire/rescue services shall be immediately requested to the scene prior to any attempts to suppress a fire, unless the officer deems it unnecessary.
4. Escorting Vehicles
- a. In the event of a request for an escort of injured persons to a medical facility, the officer shall first attempt to render first aid, if appropriate, and request EMS response through the telecommunications center. In life threatening situations, the officer may escort with supervisory approval. Such escorts shall not exceed the posted speed limit and all traffic control devices shall be obeyed. Officers shall not attempt to run emergency equipment with the victim/complainant following in a civilian vehicle. Due care and extreme caution must be observed during all escorts.
 - b. Police escorts may be provided for funeral processions, parades, oversize loads, vehicles with hazardous or unusual cargo, VIP's and other special events. Each request for escort must be approved by the Chief or his/her designee. The requesting organization shall provide the following information when requesting a police escort.
 - i. Anticipated route.
 - ii. Approximate number and types of vehicles.
 - iii. Anticipated duration of the escort.
 - iv. Special problems due to the nature of the escort.
5. Roadway and Roadside Hazards
- a. Roadway and roadside hazards are contributing factors in many traffic crashes. When such hazards come to the attention of an officer, the officer should take steps to eliminate it if possible, and if not, to report it to the telecommunications center who will report it to the proper authorities for corrective action. The officer may provide traffic control around such a hazard or request the immediate assistance of the Department of Transportation for equipment which can be used to divert traffic around the hazard. Such hazards include, but are not limited to:
 - i. Debris on the roadway.
 - ii. Roadway defects.
 - ii. Lack of or broken highway safety devices.
 - iii. Lack of or broken traffic control devices.
 - iv. Lack of or broken roadway lighting systems.
 - v. Other roadside hazards such as abandoned vehicles.

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- b. Engineering or other related problems may be brought to the attention of the Department of Transportation using the appropriate Highway Improvement Form.
- c. Officers encountering hazardous material spills, accidents, etc., shall notify the telecommunications center and request assistance from an Emergency Response Officer, if appropriate. Officers should attempt to identify hazardous materials and relay the information to the telecommunications center for purposes of briefing supervisors or hazardous materials responders. Officers shall take appropriate emergency measures in accordance with the Critical Incident Management System and the Emergency Response Guide including, but not limited to; the securing and evacuation of the immediate area if practical, until an appropriate hazardous response team arrives.

K. Identification of Drivers Who May Require Re-Examination – A traffic enforcement encounter may result in the discovery of a driver who may be suspected of having a physical or mental disability or some other condition that may preclude the driver from exercising reasonable and ordinary care over a motor vehicle. This suspected impairment shall be noted and shall be forwarded to the Driver's Services Bureau of the Motor Vehicle Division with an explanation of the potential need for re-examination.

L. Traffic Safety Education Materials

- 1. When available, traffic safety educational materials shall be made available to the public. These materials may include:
 - a. Printed brochures
 - b. Video materials
- 2. Districts may also provide traffic safety education by conducting or participating in traffic safety-related programs.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/Gregory J. Fouratt
DPS Cabinet Secretary

DATE: October 16, 2015