



LIBERTY POLICE DEPARTMENT
LIBERTY, TENNESSEE

GENERAL ORDER

STANDARD OPERATING PROCEDURES

TRAFFIC ENFORCEMENT				
G.O. Number	Effective Date	Date Issued	☒	New
1000.10	DRAFT	DRAFT	☐	Amended
Approved:		Rescinds:	GO16 Patrol & Traffic Functions	
		Accreditation Standards:	10.1, 11.1, 11.3, 11.4, 11.5, 11.6, 11.7	
	Chief of Police	Reviewing Authority:	Operations Division Commander	
This General Order is exclusively for departmental use and does not apply in any criminal or civil proceedings. It should not be interpreted as establishing a higher legal standard of safety or care in an evidentiary sense concerning third-party claims. Violations of this General Order will only result in departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a judicial setting.				

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PURPOSE:

The purpose of this procedure is to establish guidelines on standards of police traffic service and develop operational procedures for selective assignment of police personnel at times and locations where hazardous, congested, or appropriate enforcement conditions exist.

POLICY:

The responsibility of law enforcement officers is to enforce the traffic laws of the State of Tennessee and to detect violations of those traffic laws and resultant illegal or potentially dangerous acts. It is the policy of the Liberty Police Department to have a traffic enforcement policy that emphasizes firm, fair, and consistent enforcement of traffic violations. This shall be done by using appropriate methods of enforcement:

1. Verbal or written warning;
2. Citation; or
3. Physical arrest.

PROCEDURES

I. DIRECTED TRAFFIC ENFORCEMENT

- A. The ultimate goal of directed traffic enforcement is the reduction of accidents and injuries caused by specific violations of law.
- B. Statistical and visual surveys shall be conducted to detect predominant violations and locations that contribute to the cause of accidents. Officers shall then be assigned to those areas of greatest potential hazard.
 1. Locations of visual surveys shall be determined through both observations of officers' and citizens' complaints.
 2. Statistical surveys shall be conducted through the analysis of data compiled from accident reports, radar surveys, and enforcement action taken during a specific time span as requested and/or necessary.
- C. Data received through various surveys shall be utilized to implement directed traffic enforcement and the use of specialized equipment.

- D. Locations where directed traffic enforcement activities are scheduled shall be determined by analysis of traffic accident experience. The purpose of this directed traffic enforcement is to act regarding specific traffic law violations that have resulted in accidents in the past.
- E. Officers who are assigned to patrol duties shall be made aware of areas within their assigned zone that show an increase in violations and shall devote a portion of each tour of duty to enforcement activities in those areas.

II. GENERAL ENFORCEMENT PROCEDURES

- A. When engaged in patrol activities, officers shall practice high visibility patrol traffic enforcement as a deterrent to violations. In areas that are identified as requiring directed traffic enforcement, such as speed zones or intersections, officers shall utilize stationary observation. Stationary observation should be from a highly visible position. Traffic enforcement shall not be conducted while stopped, parked, or idling in any part of the trafficway where traffic may travel.
- B. Traffic enforcement action must be consistent with the nature of the offense and its potential for interference with the free and safe flow of traffic. As previously stated, the department recognizes warnings, citations, and physical arrest as appropriate enforcement action.
- C. Uniform enforcement supports the ultimate aim of traffic law enforcement that will achieve voluntary compliance with traffic laws and regulations. Attendant circumstances may change the seriousness of a violation; therefore, the provisions of this procedure shall not preclude the use of good judgment and common sense in relation to the circumstances and conditions at the time of the violation.
- D. Issuance of Traffic Citations – Upon citing a violator, officers shall provide information to the person charged to include:
 - 1. Court appearance schedule;
 - 2. Whether court appearance by the motorist is mandatory;
 - 3. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail or at the Clerk of the Court; and
 - 4. Other information that must be provided to the motorist prior to release.
- E. Certain classes of traffic law violators may require special processing. In these cases, the following shall apply:
 - 1. United States Senators and Congressmen

- a. Article 1, Section 6, of the United States Constitution provides members of the United States Congress and Senate privilege from arrest during the session of their respective houses and in going to and returning from the same.
 - b. During the period specified by the United States Constitution, members may issue a written warning, a citation, or a Notice to Appear (NTA) but will not subject a United States congressman, congresswoman, or senator to custodial arrest except in cases of treason, felony, or breaches of the peace, e.g., assault or DUI.
2. Foreign Diplomats and Consular Officials – International law requires that special privileges and immunities be granted to foreign diplomatic and consular representatives. Diplomatic immunity does not exempt diplomatic officers from conforming to national and local laws but requires that the violation be dealt with through diplomatic channels.
3. Foreign Nationals – Foreign nationals are citizens of another country, excluding diplomats and consular officials, who are in the United States on a temporary basis either legally or illegally. This includes tourists, students, and aliens. Specific guidelines are set out by the United States Department of State to deal with the detention or arrest of foreign nationals.
 - a. Foreign nationals have no diplomatic immunity status and may be arrested or detained as any United States citizen.
 - b. A member who arrests or detains foreign nationals must promptly inform the subjects of their right to have their government informed of the situation.
 - c. Consular officers have the right to visit their nationals who are in custody, to converse and correspond with them, and to arrange for their legal representation. A foreign consular officer should not take such action on behalf of a foreign national if the person being held expressly opposes such actions.
 - d. Agreements between the United States Department of State and certain countries require mandatory notification of the foreign national's consulate or embassy when certain nationals are confined or detained. In these cases, the foreign national has no choice regarding notification and law enforcement authorities must notify the consulate or embassy of the situation without delay. The subject should be advised when the affected consul has been notified.
 - e. Inquiries and reports concerning foreign nationals should be directed to the Assistant Legal Advisor for Consular Affairs, telephone number (202) 647- 4000. After hours, inquiries should be directed to the Command Center of the Bureau of Diplomatic Security, telephone number (202) 647-1512.
4. Military Personnel

- a. When a physical arrest is made of military personnel, the arresting officers shall permit the arrestee to call his or her duty station or military supervisor. This does not apply to the issuance of a traffic citation when an actual physical arrest is not made.
 - b. The same shall apply when armed forces personnel are involved in a traffic accident and are either killed or injured to the extent that they require hospitalization. In the latter case, notification requirements also apply to civilian employees of the armed forces while acting within the scope of their employment.
 - c. Military personnel assigned to a military installation or base located within this state, and the member's spouse, who have in their immediate possession a valid driver's license issued to them in their home state or country; provided, that this exemption only applies if the member of the armed forces has not established Tennessee as the member's domicile. For purposes of this exemption, domicile may be inferred if the person has registered to vote in Tennessee, or was required to pay the wheel tax when registering a motor vehicle in Tennessee, has listed Tennessee as the person's state for tax purposes on the person's military leave and earnings statement (LES), or has taken action that clearly indicates the person's intent to permanently reside in Tennessee. Purchasing a home or registering a motor vehicle without being required to pay the wheel tax in Tennessee, does not alone, or in conjunction with each other, establish intent to declare Tennessee as the person's domicile. The domicile of the spouse shall be deemed to be the same as that of the active-duty service member for purposes of this subdivision. Domicile may not be inferred if the basis for the determination, without considering other relevant factors, is that the member of the armed forces or the member's spouse has obtained employment in this state or that the member or the member's spouse is enrolled in the public schools of this state.
- 5. Juveniles – Juveniles may be issued a citation or given a warning. In cases where a juvenile has committed a criminal offense, the officer shall notify the on-call the surrounding county Juvenile Court Probation Officer when issuing a citation in lieu of physical custody or making a physical arrest of a juvenile.
 - 6. Non-Residents – Traffic enforcement actions shall be taken in a uniform and consistent manner without regard for the location of residence of the violator.

III. SPECIFIC VIOLATIONS

- A. **Speed Violations** – Legally, there is no authorization for exceeding the posted speed limit or driving faster than conditions permit. Dependent upon the seriousness of the speed violation and the attendant circumstances and conditions, officers may take enforcement action for any speeding violation over the posted speed limit.
- B. **Hazardous Violations** – Hazardous traffic violations are those that impair the safe movement of vehicles and pedestrians. It shall be the practice of officers to issue citations

or arrest, if applicable, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

- C. **Equipment Violations** – Warnings may be issued for equipment violations provided they do not present a hazardous situation.
- D. **Public Carrier or Commercial Violations** – Commercial carriers shall be treated the same as the general motoring public.
- E. **Non-Hazardous Violations** – Non-hazardous violations are minor traffic infractions and may be resolved by warning unless this is a second offense.
- F. **Multiple Violations** – Officers shall refrain from issuing a citation for a second violation unless:
 - 1. The two (2) violations are related to the extent that one (1) law exists for the purpose of compliance with the other law; or
 - 2. Specific evidence of the second citation is important evidence in the successful prosecution of the first charge.
- G. **Newly Enacted Laws and/or Regulations** – Warnings shall be issued for a period of 30 days after the date a new law becomes effective absent alternate direction from a Command Staff member.
- H. **Driving While License Cancelled, Suspended or Revoked** – Officers shall use the following guidelines when dealing with a driver whose license is cancelled, suspended or revoked or in cases where it is impossible to determine the validity of a license.
 - 1. The officer shall enter information into the Department PDA to conduct a license check to determine if the license is valid or is suspended, revoked or cancelled. The following information shall be entered for a license check.
 - a. Driver's license number (if available), or
 - b. Full name and Date of Birth, and
 - c. Issuing state if not Tennessee.
 - 2. If the license check reveals that the violator's driver's license is suspended, revoked or cancelled, the officer shall issue a citation. However, violators shall be arrested and booked into county jail under [T.C.A. § 40-7-118](#) if one of the following provisions below is met. Whenever an officer makes a physical arrest after determining that a citation cannot be issued because of one of the reasons enumerated below, the officer shall note the reason for not issuing a citation on the arrest warrant/affidavit.

- a. When a person's privilege to operate a motor vehicle is cancelled, suspended or revoked because of a conviction for vehicular assault, vehicular homicide or driving while intoxicated, the violator shall be arrested and booked into the county jail.
- b. There is reasonable likelihood the offense will continue or resume, or that persons or property would be endangered by the arrested person (three or more convictions for driving on suspended, revoked or canceled in their driving history would rise to the likelihood that the offense will continue or resume.) Less than three convictions may be addressed with a written citation.
- c. The person cannot or will not offer satisfactory evidence of identification.
- d. The prosecution of the offense or of another offense would be jeopardized.
- e. A reasonable likelihood exists that the arrested person will fail to appear in court (three or more Failure to Satisfy Citations in their driving history would create a likelihood that the violator will fail to appear in court. Less than three such violations may be addressed with a written citation.
- f. The person demands to be taken immediately before a magistrate or refuses to sign the citation.
- g. The person arrested is so intoxicated that the person could be a danger to themselves or others.
- h. There is an outstanding arrest warrant or warrants for the person.

NOTE: If the driving history reveals a revocation, suspension or cancellation for any of the above convictions, the officer should ensure that the license has been reinstated after the conviction. Otherwise, the license is still revoked, suspended or canceled for the offense and a physical arrest should be made.

- 3. When a violator is arrested for driving while license is suspended, revoked or cancelled, the violator shall be booked into the county jail and all appropriate forms completed to include a state warrant and affidavit of complaint.
 - a. The arresting officer shall include in the affidavit of complaint the reason for suspension, revocation or cancellation along with the date and county of action.
 - b. If the violator has prior conviction(s) in the state of Tennessee for driving while suspended, revoked or cancelled, the officer shall list in the affidavit of complaint the dates and county of action of the prior conviction(s); this also applies to the affidavit in a written citation.
- 4. Any time that a driver of a motor vehicle does not have his/her driver's license while operating a motor vehicle, the officer should run a driver's license check.

- a. If the P.I.N. Center N.C.I.C. computer system is not operational to complete the requested driver's license check, the officer should then direct the request to the Department Dispatch for a check through the N.C.I.C. computer (if operable).
- b. If the driver's license check cannot be completed, the officer shall issue a written citation to the violator for violation of the driver's license statute. The officer shall be responsible for making the license check when the N.C.I.C. computer system becomes operational.
- c. If a violator is issued a written citation for violation of the driver's license statute when the license check cannot be completed and the officer later finds the license to be suspended, revoked or cancelled, the following procedure shall be followed:
 - 1. The officer shall complete a state warrant and affidavit of complaint and attach these to the original citation and docket along with a note to dismiss the citation and execute the warrant when and if the violator appears for disposition; or
 - 2. Personally execute the warrant upon location and contact with the violator.
- 5. If a violator is in possession of his/her driver's license when that license has been suspended, revoked or cancelled, the officer shall impound the license. The license will be attached to Tennessee Department of Safety and Homeland Security Form SF-0826 and forwarded to records, who will mail it to the Tennessee Department of Safety.
- 6. Officers shall not allow a person whose license is canceled, suspended or revoked to operate a motor vehicle. Officers will assist the person in making arrangements for transportation and removing the vehicle.

IV. PEDESTRIAN & BICYCLE VIOLATIONS

In an attempt to reduce injuries and deaths to bicyclists and pedestrians, officers shall:

- A. Take appropriate enforcement action when and where bicycle and pedestrian violations are observed;
- B. Concentrate enforcement efforts on pedestrian and bicycle violations in areas where accidents involving such violations are frequent; and
- C. Take an instructive approach while dealing with youthful offenders.

V. ENFORCEMENT PROCEDURES

Although stopping motorists for traffic violations or other purposes is often considered a routine function of patrol officers, it is one that has been demonstrated to be potentially

dangerous for both officers and motorists even during apparently routine situations. Therefore, it is the policy of the Liberty Police Department that motor vehicle stops shall be performed professionally and courteously and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

A. STOPPING AND APPROACHING TRAFFIC VIOLATORS – The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions.

1. Traffic enforcement shall not be conducted while stopped, parked, or idling in any part of the trafficway where traffic may travel absent extraordinary circumstances with written authorization from the Chief of Police.
2. Officers shall perform vehicle stops only when they have articulable reason to do so.
3. Once an initial decision has been made to stop a motorist, the officer should select an area that provides reasonable safety avoiding curves, hills, heavily trafficked and poorly lit areas, and roads without shoulders. For the purposes of officer safety, officers should avoid conducting traffic stops on any bridge and should conduct stops either before entry onto the bridge or immediately upon exiting the bridge.
4. When a location has been selected for the stop, the officer shall notify dispatch of the following:
 - a. Location of the stop;
 - b. Vehicle tag number; and
 - c. Description of the vehicle.
5. At the desired location, the officer should signal the operator to stop at the far-right side of the roadway or at the safest shoulder by activating emergency lights and/or siren as necessary. Emergency lights shall remain on at all times. When conducting Field Sobriety Exercises at night, officers shall ensure the overhead lights of the patrol vehicle are to the operator's rear or deactivate the patrol vehicle's forward overhead lights to eliminate the possibility that they influence the operator's performance.
6. On multilane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
7. Should the violator stop abruptly in the wrong lane or location, the officer should instruct him or her to move by using the appropriate hand signals or by activating the vehicle's public address system. However, if the officer has reasonable suspicion that

- the driver is under the influence of drugs or alcohol, the officer shall make arrangements to move the vehicle to a safe location.
8. Once properly stopped, the officer should position the police vehicle one to one and a half car lengths behind the stopped vehicle, offset to the left (or right as needed) to provide a safety corridor, enhance visibility and create a tactical advantage while approaching the violator's vehicle.
 9. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
 10. When exiting the patrol vehicle, the officer shall be particularly alert to suspicious movements or actions of the vehicle operator or passengers. Upon approach, the officer should inspect the violator's trunk and trunk locking mechanism.
 11. Approaching from the driver's side, the officer should be observant of the passenger compartment and stop at a point to the rear of the trailing edge of the left front door (B-Pillar) in order to communicate with the driver.
 12. Where circumstances dictate, particularly where traffic is close enough to create a potential problem, the officer may choose to approach the violator's vehicle from the passenger side and stop at the trailing edge of the right front door (B-Pillar).
 13. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.
 14. In two (2)-officer police vehicles, the passenger officer shall be responsible for radio communications, note taking, and relaying messages to dispatch. He or she will also act as an observer and cover for his or her fellow officer.
- B. Officer violator relations and communications are initiated when approaching the stopped violator. The officer shall:
1. Be alert at all times for the unexpected but not be obviously apprehensive;
 2. Present a professional image in dress, grooming, language, bearing, and emotional stability;
 3. Identify himself or herself and advise of the reason for the stop when possible;
 4. Obtain all necessary identification from the violator;
 5. Officers shall not argue with, berate, belittle, or verbally abuse the violator;

6. Complete all necessary forms, citations, warnings, etc. Obtain signatures, if necessary, in appropriate locations and give copies to the violator;
 7. Explain to the violator exactly what is required of him or her in response to the enforcement action and how this action may affect him or her, i.e., fines, points, etc;
 8. Ensure the violator knows when and where he or she may appear in court if required or chosen;
 9. Return all identification to the violator; and
 10. Assist the violator in safely re-entering the highway if applicable.
- C. Non-uniformed officers operating vehicles not equipped with emergency lights or siren shall not make motor vehicle stops unless there is imminent danger of loss of life or serious bodily injury should they fail to act. In other less urgent cases that demand attention, officers shall contact dispatch, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.

VI. ISSUING CITATIONS

- A. When issuing citations, conducting field sobriety exercises, or conversing with the violator, the officer and other parties shall be positioned to the side of the road clear of the motor vehicles. Officers or others should not stand in front of, between, or behind the stopped vehicles. Patrol vehicles with in-car cameras should be positioned in a manner that provides safety for the officer and violator while maintaining the capability of recording significant aspects of the traffic stop.
- B. Violators permitted to sit in patrol vehicles while citations are being prepared, or other police business is being conducted, shall be supervised by an officer at all times.
- C. When preparing citations, the officer should position paperwork and related materials in a manner that allows him or her to maintain a vantage over actions of the violator and other occupants.

VII. STOPPING AN APPROACHING MOTORIST

In cases where a motorist must be stopped from oncoming traffic, the following actions may be taken:

- A. Drive the police vehicle to the extreme right portion of the roadway and, as the violator approaches, signal him or her to stop by using hand signals and emergency lights.

- B. Because of the potential hazard involved, an officer shall not leave his or her vehicle when attempting to stop oncoming motorists.
- C. If the subject motorist complies with the instructions, the police vehicle may then be turned around and appropriately positioned to the rear of the violator's vehicle.
- D. Should the motorist fail to comply with the officer's instructions, the officer should turn the vehicle around; stop and approach the violator in the prescribed manner.

VIII. HIGH RISK VEHICLE STOPS

The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:

- A. When planning to stop the suspect vehicle, the officer shall notify dispatch, describe the nature or reason for the stop, provide information on the vehicle, tag number, number of occupants, and request appropriate assistance to make the stop.
- B. An officer should not individually initiate a high-risk vehicle stop unless backup units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
- C. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop. This stop should be made on the right side of the road, whenever possible.
- D. Officers should ensure that sirens are off once the vehicle begins to stop or stops.
- E. Officers should position their vehicles approximately 30 feet behind the suspect vehicle in positions that will maximize opportunities for cover. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.
- F. At night, all lights will be focused in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage.
- G. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system if available. Only one officer shall issue commands.
- H. The operator of the suspect vehicle should be ordered in separate commands to do the following:
 - 1. Lower his or her window;
 - 2. Turn off the vehicle;

3. Remove the ignition keys with his or her left hand;
 4. Drop the keys on the ground;
 5. Open the door from the outside;
 6. Continue to look straight ahead;
 7. Step out of the vehicle;
 8. Face away from the officers; and
 9. Walk backward until commanded to stop. Officers may command the subject to drop to their knees or lie face down on the ground with hands stretched far to the sides. The subject will be secured with handcuffs and searched. Subsequent occupants should be similarly commanded until all have been handcuffed and searched.
- I. With appropriate cover, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

IX. STOPPING LARGE VEHICLES

In the event an officer needs to stop commercial and similar oversized or overweight vehicles, the following procedures should be followed:

- A. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight and allow the operator sufficient time and distance to make the stop.
- B. Approach the cab from the rear using the driver's outside mirror to observe the driver and activity in the cab.
- C. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask him or her to exit the vehicle if and when necessary.

X. USE OF SPEED MEASURING DEVICES

Radar and laser enforcement of speed laws represent a constant source of legal challenge. One such challenge is compliance with administrative rules relating to radar and laser use and the level of scrutiny and documentation required to satisfy each aspect of administrative controls. It is the policy of the Liberty Police Department to comply with the administrative rules relating to radar and laser and to complete required administrative control documentation.

A. Administrative Control and Certification – The Operations Major shall, in accordance with Tennessee Compilation of Rules and Regulations 1340-03-04-.09.:

1. Establish and maintain a separate file for each radar and laser device (available for presentation in court) to include:
 - a. All laser, radar, and tuning fork certification documents for that device;
 - b. All memorandums requesting maintenance and all invoices for repair for that device;
 - c. Factory operational guides/manuals for that device.
2. Ensure that each radar and laser device is labeled with an appropriate serial number and marked with an appropriate town control number.
3. Ensure that every six (6) months, each radar and laser speed measuring device and tuning fork is certified by an Electronic Technician. Proof of certification shall be maintained in the respective file of each radar and laser device.
4. Examine each radar and laser unit, prior to issuance and upon return, to ensure that components of the radar unit, including tuning forks, if applicable, are present and are in good condition.

B. Speedometer Testing – Ensuring the accuracy of speed measurement is essential for the integrity of traffic enforcement and the admissibility of evidence in court. The Operations Major shall schedule department vehicles operated by sworn members for certification every twelve (12) months. A certified radar/LIDAR officer shall check the calibration of the speedometer of each patrol vehicle. Comparisons shall be made at 30 mph and 55 mph. Results of the checks shall be recorded and documented on the Patrol Vehicle Speedometer Test Form indicating the radar speed, the speedometer reading, date of accuracy check, and the signatures of the Radar/LIDAR operator and vehicle operator. All speedometers shall read within plus or minus three (3) miles per hour. The original certificate shall be maintained in the tested vehicle and must be available for presentation in court. A copy of the certificate for each vehicle shall also be maintained by the Operations Major.

XI. RADAR OPERATIONAL PROCEDURES

- A. Operator Training and Certification – In accordance with T.C.A. § 24-7-124, Officers shall not operate a radar, laser or other similar device used to measure the speed of a motor vehicle until they have been trained pursuant to the guidelines established by the National Highway Traffic Safety Administration or the Tennessee Peace Officer Standards and Training (POST) commission.
- B. Operating Procedures – Officers operating radar shall:

1. Make an independent determination that the vehicle is operating in excess of the applicable speed limit prior to confirming it with the radar equipment;
2. Citations will be written based on evidence obtained from the radar when conditions permit the clear assignment of speed to a single vehicle; and
3. Operate the radar speed measuring device with audio doppler engaged.

C. Hand-Held Radar Accuracy Check

1. Hand-held radar units shall be operated by officers in the following manner:
 - a. Verify that the unit is turned off before connecting to a power source.
 - b. Conduct light segment check.
 - c. Conduct internal circuit check.
 - d. Conduct tuning fork verification by striking the fork against a firm surface, holding the vibration fork in the central portion of the radar beam, and verifying that the reading displayed on the radar unit is within plus or minus one (1) m.p.h. of the speed on the tuning fork.
 - e. If deficiencies are found during the aforementioned tests, the unit shall not be placed in-service. A memorandum describing the nature of the malfunction, along with the radar unit shall, be returned to the Operations Major. The unit shall then be returned to the manufacturer for repair.
 - f. A tuning fork test shall be conducted and recorded before and after the enforcement period.

2. Moving Radar Accuracy Check

- a. Attach the antenna to the counting unit before connecting it to a power source;
- b. Attach the antenna and counting unit in the desired location, ensuring that the counting unit is not in the path of the radar beam;
- c. Adjust the antenna to point forward;
- d. Turn the unit on and conduct a light segment check;
- e. Conduct an internal circuit test (refer to manual for procedures as make and model may differ);

- f. Conduct an external tuning fork test (refer to manual for procedures as make and model may differ); and
- g. Conduct a patrol speed verification test by placing the radar unit in the moving mode and accelerating to a steady speed. Compare the speed displayed on the counting unit with the speed on the speedometer. The two readings should correspond within plus or minus two (2) miles per hour.
- h. If deficiencies are found during the aforementioned tests, the unit shall not be placed in-service. A memorandum describing the nature of the malfunction, along with the radar unit shall be returned to the Operations Major. The unit shall then be returned to the manufacturer for repair.

XII. LASER (LIDAR) OPERATIONAL PROCEDURES

- A. Operator Training and Certification – In accordance with T.C.A. § 24-7-124, Officers shall not operate a radar, laser or other similar device used to measure the speed of a motor vehicle until they have been trained pursuant to the guidelines established by the National Highway Traffic Safety Administration or the Tennessee Peace Officer Standards and Training (POST) commission.
- B. Operating Procedures – Officers operating laser shall:
 - 1. Make an independent determination that the vehicle is operating in excess of the applicable speed limit prior to confirming it with the laser equipment;
 - 2. Write a citation based on evidence obtained from a laser speed measuring device when conditions permit the clear assignment of speed to a single vehicle; and
 - 3. Operate the laser speed measuring device with audio engaged.
- C. Accuracy Tests
 - 1. Display Check – Activate the display test procedure to verify that all segments and other light indicators are functioning properly.
 - 2. Internal Accuracy Check – Press the “PWR” switch on the back panel to allow the instrument to complete the self-test sequence. The internal test performs a complete check of the laser’s range and speed processing circuitry.
 - 3. Laser Distance/Alignment Check
 - a. In a convenient location, establish permanent known distances using a steel measuring tape or surveyor’s instrument to check targets set at 100 and 200 feet. The targets shall not be less than one (1) foot square, the center of which shall be mounted not less than three (3) feet nor more than nine (9) feet from ground level.

The distance between the measurement starting point and both targets must be clear of all obstructions.

- b. The operator shall check the alignment both vertically and horizontally.
- c. The operator shall align the device at the established starting point and take a measurement of both the 100-foot and 200-foot check targets to verify the device's accuracy is within plus or minus one (1) foot.

XIII. RADAR AND LASER LOG BOOKS

- A. A Radar Log shall be maintained by each officer who utilizes a radar-based speed measuring device documenting internal and external radar accuracy checks. The Liberty Police Department standardized radar log form shall be used.
- B. A Laser Log shall be maintained by each officer who utilizes a laser-based speed measuring device documenting accuracy checks (date and result of the check) performed at the beginning and end of each shift in which the laser is used. The Liberty Police Department standardized radar log form shall be used.
- C. Officers issuing radar and laser-based traffic citations shall log each citation and shall have their Radar and/or Laser Log in their possession at time of court.
- D. Radar and Laser certificates are kept on file in PowerDMS and may be accessed by the officers who need specific documents. These documents will be maintained, updated, and entered into the system by the Administrative Major or designee.

XIV. REQUIREMENTS FOR TRAFFIC COURT PRESENTATION

- A. Officers attending traffic court concerning a radar or laser-based speed violation shall possess the following documentation at the time of trial:
 - 1. Radar/laser operator certification;
 - 2. Radar/laser speed measuring device certification;
 - 3. Tuning fork(s) certification (if applicable);
 - 4. Speedometer certification; and
 - 5. Radar/Laser log.
- B. Other recommended court presentation material includes:
 - 1. Copy of issued uniform traffic citation;

2. Copy of court information;
3. Copy of cited T.C.A.;
4. Diagram/sketch or photographs of violation site; and
5. Accident/hazard statistics for violation site.

XV. REPORTING MOTOR VEHICLE STOPS

- A. Officer will NOT make traffic stops without notifying dispatch of the stop. The notification will include the location, license plate, and description of the vehicle stopped.
- B. Verbal Warnings – In the event a verbal warning is issued, location, license plate, and description of the vehicle will be recorded by dispatch in the CAD system. Verbal warnings should not be routinely substituted for written warnings and should only be given due to special circumstances, i.e. called from scene for emergency assignment, etc.
- C. Written Warnings – Written warnings shall be documented in the Zuercher records system and submitted to Records.
- D. Citations – Citations shall be documented utilizing the Zuercher records system or on the standard State uniform traffic citation.

XVI. TRAFFIC CITATION ACCOUNTABILITY

- A. In order to ensure that traffic citations are accounted for from the point of issuance to individual officers through final adjudication by the court system, accountability procedures are necessary.
 1. Accounting Procedure for Citation Booklet
 - a. Citation books shall be issued to individual officers as needed. A log shall be maintained indicating the citation numbers contained in the book, officers receiving the book, date issued, and person issuing the book to the officer.
 - b. Each officer shall be responsible for accountability of all citations in the booklet. When a citation is issued, the yellow copy goes to the violator, the green copy is retained by the officer, the original (white) copy and blue copy are submitted to the Records Section.
 - c. Citations shall be turned in to a supervisor at the end of the shift. The citation will then be forwarded to the Records Section where a Records Clerk shall enter appropriate information into the data bank computer system.

1. The assigned case number will serve as the court docket number.
 2. The citation is the official court record.
 - d. After data entry is completed, the citation shall be filed under the court date and in alphabetical order by last name.
 - e. Officers shall immediately report to their supervisor by memorandum any lost, stolen, destroyed or missing citation. The officer shall be responsible for completing the memorandum listing the date, citation number, disposition (lost, stolen, or destroyed) and officer's I.D. number. This form shall be forwarded by the supervisor to the Records Section and filed appropriately.
 - f. Any citation voided due to damage, writing mistakes, or any other reason shall be submitted to supervisors the same as correct citations. These citations shall be forwarded to the Records Section and filed with the regular citations which have been disposed through the courts.
2. Citation Disposition
- a. After final judicial deposition, the citation shall be filed by case number in the appropriate location in the Records Section in numerical sequence.
 - b. Disposition of traffic citations will automatically be transferred to the State of Tennessee Department of Safety using Omni Court software. When a citation is not paid before the court date, and the violator does not appear in court, the citation shall be stamped "Failure to Appear" and placed in the proper location for filing by the designated Records Clerk. If the citation is paid but was issued before the use of Omni Court (pre-2023) then proceed as directed below.
 1. The designated Records Clerk shall complete a State of Tennessee, Department of Safety, Court Action Report form with all appropriate information obtained from the original citation.
 2. The completed top copy of the Court Action Report form will be mailed or faxed by the Records Section to the Department of Safety who will notify the violator that they have 30 days in which to comply with the citation.
 3. The remaining Court Action Report copies are attached to the citation and filed in numerical sequence in a docket book and placed in Records storage until the violator pays the fine. A computer bank update of the citation status is also conducted at this time.
 4. At the time of payment, the violator is given his/her copy of the Court Action Report form as their record of proof of payment. The "withdrawal" copy of the

Court Action Report will be sent by the Records Section to the Department of Safety to clear the suspension status of the violator.

5. The citation will be appropriately marked to indicate payment. A Records Clerk will update the computer bank on the citation status and file the court's copy of the Court Action Report in the appropriate folder. The citation will then be filed in the appropriate location in the Records Section.
6. Citations issued for non-moving violations that are classified "failure to appear" will follow the procedures designated in this section.

3. Reduction/Cancellation of Citations/Charges

- a. Officers enforcing traffic laws have broad discretion in determining whether to issue a citation, written warning or verbal warning. In Zuercher Ticketing, an officer has the ability to correct or void a ticket at the time the citation is sent to a printer. If, for some reason, a citation needs to be voided but the officer has passed this point in the process, the officer shall notify Records by email with **the ticket number and an explanation due** to auditing purposes and to prevent the citation from being sent to the State DMV. However, once the citation is issued the officer no longer has the discretion to modify, alter, reduce or dismiss in any way the charge placed upon the violator.
- b. The issuance of a citation is final if any of the following have occurred:
 1. The officer has verified that the ticket has successfully printed.
 2. The violator signs the PDA to appear in court.
 3. The violator has been allowed to leave.
 4. The officer notifies dispatch that a citation has been issued.
 5. The officer breaks contact with the violator.
- c. Upon determining the proper action to be taken (issuance of a citation, written warning or verbal warning), officers are required to notify dispatch for entry on the computer aided dispatch system of the action taken. Once recorded, dispatch will not change any original entry of the CAD on action taken even if requested to do so by the issuing officer.
- d. Once the traffic citation has been issued it is the official record of the court and cannot be revised, reduced, altered or changed in any way by the issuing officer or other officers. The judge of the court has the only authority to change or modify a record of the court.

- e. The mere act of asking an officer to revise, reduce, alter, change or destroy a citation is a violation in itself. Dismissals, revisions, reductions, or alterations can be verified by tapes of radio communication and dispatch CAD records. The citation does not have to be changed to be a violation.
- f. During the course of traffic enforcement, it may become necessary or reasonable for the court to reduce or dismiss charges against the defendant. Notification or dismissal of charges may be motivated by development of new information, officer error, extenuating circumstances, or any other factor the court feels justifies the dismissal.
 - 1. Officers who feel a charge warrants review due to extenuating circumstances must appear before the judge of the court during court proceedings. If the charge is one that has been remanded to General Sessions Court, the issuing officer must appear before the judge and make the request. If the citation is for disposition in Municipal Court, the officer must appear before the judge to give testimony in an official court proceeding to request the change or dismissal. The attempt by any person to alter, cancel or solicit the cancellation or revision of any traffic citation will be in violation of the Department Code of Conduct and this policy.
 - 2. Upon the issuance of such original citation, such citation may be disposed of only by trial in such court or by other official action of the court, including forfeiture of bail or by payment of a fine to the traffic violations Department of such court or by other appropriate action of the court.
 - 3. It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this policy.
 - 4. In accordance with [T.C.A § 55-10-203](#), any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this chapter 55, commits a Class C misdemeanor.

B. Audit Procedures:

Audits of citation accountability may be accomplished at the direction of the Chief of Police, Administration Commander, or the Records Section Manager. Such audits shall include a review of records section citation issuance records, a review of citation logs, and a comparison of court records.

XVII. REFERRAL OF DRIVERS FOR RE-EXAMINATION

- A. Routine enforcement, collision reporting, and investigation activities may occasionally lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease or other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle.
- B. In addition to reports related to the action or incident for which the motorist was stopped, the actual or suspected impairments should also be brought to the attention of the state driver's license authority.
- C. When an officer encounters a driver who meets the above mentioned criteria, the officer shall complete the [Tennessee Department of Safety Request for Special Examination](#) and forward the completed form to the Records Section for mailing to the Department of Safety.

RELATED FORMS:

Radar Log Form

Laser Log Form