

CHAPTER 61
TRAFFIC

DISCUSSION: The purpose of this chapter is to establish the policies and procedures for the administration of the traffic law enforcement function and traffic related services performed by the Hattiesburg Police Department. It shall be the policy of the Hattiesburg Police Department to promote the safe and expeditious flow of vehicular and pedestrian traffic through effective and efficient traffic law enforcement and delivery of police traffic related services designed to reduce traffic collisions and their resultant fatalities, injuries and property damage.

61.1 TRAFFIC ADMINISTRATION

61.1.1 Traffic Administration Goals

- A. Traffic law enforcement and the delivery of police services will be applied in a consistent and courteous manner to foster a positive attitude and acceptance of such enforcement and control as is necessary to achieve the Department's goals.
- B. The Traffic Division must carry out its traffic ~management responsibilities with full consideration of the requirements of judicial, engineering, educational and administrative agencies involved in the transportation management system. The Department will ensure that channels of communication with other agencies involved in the transportation management system remain open and the problems are resolved as quickly as possible.
- C. The Traffic Commander will develop written performance Objectives for the delivery of police traffic related services. The objective shall be reasonable, attainable, quantifiable and measurable where possible, yet provide sufficient flexibility to permit Change. This written objective will be submitted annually to the Chief of Police.
- D. Public understanding and support are essential to the effectiveness of all law enforcement agencies. The Traffic Division will provide traffic safety education and information programs consisting of a comprehensive system-wide approach to encourage responsible drinking decisions and discourage misuse of alcohol while emphasizing that DUI enforcement is one of the Department's top priorities. Safety education and information efforts that highlight the benefits of safety belts and child restraints and encourage drivers and passengers to utilize available safety belt restraint systems.
- E. It is the policy of the Department to promote traffic safety through law enforcement. All patrol/traffic officers are responsible for maintaining a working knowledge of traffic laws and their proper application. The responsibility of enforcing traffic laws is shared by all uniformed personnel.
- F. The Traffic Commander shall have the primary responsibility for planning, analysis, inspection and coordination of the Traffic Division. In addition, he/she shall have the responsibility for coordinating the training and the assignment of the Traffic Division personnel to the following functions:

1. Technical accident investigation, to include investigation of all fatal and serious personal injury accidents, serious hit and run accidents and accident reconstruction.
2. Analysis of accident reports and records.
3. The Traffic Division has implemented a Selective Traffic Enforcement Program (S.T.E.P.) in an effort to expedite safe traffic flow within the City. This shall be done by addressing high accident times/locations and hazardous moving violations to include specialized DUI enforcement efforts.
4. Operation of radar.
5. Operation of pre-arrest and evidential chemical breath test equipment.
6. Specialized traffic congestion control during peak traffic hours.
7. Traffic safety education and public information.
8. Designate a liaison with local traffic safety groups.
9. Assignment of Traffic personnel to these problem areas and times shall be done by the Traffic supervisors. Enforcement of traffic laws, high visibility of marked police units and public awareness are the key tools in STEP. This program is enhanced by the use of the Motor Squad to enforce hazardous moving violations and provide necessary traffic direction and the DUI Unit to effect the removal of impaired drivers.
10. Evaluation of the STEP activities will be done on a continuous monthly basis with an annual evaluation to check effectiveness.
11. Complaints from the public and officer observation shall be used along with accident analysis to determine STEP assignments. Traffic complaints shall be maintained on file by the Traffic Division. Complaints are received and routed as follows:
 - a. Any member, while at the Police Department, receiving a complaint, via phone, regarding traffic enforcement problems shall forward the call to the Traffic Division. If the call cannot be forwarded and the member does not have available a Service Request Form, the caller shall be referred to the traffic Division and given that business number. (AS a matter of public service a Request for Service Form should be filled out if at all possible instead of a referral.)

- b. An officer receiving a complaint in the field or observing a condition that requires traffic enforcement shall fill out a Request for Service Form and deliver that form to the Traffic Division.

61.1.2 Enforcement Action Taken

- A. In considering what enforcement actions should be taken against any violator, the officer must consider the totality of the circumstance. The circumstances include, but are not limited to:
 - 1. The severity of the violation.
 - 2. The state of mind and intent of the motorist.
 - 3. The conditions in the area (i.e., weather, traffic volume, road surface).
 - 4. Whether an accident resulted.
 - 5. The threat the violator poses to the public.
 - 6. The prior history of violations or complaints in the area.
 - 7. Whether the violation resulted from a recently enacted and possibly unfamiliar law.
 - 8. Whether the violation merits court action.
 - 9. The number of violations committed by the offender.
 - 10. The credibility of mitigating circumstances offered by the violator.
- B. The officer must use his judgment in selecting the appropriate action to be taken so that the incident does not repeat itself and the public's safety is maintained.
- C. A physical arrest will normally be made when the offender has committed the following:
 - 1. A motor vehicle felony.
 - 2. A violation of DUI.
 - 3. When the officer has a strong and articulate belief that the violators identify is in doubt.
 - 4. Officers may use their judgment when the driver's license is suspended. Physical arrest should be based on the totality of the situation.

- D. Citations may be used for any motor vehicle violation, except as provided above.
- E. Warnings, either verbal or written, may be used for any motor vehicle violation at the officer's discretion. If a written warning is chosen the officer will explain:
 - 1. The citation is only a warning.
 - 2. No court appearance is necessary.
 - 3. No fine is imposed.
 - 4. Any other information solicited by the violator.

61.1.3 Procedures for Handling Traffic Law Violations

- A. Nonresident Violators
 - 1. Mississippi is a member of the Nonresident Violator Compact (1977). Membership in the compact includes the states listed in Appendix A of this chapter.
 - 2. Members of this compact agree to reciprocally suspend the license of any of their residents who fail to honor citations issued by other member states.
 - 3. When an officer decides to charge a violator that resides in or holds a license from a state that is a member of the compact, he shall issue a citation and shall not require the posting of bond unless:
 - a. The issuance of a citation in lieu is prohibited by law.
 - b. Conviction of the offense will result in suspension or revocation of the violator's right to operate.
 - c. The violator requests to post such bond.
 - d. The violator offers his current valid operator's license in lieu of bond.
 - 4. Nonresident violators from a state that is not a member of the compact states, shall be treated the same as violators from compact states, except that an officer may require the violator to post bail or bond if he has a strong and articulate belief that the motorist will not appear in court otherwise.
- B. Juvenile violators (10 to 17 years of age), including DUI, through Municipal Court. 17 years of age) that are issued will be treated the same as adults. Juveniles under the age of 10 years will not be issued citations, but will be transported to the Hattiesburg Police Department for release to a parent or legal guardian.

C. Members of Legislature:

1. No officer shall detain any member of the US Congress or Mississippi Legislature when they are in route to their respective sessions.
2. The Constitution of the State of Mississippi (privileges of Member of Legislature) states that no member of the House of Representatives or senate shall be arrested, or held to bail, during his going to, returning from, or attendance upon, the Court.
3. Constitution of the United States Article 1 Section 6 ... " They shall in all cases, except treason, felon and breach of the peace be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place."

D. Foreign Diplomats/Consular Officials:

1. Diplomatic immunity is granted by the US Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two (2) classes of immunity.
 - a. Diplomats and members of their families enjoy full immunity.
 - b. Employees of diplomatic missions and members of their families enjoy immunity with respect to acts performed in the course of their official duties.

2. Verification of Immunity

While the burden is upon the diplomat to claim immunity through the presentation of valid credentials, diplomatic status may also be verified through the State Department at the following number, 1-202-647-4000. This number is manned 24 hours per day.

3. Diplomat Driving Under the Influence

- a. If any Diplomat or Consular Officer is stopped while under the influence of alcohol or drugs, a law enforcement officer has the following options:
 - (1) Take the individual to the station or to a location where he/she can recover sufficiently to enable him/her to drive safely.
 - (2) Take him/her to a telephone so he can phone for assistance.

- (3) Arrange for a taxi or other ride.
 - b. The officer or the Department is under no obligation to allow a person with diplomatic immunity to present a clear and present danger to themselves or others.
 - c. Unless the Consular Officer is considered a serious danger to their selves or to others, he/she should not be physically restrained or Subjected to a Sobriety Test. The officer should impress upon the individual that it is the Police Department's primary responsibility to care for his safety and the safety of others.
 - d. Consular Officers and their family members that are not recognized as having diplomatic immunity shall be handled with the same appropriate courtesy, respect and procedures that would be applied to any other member of the community.
- 4 Any serious incident or violation of the law involving a diplomat or his/her family shall be documented in the normal and established reporting method.
 - 5. All serious incidents involving diplomatic and Consular Officers and their families shall be reported to the U.S. Office of Protocol by the Operations Bureau or his/her designee at the first opportunity.
- E. Military Personnel while on active duty will be treated as follows:
- 1. When responding to an alert or other emergency, the violator should not be detained for an unreasonable period of time.
 - 2. If an emergency does not exist, the violator will be treated the same as any violator. Further information can be found in Chapter 1.

61.1.4 Motorist Information for a Traffic Violation Charge

It is essential that officers fully explain the rights and requirements imposed on motorist upon arrest or issuance of a citation for a traffic violation. At the time a motorist is charged with a violation (and is not placed under actual physical arrest) the officer shall provide information to include:

- A. A clear and legible copy of their violation summons.
- B. The time and date for their court appearance
- C. If appearance is

1. Optional Fine may be paid without court appearance by mail or in person at the Police Department. Fine amounts are not to be given out by Officers. Violators are advised to contact the Court for current fine amounts.
 2. Mandatory: Those cases which require court appearance or the posting of bond, Officers may give the violator the OPTION of depositing a valid Driver's License in lieu of posting bond. Officers may only offer this as an option; it must be the violator's decision to surrender a valid D.L. for bond.
- D. A phone number for the court system should they have questions at a later time.
- E. Other information solicited or questions asked by the violator.

61.1.5 Traffic Law violation Enforcement

Traffic enforcement functions encompass visible traffic patrol, stationary observation and the use of traffic related data in high accident areas. These functions are put to enforcement practices through the use of specialized vehicles and tools as directed by the Traffic Commander.

A. DUI

Operation of a vehicle by a driver under the influence of alcohol/drugs. Upon stopping a motorist suspected of DUI, the officer shall ask the operator to perform Field Sobriety Tests in order to form an opinion about the driver's level of impairment due to alcohol or drugs. BAC test will be offered to violators exhibiting a level of impairment that would prohibit the safe operation of a motor vehicle. Any such test shall be conducted according to Implied Consent laws and Department policy.

B. Suspended, Revoked or No Driving Privilege Violations

1. Any of the above violations could be result of various actions not only of the driver, but of the court and/or the Department of Public Safety. Although drivers are required to physically be in possession of a license to drive, citations should only be issued if a true "No License" status can be verified through computer checks.
2. A physical arrest or a citation may be made when the violator's license has been suspended or revoked. (AOM 61.1.2.C). The Department of Public safety must process information from many different court systems thus, delays often occur in both suspending and reinstating privileges. A citation should not be issued if there is any doubt about the correct status of a license. Generally, a license is not considered suspended and no citation is issued until verified by computer printout. On the other hand, a license listed as suspended is generally considered valid if the violator has current court documents as verification and the change has not been reflected in the computer.

3. Officers must consider a multitude of variables in making a decision as to the best enforcement action. The primary basis for any such decision should rest with the overall intent of traffic enforcement which is to gain compliance. Other variables that may have a bearing on the officer's decision include:
 - a Current intake policy of Forrest County Regional Jail.
 - b Violator History
 - c possible Administrative errors or discrepancies
 - d Other mitigating circumstances
4. The operator should not be allowed to drive once it has been determined that no legal privilege exist to operate a motor vehicle on the roadways within the State. Arrangements should be made for the continued operation of the vehicle such as another license driver in the vehicle or someone who can pick up the vehicle. Unless the driver is incarcerated, the vehicle need not be towed if legally parked or on private property.

C. Hazardous and Non Hazardous Violations

These violations are handled by officer's discretion as to whether issuance of a verbal warning or a citation is appropriate.

D. Multiple Violations

1. A combination of hazardous and non hazardous violations should generally result in a citation for the most serious violation and warnings for the remainder.
2. It is the policy of the Hattiesburg Police Department not to "pile" or "stack" multiple charges resulting from the same or continuing offense.

E. Newly Enacted Laws/Regulations

It is the policy of the Hattiesburg Police Department to warn violators of newly enacted laws and regulations for a reasonable period of time so as to ensure that the public has an opportunity to learn about and/or adjust to the change.

F. Warnings

Warnings can be done verbally or written. In either case the officer shall conduct him/her self as a professional while in contact with the violator, fully explaining the violation and reason for their release with a warning.

G. Violations Resulting in Traffic Accidents

It is the policy of the Hattiesburg Police Department that only drug, licenses, DUI, equipment or violations committed in the officers presence will be written at accident scenes. Reconstructionist may pursue felony charges as the case permits. Any physical evidence of a violation (such as skid marks through a stop bar) will be noted in the accident report and reflected under contributing circumstances.

H. Pedestrians and Bicycle Violations

Every person riding a bicycle shall have all the rights and duties applicable to the driver of a vehicle, except those which by their nature can have no application. Pedestrians shall have all the privileges set forth in Article 23 "Pedestrians Rights and Duties" of the Mississippi Code. Officers shall enforce these codes as they do others for roadway violations.

I. Speed Violations

Speed violations shall be enforced where deemed necessary via complaints, surveys, analysis, etc. by the use of speed measuring devices. (AOM 61.1.9) Legally, there is no defense for exceeding the posted speed limit or driving faster than the conditions permit. Practically, however, there exists sufficient reason to believe that some factors may give a subject cause to believe that the violation falls within acceptable variance or an exception. Officers should use discretion deciding the best course of action relative to the goal of overall compliance within the community.

J. Equipment Violations

Equipment violations are enforced for compliance per MS code 63 through citations or warnings.

K. Off - Road Vehicles

All vehicles used on the streets or roadways within the city shall conform to guidelines set in MS code 63. Vehicles designated for "off road use only" must fall under a legal exception to operate on the roadway.

L. Public Carrier / Commercial Vehicle

The Hattiesburg Police shall enforce the same traffic codes outlined in Ms Code 63 for private vehicles as they apply to Commercial vehicles. In some cases the law may either provide stricter interpretation or an exception for commercial vehicles. An example would be the lower BAC test levels used in the prosecution of commercial operators for DUI violations opposed to BAC levels used for operators of private vehicles. Laws that are geared specifically for commercial vehicles such as shipping papers, weight, fuel tickets are enforced by Mississippi Department of Transportation.

61.1.6 Traffic Law Enforcement Practices

Although traffic law enforcement is shared by all uniformed sworn officers, traffic officers shall enforce traffic laws on a front line basis. Traffic officers will enforce traffic laws mainly in high accident areas by way of selective traffic enforcement. This will be done by remaining visible to the motoring public using speed detection equipment. Enforcement shall be done in marked police vehicles. Traffic law violations shall be enforced by warnings, citations or, if required, actual physical arrest.

A. Enforcement Practices

Only marked cruisers will be used for traffic enforcement purposes. Traffic law violations may be enforced by warnings, citations or physical arrest to accomplish the overall goal of compliance.

B. Overt Enforcement Tactics

1. Visible traffic patrol is appropriate in the following circumstances:
 - a. Patrol of areas where analysis indicates motor vehicle violations and accidents most frequently occur.
 - b. Patrol of areas with high traffic volume.
 - c. Patrol of areas where pedestrians frequent.
 - d. Patrol of areas where dangerous traffic patterns exist.
 - e. Patrol of area that receives citizen complaints.
2. The use of marked cruisers promotes the following:
 - a. Prevention of motor vehicle violations.
 - b. Adds a sense of security to the public.
 - c. Reminds the driver of motor vehicle safety.
3. Visible traffic patrol can be conducted in the course of the officer's normal tour of duty in a given beat area or it can be a directed patrol as his sole responsibility.
4. Directed patrol can be in a general area or it can be on a specific route between two points where the officer can be moving or remain stationary.

61.1.7 Procedures for Stopping and Approaching Traffic Law violators

Procedures for stopping a traffic law violator is as follows, with officer safety of first and foremost concern.

- A. Few patrol events seem more "routine" than vehicle stops, yet in an average year twelve (12) percent of officers killed are shot while detaining motorists. Dangerous motorist and passengers not always be identified in advance. This is why it is so critical to CONTROL YOUR STOP.

- B. Listed below are common sense approach guidelines to traffic stops:
 - 1. Vehicle approaches should be viewed as an exercise in tactics REGARDLESS of the motorist involved.
 - 2. In selection of location consider traffic congestion, civilian density and if applicable lighting.
 - 3. Provide Communications with license number (if available) and description~ of vehicle.
 - 4. Provide Communications with the exact location of traffic stop.
 - 5. Position the patrol car approximately 10-20 feet directly to the rear and slightly to the left of center relative to the violator's vehicle. Motorcycle officers shall instruct the violator to pull their vehicle off the street when feasible and the motor unit should be parked behind the violator in a safe place where the unit can maintain an upright position.
 - 6. Visually examine the vehicle, look for clues that may indicated something is amiss.
 - 7. DO NOT STAND DIRECTLY BESIDE THE DRIVERS WINDOW. Stand slightly to the rear of the driver's door.
 - 8. Remain watchful.
 - 9. Hold violators license and citation book in non gun hand and chest level or so that occupant(s) remain within your peripheral vision.
 - 10. If driver seems nervous or uncomfortable, instruct him/her to keep hands on the steering wheel.
 - 11. Stay alert against distractions.
 - 12. Remaining in contact with the violator invites a verbal confrontation and officers are more easily distracted. Move to an area of safety to physically write the citation.

13. Write the citation in a position that is to your ADVANTAGE and NEVER while standing directly behind the violator's vehicle. Motorcycle officers while writing the citation or making inquiries shall position himself to the rear of his motor unit, unless better protection is offered and more feasible.
 14. If it becomes necessary to return to the patrol car, keep visual contact with the violator vehicle.
 15. After the citation is issued and closure is made with the violator return to the patrol car keeping visual contact with the violator and vehicle.
 16. In night or dim light conditions, headlights, spotlights and/or take down lights should be used to conceal the Officer's movements and provide visibility inside the stopped vehicle.
- C. The majority of traffic violations are handled while the violator remains in the car. Nothing in this policy dictates that this must always be the case. Examples of Officer/Violator relations outside of the vehicle would be:
1. Field Sobriety Test
 2. To avoid distraction by other occupants
 3. Officer safety factors

61.1.8 Officer - Violator Relations

Once the officer has stopped the violator, the "officer-violator relationship" is activated. The officer should minimize conflict between him/herself and the violator by remaining calm and professional. When contacting the violator the officer should follow these steps.

- A. Identify their self and the authority agency (Hattiesburg Police Department).
- B. Inform the violator why he/she was stopped.
- C. Inquire as to the reason for the violation.
- D. Decide on a verbal warning, a citation or, if necessary, arrest.
- E. Have a courteous and informative closure.

The officer should weigh the decision of his/her actions based on the information at hand then decide what is the best attempt to favorably alter the violator's future driving habits.

61.1.9 Use of Speed Measuring Devices

The purpose of this section is to create a policy, outline operating guidelines, maintenance and safety procedures for the use of traffic radar/laser used by the Hattiesburg Police Department.

A. The issuing and assignment of radar instruments, the planning of locations and hours of operation shall be the responsibility of the traffic supervisor. The hours of operation and location shall be determined by accident data, high violation frequency and documented complaints through the selective traffic enforcement program.

B. Equipment Specifications

The radar instruments used by the Hattiesburg Police Department will meet specifications and guidelines set forth and approved by the Federal Communications Commission and operated using the Doppler principle.

C. Proper Care and Maintenance

1. The radar instrument assigned by the traffic supervisor to an officer will be kept clean and in proper working order. The officer will shield the radar instrument from vibration as much as possible on the motor units and securely attach it in the traffic cruiser. The unit will be checked monthly by a traffic supervisor for proper care by the officer assigned.

2. Radar units provide for no program of maintenance or maintenance schedule. Members of the Department are not to perform repair service on radar instruments. If at any time the unit fails to pass a required accuracy test (see D below) the officer will turn in the radar instrument to a traffic supervisor. The traffic supervisor will be responsible for seeing that the unit is sent for repairs in conjunction with the Police Quartermaster. Repairs or maintenance shall be performed by the manufacturer or authorized service center.

D. Test

All radar instruments shall be tested for accuracy in either a stationary or moving mode at the beginning of the officer's shift, if turning the unit "on" and prior to each radar detail. The test will be conducted in accordance with the manufacturer's instruction manual. Radar certification and calibration certificates will be kept on file in the Traffic Office. The test will include:

1. The test for internal accuracy must be performed by following the manufacturer's instructions. The radar read-out during this test MUST display the exact number indicated in the instruction manual for the test to be accurate.

2. The test for external accuracy will be completed by utilizing the two (2) tuning forks provided with the radar instrument. A reading of plus (+) or minus (-) one (1) mile per hour must be attained for an acceptable test.

3. A light test to insure all bulbs and warning lights are in working order in accordance with the instruction manual.

E. Training

All entry level officers are trained at the Hattiesburg Police and Fire Training Academy. State Standards and Training require that all officers receive a minimum of sixteen (16) hours instruction to be familiar with the use of radar instruments. After receiving Certification as a Law Enforcement Officer and passing the radar instruction from a State approved Training Academy the officers are considered certified in radar operation.

F. Safety

Based on the uncertainty of non-thermal health effects, such as cancer, the Hattiesburg Police Department adopted the following safety procedure to reduce microwave radiation exposure levels for an acceptable test:

1. Pointing the antenna of the radar unit away from the operator as much as possible while the unit is transmitting a beam.
2. Using the units with a "hold" or "standby" features to limit activation times.
3. Radar operators WILL NOT place an activated radar instrument on their laps while waiting on violators.

- G. A secondary method used to measure violator speed is a speedometer. This method should be used giving the violator the benefit of any doubt. Thus, limiting the scope of this enforcement method to only when the violation is obvious and the speed is excessive. The officer should collect more data than merely the reading of the speedometer at single point in time. Development of information concerning tracking history and distance/time relationships is recommended to establish proof of a violation. (For example: By following a vehicle for one (1) mile with the lowest recorded speed of 60 mph and the high speed of 70 mph while traveling in a 40 mph speed zone.)

61.1.10 Countermeasure Programs for Alcohol Enforcement

- A. In addition to providing specialized training to all officers regarding DUI detection, the Traffic Division maintains a unit whose primary function is the apprehension of the impaired driver. The Traffic Commander will be responsible for supervising the DUI Unit, setting the hours, the areas of deployment and coordination of the training. The Traffic Commander will deploy the squad in a selective enforcement manner at the time when and locations where a significant number of violations and/or accidents involving impaired drivers have occurred. Selective roadway checkpoints for the deterrence purposes will be conducted by the DUI Squad in conjunction with the Traffic Division.

B. Training

The DUI officer will be trained thoroughly in:

1. The visual detection of impaired drivers.
 2. The types of traffic violations providing the highest probability that the driver's ability to safely drive is impaired.
 3. Trained and certified in field sobriety testing and will use such test to support their case.
 4. Trained and certified in the operation of the breath analyzer Intoxilizer 5000.
 5. Trained and knowledgeable in current DUI laws.
 6. Trained for providing courtroom testimony and will be expected to perform in an expert fashion in court.
- C. The officers will be provided in-service training seminars to keep abreast of the new changes and ideas in DUI laws and detection to further enhance their performance skills.

61.1.11 Procedures for Handling Driving Under the Influence Cases

This directive establishes procedures for handling persons charged with driving under the influence of alcohol or drugs and procedures for evidence involved with the charge.

- A. Contact with a DUI Violator
1. Upon stopping a motorist suspected of DUI, the officer shall, if feasible, have the operator perform Field Sobriety Tests in order to form an opinion about the driver's level of impairment due to alcohol or drugs. These field tests will include:
 - a. A standard balance test.
 - b. A walk and turn test.
 - c. A horizontal gaze nystagmus test.

(The officer may use a portable breath analyzer (PET) to help determine if the driver is impaired. Officers are reminded that evidence obtained by PET may be suppressed and not heard in court. Other "Field" test may be used, but it may fall to the officer to show the validity of non-standardized sobriety test.)
 2. If a driver is arrested for DUI he/she shall be handcuffed, searched and transported in a safe manner as provided in Chapter 71, Prisoner Transportation.

Persons under the influence of drugs/alcohol are unpredictable in their behavior patterns and should be treated with caution and due regard for safety.

3. The vehicle shall be made safe from the regular traveled path of vehicular traffic, locked if possible and the keys secured while the operator is being tested on the Intoxilizer.
4. If the vehicle is towed incident to an arrest, the next towing service on the rotation list will be used unless the driver has a personal preference. The officer shall turn over the keys to such vehicle to the tow truck operator.
5. Upon the event the driver is arrested and the event has left the passenger stranded, the officer will make a reasonable effort to procure such a passenger an alternative means of transportation.

B. Implied Consent Rights

1. Upon arrival at the station and before any chemical test is given; the officer shall inform the arrested person of their Implied Consent Rights from the State of Mississippi Form IP-29.
2. Under Implied Consent the arrestee does not have the right to consult with their attorney before making a decision to take a chemical test. Therefore, an arrestee who will not submit to a chemical test before talking to counsel shall be treated as a test refused.
3. Any incident or situation in which a person is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusing shall be deemed not to have withdrawn his consent and the test or tests may be administered. The provisions for advising a person of his Implied Consent Rights shall not apply to persons incapable of giving consent.
4. Implied Consent does not apply to (PBT). There is no enhanced penalty for failure to take any test other than the ones provided by the State of Mississippi.

C. Administering of Intoxilizer Test and preparation of Required Reports

1. After the initial traffic stop when the officer sees the need for a breath test, the prisoner shall be kept under constant observation for a minimum of twenty (20) minutes. (No observation period for blood or urine test)
2. After informing the prisoner of his/her Implied Consent Rights a chemical test or tests to determine the alcohol or controlled drug content of the arrestee's blood shall be administered at the direction of the officer. (Some Health Care Facilities may require the Officer, violator or both to sign forms prior to drawing blood for BAC.) The test or tests could be any or all or any combination of the following:

- a. **Breath test**
Is the primary test offered by The Hattiesburg Police Department to violators who do not meet the conditions of other approved test. Administration of the breath test will be conducted as outlined on the Operational Check List Intoxilizer Model 5000, State of Mississippi Form IP-29. Although this test may be taken at any location provided by the State Crime Lab, it is preferred that officers administer the breath test and reading of wavier at the Hattiesburg Police Department because of the availability of trained operators, witnesses and video monitoring equipment. Refusal of the breath test by the violator does not obligate the Department to provide for any further testing.
 - b. **Blood Test**

Blood test shall be obtained when it is physically impossible or practically infeasible to acquire BAC by breath test. Only a licensed physician, registered nurse, certified physician's assistant, or qualified medical laboratory technician may withdraw blood for the purposes of a Chemical test. This sample shall consist of a sufficient quantity to allow for analysis, be placed in a biochemical sealed container (gray top or other tube containing preservative) by the medical authority drawing the sample and given to the requesting Officer. The officer obtaining the sample shall begin a chain of custody with any sample secured in the evidence refrigerator until such time it can be turned over to the appropriate authority (lab) for testing.
 - c. **Urine Test**

Whenever a urine test is given under the provisions of Title 63 Chapter 11 of the Mississippi State Code the arrestee shall be given such privacy as will insure the accuracy of the sample and will maintain the dignity of the individual. The samples for this test are obtained, for the purpose of DUI investigation, as a last resort and only if the above listed test cannot be conducted.
3. Following the BAC Test, if the prisoner desires a test of his own choosing, the arresting officer shall insure that phone access is made available to the prisoner to arrange his testing at his own expense. A second test on the INTOXILIZER 5000 is NOT authorized. Any person subjected to a chemical test has the right to similar tests at his/her own expense. The failure or inability of the arrestee to obtain such tests is not the responsibility of the arresting authority. The arrestee shall have access to a telephone for medical assistance or legal counsel. There is not a requirement to release from custody the arrested person for testing purposes.

4. Following the INTOXILIZER Test if the violator is charged he shall be booked into the Forrest County Regional Jail.

Note: If the violator is a juvenile, after appropriate booking is complete, the juvenile shall be released in accordance with current Youth Court regulations.

D. Reports and Forms

1. If the prisoner has a current DL he/she shall be given a receipt for driver's license and temporary driving permit as required by law, State of Mississippi Form IP-12
2. The arresting officer shall forms incidental to the DUI reviewed by a court clerk. fill out any and all appropriate charge. The forms shall be

E. Release of DUI Arrestee

The release of the arrestee will be handled as 'provided for in AOM 101.

61.1.12 Driver Re-Examination

- A. In the course of an officer's motor vehicle related activities, he identifies certain individuals who may fall under the following:

1. Suspected incompetence
2. Physical disability
3. Mental disability
4. Disease
5. Any other condition which prevents that individual from exercising responsible care over a motor vehicle.

- B. The officer should then prepare a letter to the Department of Public Safety, Drivers Services. He shall state all the reasons and circumstances which warrant the hearing.

- C. The drafted letter will be turned over to the Records Division Manager who shall review it, prepare it for a review for the Chief of Police on department stationary and, if approved, ensures that it is mailed to the Mississippi Highway Safety Patrol, Drivers Services, P.O. Box 958, Jackson, MS 39205.

61.1.13 Parking Enforcement

- A. Parking enforcement relating to metered and downtown parking is mainly done separate of the Police Department by the Parking Division located in City Hall.

- B. Sworn officers have the mandated authority to enforce parking violations and shall take action as needed elsewhere in the city.
- C. In NO PARKING zones, if an immediate hazard is caused by the violator, a citation is in order. A concerned effort to contact the owner of the vehicle should be attempted prior to towing. In a residential area the officer should attempt to correct the violation by contacting the owner. If compliance is not achieved, a citation should be issued. Blocking a roadway is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner.

61.2 TRAFFIC ACCIDENT INVESTIGATION

61.2.1 Accident Reporting and Investigation

- A. All traffic accidents require a complete and thorough investigation to include, at a minimum, the completion of a traffic accident report; diagram of the accident; statements (in appropriate sections of the report) of the operators and witnesses; appropriate and accurate accounts of injuries and shall be conducted in the following situations:
 - 1. Fatal/injury traffic accidents
 - 2. Pedestrian traffic accidents
 - 3. Bicycle traffic accidents (WITH A MOTOR VEHICLE)
 - 4. Traffic accidents when officers have been dispatched to the scene of the accident and:
 - a. Damage is \$100.00 or greater and/or towing is required
 - b. Personal injury has been sustained
 - c. For any police vehicle
 - d. Spillage of hazardous materials
 - e. Any party involved request an investigation
 - f. Major traffic congestion has resulted
 - 5. Leaving the Scene
 - 6. Impairment due to drugs and/or alcohol
 - 7. Discovery of an accident by the officer

8. Occurrences on private property

(Private property accidents will be handled no differently than accidents which take place on public highways, streets, avenues, etc. Enforcement action, in some instances, may not be possible if the violation requires an element of public way.)

- B. Officers shall provide for the exchange of driver information and inform the operators of their responsibilities to include reports to be filed with the State of Mississippi. Accident reports are required to be turned in for approval/review prior to the end of the officer's tour of duty.

61.2.2 Response to Accident Scenes

- A. Only units dispatched by the Communications Division, otherwise assigned or authorized shall proceed to the scene of a traffic accident. Units are not to dispatch themselves without conformation by Communications or requested by on scene personnel.
- B. Response is required for any call for service or reported condition that would generate an accident investigation report. \ Examples would include accidents involving death, injury, leaving the scene, DUI, damage to public vehicles or property, HAZ-MAT, disturbances between principals, traffic congestion, damage to vehicles requiring towing or in excess of state required monetary reporting limits.
- C. Emergency response is reserved for those conditions where there is a legitimate need for IMMEDIATE action due to the high probability of death or serious injury. This is limited to accidents with injuries unless the responding officer is aware of conditions in which his presence or action would immediately provide for safety. Two examples are given to help officers to make a decision in applying this response standard. The examples have some similar problems and changing or adding variables may result in different response needs, but as applied are different with regard to response.
1. Obstructed traffic is a condition that is encountered almost daily by drivers and rapid response by officers will not offer immediate relief. Even the redirection of traffic often offers only slight relief; only clearing the obstruction will provide relief. No matter what warning devices are in place, safety will be compromised until the road is clear and traffic is flowing. Due to the time involved, nothing is gained by emergency response.
 2. Giving due regard to information received, a HAZ-MAT accident may require emergency response to overt traffic. Generally, drivers are not familiar with the dangers (which are not always immediately apparent) of hazardous materials. Early intervention of traffic flow would decrease exposure and reduce spreading of contaminates.

The duration of both incidents may be the same but only the second example offers immediate relief or provision of safety by an emergency response.

61.2.3 Accident Scene Responsibilities

- A. The first Police Officer arriving at the scene shall assess the situation and request assistance if any is required. To prevent further accidents or damage, the police cruiser shall be parked in such a manner that it provides protection of the vehicles and persons involved in the accident. The officer shall have the following responsibilities:
1. The cruiser should be positioned with safety and scene preservation in mind.
 2. The emergency light bar, headlights with wigwags and if at dusk or night, spotlights activated may be used in any combination to provide for safety.
 3. Survey the scene to determine the need for medical aid, additional officers to direct traffic or other assistance, HAZ-MAT, fire/rescue or other services.
 4. The Officer in charge of scene protection and management.
 5. Communicate with any responding officers designating positions and duties.
 6. Officer's SHALL WEAR A REFLECTIVE VEST during times of traffic direction.
 7. Provide for Clean-up, towing services and other post-investigation services to allow normal traffic flow to resume in a reasonable amount of time.
- B. Medical Aid
1. After taking initial precautionary measures to insure scene safety and security, the officer's primary duty is to determine the need for medical attention.
 2. If there is serious bodily injury, the victim requests treatment or the medical need is beyond the skill of the officer's first aid abilities, notify the Communication Section immediately for the services of an ambulance.
 3. NEVER move injured persons unless absolutely necessary to prevent death or further life threatening injury from the same or related mechanism.
 4. Police cars are not equipped or designed to transport persons in need of advanced medical treatment. Transportation of injured persons to a health care facility for additional medical treatment shall be done by an ambulance.

5. The services of the Hattiesburg Fire Department shall be requested if there are persons trapped in an accident vehicle, hazardous material spill or an excessive oil and/or gas leakage.

C. Chain of Command at the Accident Scene

1. The first officer arriving at the scene will be in charge of the scene and will take all necessary steps to provide aid to the injured, protect the scene and to protect evidence, until completion of the investigation or arrival of a supervisor or reconstruction specialist.
2. The initial officer in charge at any accident scene will be responsible for completing initial accident reports, at scene investigation and any necessary follow-up needed to complete the accident report.

D. Procedures for handling accidents involving Fire Hazards and Hazardous Material

Fire Hazards

1. The Hattiesburg Fire Department shall be dispatched to any possible fire or fire hazard upon the request of any citizen or at the direction of a Police Officer.
2. Upon arrival at an accident scene, the Fire Department assumes control of the immediate area with police personnel providing traffic and crowd control. Once the scene is safe from the threat of fire the police shall complete the accident investigation.
3. Police fire control efforts will be limited to fire suppression which is readily available for the officer (fire extinguisher, blankets, garden hoses, etc.).

HAZ-MAT

1. The telecommunicator shall contact the Fire Department for the appropriate fire response on any reported hazardous material accident.
2. The investigating officer should attempt to identify the hazardous material from a safe position by questioning the driver, checking the bill of lading, checking the placard identification on the vehicle or placard identification on the material.
3. If known, the Communications Division will advise the responding officer that the accident involves hazardous materials. The Communicator will also notify the HAZ-MAT Team, watch commander, along with the Fire Department. Responding officers, when possible, should approach the scene from an upwind direction. On arriving at the scene, the situation will be assessed and the following actions taken:

- a. Isolate the hazard area and establish a perimeter or safety zone. Evacuation of at risk personnel where possible without becoming contaminated.
 - b. Provide medical attention, if contamination is not a factor.
 - c. Coordinate traffic control and traffic routing, crowd control and request additional officers as needed.
 - d. Do not enter the hazard area to obtain the information. If the area has to be entered, wait for the HAZ-MAT Team to arrive with proper apparel and equipment.
4. Officers at the scene will continue to relay information to the Communicator. The Communication Division will disseminate information to other designated special services. Once the hazard is eliminated, the investigating officer will continue the investigation of the accident.
 5. Officers should approach any accident scene with safety in mind. Special attention should always be given when approaching accidents involving any means of transporting hazardous material, even if this action calls for a delayed response to avoid becoming a "Blue Canary". *"Blue Canary is a term used by HAZ-MAT personnel to describe police officers that have become victims of hazardous materials because of a haste to help others. The reference comes from the use of canaries by miners as an early warning system to determine the air quality in the mines.

E. At Scene Information Collection

1. As soon as reasonably possible under the circumstances, a preliminary investigation shall be conducted. A Mississippi Uniform Accident Report should be completed with the required information.
2. In investigating accidents a diagram shall be made of any significant, physical evidence, which may include:
 - a. Type of roadway
 - b. Road condition (i.e., holes, ruts, curbs, low shoulders, pavement markings, construction, etc.)
 - c. Environmental conditions
 - d. Traffic control signs and signals

- e. Identification of marks on the roadway (skids, scuffs, gouges, abrasions, etc.)
 - f. Direction of travel of involved vehicles
 - g. Area of impact
 - h. Position and condition of vehicles (i.e., tire, light, horn, or brake damage are especially important)
 - i. Key measurements of area of impact, skid marks, roadway features, potential evidence and other critical aspects of the accident, as appropriate to properly document the scene.
3. Photographs will be taken with the Department's camera at accidents with a fatality, injuries or significant property damage. Photos include the following: (C052703)
- a. Vehicle damage - four sides and interior (if applicable)
 - b. Final resting position
 - c. Debris or marks on the roadway
 - e. View of the driver's approach to the accident scene
 - f. Officers will note in the accident report that photographs were taken and by whom. Photos are evidence and as such are placed in the case file.

61.2.4 Accident Investigation Follow-Up Activities

- A. The collection of off-scene data needed to complete the original report shall be the responsibility of the investigating officer. Off-scene data includes:
 - 1. Names and observations of operators or witnesses that left the scene
 - 2. Statements that was unable to be attained at the scene.
 - 3. Blood or other lab tests necessary for completion of the report.
- B. The decision to reconstruct a Traffic Accident will be made on a case by case basis by the Traffic Commander. However, a Reconstructionist will be called out when:
 - 1. A fatality occurs

2. An accident with a police vehicle involving injuries or significant property damage.
 3. At the discretion of the on duty supervisor.
- C. Reports of reconstructed accidents are to be turned into the Traffic Commander for review and approval prior to filing with the Records Division. These reports may include:
1. A copy of State Uniform Accident Report
 2. Any statements of operators or witnesses.
 3. Any photographs relative to the accident.
 4. A scale diagram.
 5. Any medical, lab or physician reports or test.
 6. Results of vehicle inspection or test.
 7. Reconstructionist conclusion.
 8. Any formal report(s) prepared to support criminal charges.
- D. Mississippi Uniform Traffic Accident Reports shall be submitted to the proper public authority as required by law and usual department procedures. An officer responding to and handling traffic accidents shall submit a full report at or before the conclusion of his/her tour of duty to include all information which may be of assistance in any subsequent proceedings.

61.2.5 Accident Victims Property

- A. In most accidents the involved parties are fully capable and thus, responsible for the care of their personal property. Accidents of this nature are usually minor however, some cases may require, or a request be made for, towing. Responsibility for property or vehicles removed at or under the direction of the owner/operator becomes the responsibility of the owner/operator, Wrecker Company or both.
- B. Should the owner/driver of the vehicle be unable or unavailable due to injury or death to care for his/her property, the investigating officer will take the following actions:
1. Personal property and valuables such as wallets and purses are to remain with persons that are transported to medical facilities. Any such property discovered by the investigating officer after the victim(s) have left the scene shall be taken to the medical facility for return to owner during the follow-up investigation.

2. The vehicle is to be towed IAW with the Hattiesburg police Department's towing policy. The towing service will secure the vehicles and property contained within at a location where it will be properly secured and protected IAW City Ordinance.

61.2.6 Classification System

A regional uniform accident classification system is mandated by the State of Mississippi and maintained by the state Highway Patrol. The Hattiesburg Police Department collects and reports data in compliance with the State of Mississippi accident reporting system.

61.3 TRAFFIC DIRECTION AND CONTROL

61.3.1 Traffic Engineering

- A. Handling of complaints or suggestions concerning traffic engineering deficiencies is conducted by the Traffic Engineering and Maintenance Department of The City of Hattiesburg. The Traffic Division compiles accident information, receives complaints from citizens or observations from officers. This information is distributed to site planning and/or traffic committee members.
- B. The Traffic Commander or delegated subordinate shall attend the Planning Committee meeting to discuss:
 1. New business
 2. Renovations to existing businesses to make sure all are adhering to land use codes
 3. Traffic and Fire Department regulations (new, revised or existing)
- C. The Traffic Commander or delegated subordinate shall also attend a Traffic Committee Meeting to be held at least once a quarter to discuss:
 1. Problem areas
 2. Citizen complaints
 3. Suggestions
 4. Vote on changes

61.3.2 Procedures for Traffic Control and Direction

This directive outlines the responsibilities of the Police Department to foster the efficient and expeditious movements of traffic within the community. This is accomplished through police intervention at the location of the identified problem areas and through an ongoing program of

monitoring the status of traffic flow through the city. Success in this regard not only results in the maintenance of an orderly flow of traffic, but provides for the increased safety of roadway users.

A. Traffic Accidents

Traffic accidents generally create the need for temporary traffic direction. Officers provide traffic direction

1. To restore partial or complete traffic flow
2. Provide preservation of the evidence
3. Provide safety to victims, witnesses, rescue, clean-up personnel and other roadway users.
4. To allow for the approach and departure of assisting service vehicles. Allows efficient and effective scene management providing less inconvenience to motorist.

B. Uniform Hand and Whistle signals

1. The officer will at no time direct a vehicle to proceed until he/she is confident all other traffic has stopped at his/her direction and the vehicle can proceed in a safe manner.
2. Hand gestures allow for communication between officers and operators to affect orderly traffic flow. To provide for good communication the following hand signals should be used:
 - a. Stop is indicated by an arm extended toward the vehicle with the fingers pointing up allowing the palm to face the operator.
 - b. Straight traffic flow is indicated by the officer bending the extended arm at the elbow allowing the hand to move inward to the body.
 - c. Turns are indicated by the officer by pointing to the operator bending the extended arm toward the body then extending the arm left or right to show the desired direction of travel. If directing a line of vehicles in the same direction the officer need not point and direct each car in the turning lane to continue traffic flow.
 - d. When directing multiple traffic lanes the officer must take steps to ensure that each lane of traffic understands the desired action. This is accomplished by pointing to each vehicle and attempting eye contact with the operator prior to directing movement. Direction of multiple lanes will

often require more than one (1) officer, communication between officers is vital to avoid further congestion or possibly accidents.

3. Hand gestures will be enhanced by the use of a traffic whistle. Whistle indications will be:
 - a. One (1) long blast to be supported by the hand signal to stop.
 - b. Two (2) short blasts to be supported by the hand signal to go or turn.

C. Fire Scenes

The Hattiesburg Police Department shall assist the Fire Department at the scene of any fire where traffic direction and control may be required. The responsibility for the police relating to traffic direction at fire scenes include:

1. Establishing a perimeter or line beyond which no unauthorized vehicles or pedestrians may cross.
2. Closing down streets and/or rerouting traffic around the fire scene.
3. Control of bystanders and spectators.
4. Provide other assistance consistent with the need of public safety or other requirements established by the AOM.

D. Adverse Road and Weather Conditions

1. Although traffic direction and control under adverse road and weather conditions requires officers to consider most of the same issues and concerns that are applicable under normal road and weather conditions, it is critical that they also take into account the following depending upon the type of adverse condition.
2. In the case of fog, rain, snow, ice, smoke, or other conditions, concerns over the safety of the officer and other highway users is greatly heightened.
 - a. Officers shall make themselves as visible as possible through the use of reflective clothing and gear.
 - b. Much greater warning must be provided to motorist if an impending hazard or obstruction is ahead. This may be accomplished through the use of lights, barricades, cones or other warning and traffic devices.
 - c. Officers may make use of other resources as is necessary. These resources may include such things as requesting assistance from the Department of Traffic Control, City Barn or the Fire Department.

- d. The officer may use a police vehicle to provide lighting or make use of the emergency lights to warn oncoming traffic.

E. Manual operation of traffic control devices

Mechanical traffic control devices should not be operated by Officers.

F. Temporary traffic control devices may be used in the event of but not limited to, the following:

1. If the original traffic control device is defective
2. To reroute traffic for a special event.
3. When road repair warrants traffic reroutes or warnings
4. Fire scene protection
5. Acts of nature that would warrant traffic redirection.

G. Uniform Requirements for Traffic Direction

Any personnel directing traffic, or in the roadway controlling traffic SHALL WEAR REFLECTIVE CLOTHING.

H. Criteria for Manual Direction of Traffic

1. Although the highways and intersections of the City of Hattiesburg are engineered so as to provide for the efficient and effective movement of the traffic under normal conditions without the intervention of police personnel, officers are encouraged to manually take charge of any situation where circumstances have resulted in traffic problems that can be corrected by manual traffic control.
2. Permanent ongoing manual traffic direction assignments at specific days and times may be made by the Traffic Division Commander after consideration of:
 - a. Traffic volume
 - b. Number of pedestrians present
 - c. Duration of congestion
 - d. Presence or absence of traffic control devices

3. Manual traffic direction should not be performed by officers when use of a control signal will alleviate the problem.

I. Special Circumstances Requiring Manual Traffic Direction

1. A variety of public events may require special accommodations to be made for parking and traffic flow. These events include such things as road races, parades, sporting events and other events that attract an abnormally high number of people into a given area.
2. Although the nature and extent of the traffic direction and control required by the police will vary depending on the type of event, the superior officer preparing for these events shall consider the following as appropriate:
 - a. Ingress and egress of vehicles and pedestrians
 - b. Provisions for parking
 - c. Spectator control
 - d. Public transportation
 - e. Provisions for relief of officers assigned to fixed points for extended periods of time
 - f. Alternate routes for through traffic
 - g. Provisions for the news media
 - h. Temporary traffic controls and parking prohibitions
 - i. Emergency vehicle access

J. Highway Construction

Manual traffic direction and control is not necessary in every instance of highway construction. The use of officers to direct traffic in these situations is dependent upon the nature and scope of the work being conducted on the roadway as well as the nature of the roadway itself.

61.3.3 Escort Services

The purpose of this section is to establish guidance for providing Law Enforcement Escort and Relay services under both scheduled and emergency situations. The department routinely receives requests to escort various types of vehicles to a specific location or to expedite travel through the jurisdiction both in emergency and non-emergency situations. Similar requests may

be received to transport (relay) various items and/or persons. These requests must be carefully evaluated to insure proper use of limited Departmental resources so that basic enforcement goals and Objectives are not jeopardized. The benefits and risks of providing law enforcement escort/relay services vary substantially with the nature and purpose of the service. In some cases, the risks of a potential escort are so severe that the service must be denied under all but the direst circumstances. In most cases, the service can almost always be provided. The decision to provide escort and relay service is never taken without due deliberation of all pertinent factors. The Department recognizes that there are legitimate requests for police escort/relay services to ensure the safe, orderly and/or efficient movement of special traffic or expedite delivery of special items. The Department will continue to honor such requests that are practical and consistent, with the need to insure that the act of escorting/relaying itself does not create unacceptable risk to the public.

A. Money Escorts

Officers shall complete money escorts for businesses as dispatched.

1. The telecommunicator and dispatch officers shall communicate using established "10" codes avoiding route or mission identification.
2. When executing a money escort, the officer shall follow the vehicle containing the money. The money shall never be transported by the officer in the police vehicle.
3. The officer shall be alert for any suspicious or unusual activity at the business, along the route or destination.

B. Special Escort Services

1. Legitimate requests for police escort services include but are not limited to the following:
 - a. Funerals
 - b. Motorcades
 - c. Oversized vehicles
 - d. Highway construction and maintenance vehicles with hazardous or unusual cargo
2. When the Department elects to honor the request for scheduled escort service:
 - a. The route will be determined in advance and when necessary traffic engineering and maintenance will be contacted for assistance.

- b. The speed to be maintained will be determined in advance or controlled by the lead Officer.
- c. Traffic control will be established, as appropriate, at locations along the scheduled route, sufficient to ensure safe passage.
- d. Tactical control of the escort will be assigned to a specific team or other officer, IAW the complexity of the escort service being provided. The assigned member will set the pace of the escort IAW prevailing conditions, and will terminate the escort when in his opinion conditions are such that continuation would constitute unacceptable risk to the public.
- e. The use of police vehicle emergency equipment for these escorts will be visual (Blue Lights) during the junket and supplemented by audio (horn/siren) as needed 'to advise others of the approaching escort.

C. Emergency Escorts and Relay

- 1. Emergency vehicles shall not be escorted by officers except under special exigent circumstances. Two (2) emergency vehicles traveling together increase the hazard.
- 2. Officers shall not escort civilian vehicles in medical: or other emergencies. Officers shall offer to provide for EMS response and discourage transport by private vehicle.

61.3.4 Use of Roadside Safety Checkpoints and Roadblocks

Checkpoints have proven their usefulness in DUI apprehension, maintaining compliance with a variety of State and local Laws, apprehending fugitives, seizure of drugs and other items of evidence. Safety checkpoints or Roadblocks shall not be implemented without supervisory approval. For the purpose of this section a roadblock occurs anytime normal traffic flow (vehicular or pedestrian) is interrupted for the purpose of determining identification or criminal activity.

A. Checkpoint Site selection

- 1. Assure the safety of the general public and law enforcement officers with a minimal amount of intrusion or motorist inconvenience.
- 2. Permit the safe flow of traffic.
 - a. Positioning of vehicles will be such that the orderly flow of traffic, in so far as possible, is maintained. Traffic volume, visibility, speed and stopping distance shall be considered.

- b. Ensure sufficient adjoining space is available to drive vehicles off the traveled portions of the roadway.
 - c. The site should have maximum visibility from each direction and sufficient illumination for the safety of both the motorist and officers. If permanent lighting is unavailable, ensure that portable lighting is provided.
 - d. Provide for the removal of vehicles to a predetermined off-street area when further investigation is required. Permission shall be obtained by a supervisor or his designee from the owner of any private parking area used for the purpose of follow-up investigations, prior to the beginning of the operation.
3. When selecting a location, the planner should take into consideration the terrain to include both natural and manmade obstructions, such as hills, curves, bridges and etc. along with the type, location and use of warning devices.

B. Checkpoint Motorist Warning and Safety Methods

1. The visibility of uniformed officers and their marked vehicles makes the police presence obvious. Officers shall be in uniform and wear reflective traffic vest.
2. Basic equipment may include, but is not limited to:
 - a. Warning signs placed in advance of the selected site. (available from the State Highway Dept.)
 - b. Safety traffic cones, barricades or similar devices (available from Traffic Control)
 - c. Permanent (street lights) and/or portable (flash lights, spot lights, etc.) lighting
 - d. Marked patrol vehicles, with "Blue Lights" activated
3. Officers stopping vehicles should avoid walking car to car. Officers should remain stationary and allow the vehicles to approach them, insuring that unusual delays are avoided as a result of cars being checked more than once. Due to the increased traffic in the area, the danger exists that the officers could be injured by vehicles if they move to and from different areas.

C. Checkpoint Operational Plan

1. Officer assignments should be based on experience and training. A supervisor (with the rank of sergeant or above) shall be identified as the on-site supervisor.

2. The location will be staffed by a sufficient number of uniformed personnel to assure a safe and efficient operation. This is determined by variables such as duration, location, time of day, purpose and type. A minimum of four (4) officers are needed to safely control traffic and provide officer safety, under no circumstances should one officer attempt a safety checkpoint or roadblock.
3. The supervisor shall hold a briefing of personnel prior to each preplanned operation and shall brief all personnel on its purpose and operation which shall include required guidelines, procedural information and designated assignments. A check shall be made for function and availability of safety equipment. The briefing may also specify dialogue and educational material if any, to be used by personnel.
4. Officers shall answer any brief questions of the operator and/or occupants and may at this time hand out educational pamphlets.
5. Use of the transport van should be arranged when the number of arrest are expected to be greater, than can be handled by normal transportation methods.
6. The supervisor may request the assistance of the Hattiesburg Police K-9 units.
7. Enforcement action to be taken by the checkpoint officer for violations may include:
 - a. A verbal warning
 - b. A written warning
 - c. The issuance of a Uniform Traffic Citation
 - d. The issuance of a Post Arrest Release Form
 - e. Custodial arrest based on probable cause
8. The officer will have all pertinent equipment to perform assigned task. This will vary depending on operational variables and orders to include hat, flashlight, traffic vest, citation and arrest forms, and/or rain gear.
9. A motorist may choose avoidance. Experience has shown that this is seldom done to avoid traffic congestion. This understandably leads to suspicion on the part of the officer(s), no stop shall be made unless the turn was illegally made, another violation is observed or probable cause exists to take action.
10. To avoid any hint of discrimination, entrapment, or etc. and create a sense of "fair play", every vehicle will be given the same initial inspection. Vehicles, operators

or occupants will only be singled out after the initial investigation yields an observed or discovered violation or reasonable suspicion is raised by sight, sound or odor to continue the investigation.

D. Criminal Apprehension Roadblocks

1. Roadblocks are necessary at certain times to apprehend persons fleeing from the scene of a crime or attempting to evade arrest.
2. The type and strategic placement of roadblocks must be determined in the planning stage. Many factors must be considered:
 - a. Number of officers available
 - b. Seriousness of the crime
 - c. Information and descriptions of suspects, vehicles, and etc.
 - d. Elapsed time between the criminal act and its discovery.
 - e. Location of the crime and possible roadblock.
3. Officers in a roadblock situation make for an easy target to criminals that are considered armed or otherwise dangerous. Therefore, under these circumstances officers should select a location from which they can observe traffic flow and when a suspect located, initiate a felony stop.

E. Types of Roadblock

1. Fixed Roadblock - occurs when officers and equipment are deployed at a specified location for the purpose of conducting a "roadblock". This is the most common form of a roadblock and is used for multi-agency or large scale projects as well as small inter-agency check points. Even if the roadblock is to be run in several different locations or at various times it is still considered "fixed".
2. Circle - This system is designed to form a perimeter or offer containment. The locations are determined by available manpower and using the crime scene as a center. The radius of the circle is determined by the estimated time lapse from the occurrence of the crime to establishment of the roadblocks. The road does not have to be physically blocked. To offer the best deployment of manpower officers may be assigned perimeter observation points or patrol duties inside the perimeter.
3. Rolling - Rolling road blocks are not defined in this text and are not performed in any form by the Hattiesburg police Department.

F. Report and Statistics

1. All checkpoints will be logged in CAD as Administrative Detail (10-39) in order to provide for a reference in the collection of data.
2. Each Officer-in-Charge of a checkpoint is responsible for the preparation of the report. This report should include the reason for the action and a listing of the results.
3. A copy of this report shall be forwarded to the Traffic Division where the data is to be maintained both as an individual event and a quantitative history.

61.4 ANCILLARY SERVICES

61.4.1 Ancillary Motorist Services

The purpose of this section is to establish policy for the delivery of many diverse traffic related ancillary services provided by the Department. These services are basically activities having an indirect affect on traffic flow as well as those that are in response to citizen generated requests for assistance.

Often, the public relies upon the police for assistance and advice in the many routine and emergency situations which can and do develop in an urban society. The police regularly respond to incidents where an arrest or other enforcement action is not contemplated. Officers should employ diligent patrol practices so as to be able to locate and identify motorist or roadway problems.

A. Motorist Services

1. The Department will offer reasonable assistance to the motorist in need of aid.
2. Except when in the act of apprehending suspects, answering calls for service or assignments, officers shall stop and offer their services to those who appear to be in need of assistance.
3. Not all motorists are stranded because of mechanical failure. Officers who assist stranded motorists are advised to remain alert for the following possibilities:
 - a. The vehicle in the possession of the motorist has not been authorized for his/her use.
 - b. The vehicle is in unsafe operating condition.
 - c. The motorist is unlicensed to drive.
 - d. The motorist is incapable of safely operating a vehicle.

- e. The vehicle's occupants have engaged in criminal activity.
4. Officers shall not use their patrol vehicles to:
 - a. Push or pull any vehicle for the purpose of starting it.
 - b. Push, pull or tow the vehicle.
5. For their protection Officers may transport stranded motorists to the nearest convenient location where assistance may be obtained. Officers should be certain that assistance is available before returning to service to avoid a continuation of the problem. Prior approval for the transport must be obtained from a supervisor.
6. Officers shall provide information and directions upon request and should be familiar with the streets, highways, services, facilities and attractions in the area. If information is unknown to the officer an effort should be made to obtain it for the person.

B. Use of Emergency Equipment

When providing assistance to stranded motorists, officers shall make use of emergency equipment (Blue Lights) to ensure the safety of the officer and the motorist. If at dusk or during night hours, spotlights can be utilized to illuminate the surrounding area.

C. Wrecker and Repair Service

1. Whenever a highway user requires a wrecker, roadside service or repair, the officer shall refrain from recommending a particular service. An inquiry should be made of the person desiring such service for the name of the desired wrecker/service company. If the person states no preference, the officer shall request the next wrecker on the list that is able to provide the appropriate type of service. In some cases, the motorist may have no preference other than requesting that the wrecker be associated with a motorist association such as AAA. In these cases, the officer shall request the next wrecker on the rotation list that is associated with the particular organization.
2. Officers shall report to their immediate supervisor the name of any service agency or individual who either renders poor service or is incapable of providing the appropriate service requested because of inadequate equipment or personnel. Officers shall also report to their immediate supervisor any wrecker service that is unable to respond in a reasonable amount of time.
3. All wrecker services/companies on the rotation list shall meet requirements as outlined in the City Code of Ordinances (Chapter 18, Article III Section 18-26 through 18-48)

D. Motor Vehicle Lockout

The Department does not provide a motor vehicle lockout service. Motorist requesting assistance will be referred to one of the several locksmith companies or lockout service in the area. The officer may request that the Communication Division place the call for service or provide the motorist access to a phone.

E. Emergency Assistance

To the stranded motorist the circumstances surrounding the event may have the effect of creating a sense of emergency. The "True" emergency exists when there is a realistic threat of the loss of life or serious injury. Whenever an officer because of training or experience believes that a true emergency exist, the communications Division will be advised to contact the appropriate medical, fire/rescue or other response. The officer's primary concern is the safety of persons and the preservation of the scene. Aid or other services shall be provided relative to the officer's training and expertise.

61.4.2 Correcting/Reporting Hazardous Highway Conditions

A. The following guidelines are established for identifying, reporting and correcting hazardous roadway conditions. Roadway and roadside hazards are contributing factors in many accidents.

B. Hazardous highway and/or environmental conditions shall include, but are not limited to the following:

1. Defects in the roadway itself (holes, ruts or dangerous shoulders)
2. Lack of, or defects in, highway safety features (stripping, reflectors, guardrails)
3. Lack of, improper, damaged, destroyed or visually obstructed traffic control and informative signs
4. Lack of properly located or malfunctioning mechanical traffic control devices
5. Lack of or defective roadway lighting systems
6. Natural or manmade obstructions (fallen trees, litter, parts of vehicles)
7. Debris on the roadway
8. Ice or snow accumulations on roadway surfaces
9. Fire and its attendant, smoke in the area adjacent to the highway

10. Vehicles parked or abandoned on or near the roadway

- C. The term "roadside hazard" shall refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary damage to people and property. Roadside hazards include, but are not limited to the following:
1. Guardrails which may spear a vehicle
 2. Unshielded bridge railings that may not be able to retain an impacting vehicle
 3. Trees, ditches, inappropriately steep banks and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.
- D. The following procedures will be used in identifying, reporting and correcting hazardous highway or environmental conditions:
1. When a hazard is identified and in the officers opinion such a hazard requires immediate correction (such as an electrical wire across the roadway), he/she shall immediately inform the telecommunicator of the situation, identifying assistance or special equipment required. The officer will protect the scene and bystanders and direct traffic or take any other action deemed necessary to control the situation.
 2. When a hazard is detected that represents a potential accident situation, but the threat of such is not imminent, the officer shall inform the Communications section of the hazard which shall in turn notify the proper controlling authority.

61.4.3 Handling, Maintaining Records, and Removal of Abandoned Vehicles

- A. Anytime an officer discovers a vehicle along the roadway that has been apparently abandoned due to mechanical failure or other reasons, he/she shall determine if the vehicle location presents a hazard to other persons or motorist.
- B. If the vehicle is legally parked and poses no hazard, then no further immediate action is necessary provided the officer is satisfied that the vehicle is not stolen and the owner is aware of its presence.
- C. If the vehicle is illegally parked or presents a safety hazard, then the officers shall:
1. Take immediate, temporary steps to insure the safety of the other roadway users.
 2. Attempt to have the owner of the vehicle contacted to make arrangements to move the vehicle.

3. Check the status of the vehicle to insure it has not been stolen.
4. If the owner of the vehicle or other person responsible for the vehicle cannot be located or will not take steps to satisfactorily eliminate the traffic hazard, then the vehicle may be towed by a wrecker with a supervisor's approval.

D. Abandoned Vehicles

1. City Code-Section 16-31-Abandonment of vehicles prohibited states: No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such a time and under circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. 1784 Sec 2, 2-21-73)
2. City Code-Section 16-32-Leaving of wrecked, nonoperating vehicles on street states: No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city. (ord. 1784, Sec 3, 2-21-73)
3. City Code-Section 16-33-Disposition of wrecked or discarded vehicles states:

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded, vehicle to remain on such property longer than seventy-two (72) hours; and no person shall leave any such vehicle on any property within the city for a longer time than twenty-four (24) hours; except that this article shall not apply with regard to a vehicle in an enclosed building; or a vehicle in an appropriate storage place or depository maintained in lawful place and manner by the city. (Ord. 2448, sec.1, 5-18-93; Ord 1784, sec.4, 2-21-73)
4. City Code-Section 16-34-Impounding states:

The Chief of Police or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of this article or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with sections 63-23-5 et. seq., 63-23-5, 21-39-21, of the Mississippi Code of 1972, Annotated as amended. (Ord. 1784, sec.5, 2-21-73)

E. All vehicles towed at the direction of an officer shall be logged with dispatch and such towing shall have the following information listed by the dispatcher:

1. The vehicle type, color, tag or VIN
2. The towing service used and the wrecker ID number picking it up
3. The reason for towing and any Incident number pertaining to towing

4. Any other information needed to further explain towing

61.4.4 Traffic Safety Educational Materials

Educational materials are made available to the public through the Traffic Division of the Police Department. Individual officers may disperse these materials as a matter of assignment or through a group effort such as a roadblock or community service project. These materials shall also be provided to the public by display in the lobby of the Police Department.