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**POLICE DEPARTMENT**  
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1789

**TRAFFIC ENFORCEMENT**  
**GENERAL ORDER NO: 3.4.05**

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**PURPOSE:** The purpose of this policy is to reduce motor vehicle, bicycle, and pedestrian collisions through education, engineering, and enforcement of the New York State Vehicle and Traffic Laws.

**POLICY:** It is the policy of the Albany Police Department to actively and impartially enforce the laws of the New York State Vehicle and Traffic Law to ensure the safety of drivers, bicyclists, and pedestrians in the City of Albany.

**I. SELECTIVE ENFORCEMENT ACTIVITIES:**

**A.** The goal of selective enforcement is to reduce traffic collisions and gain voluntary compliance with traffic laws. All sworn department personnel are responsible for traffic law enforcement efforts.

1. Selective enforcement activities shall be based on collision and enforcement data, traffic volume and conditions, and citizen's complaints.

**B.** Compilation and Review of Traffic Collision Data:

1. Traffic collision data shall be reviewed for location, time, and causative factors based upon data traffic collision reports.
2. Such review should consider fluctuations caused by seasonal variations that result in increases in traffic volume or that produces natural hazards because of adverse weather conditions.

**C.** Compilation and Review of Traffic Enforcement Activities:

1. The compilation and review of traffic enforcement activities shall be accomplished by reviewing citations to identify specific problems, their location, and their time/day of occurrence.

**D.** Comparison of Collision Data and Enforcement Activities Data:

1. The comparison of collision data and enforcement activity data should

determine whether enforcement activities are focused on the correct locations and the correct traffic violations.

**E. Implementation of Selective Enforcement Techniques and Procedures:**

1. Checkpoints, speed measuring devices, and other enforcement measures shall be used at specific targeted locations, based upon identification of a particular problem through the review of data, as a result of citizen complaints, as a result of crime data or trends, or where unusual circumstances, such as roadway hazards, exist.
2. When it has been determined that enforcement measures are needed at a specific location, Traffic Safety officers shall be assigned to the location to address the traffic safety related concern(s).
  - a. Officers shall complete an Albany Police Department Zone Assignment Enforcement Report, APD Form [REDACTED] order.
  - b. Due to the potential for serious physical injury or death related to pedestrian traffic safety, enforcement measures shall be documented on a separate form. Officers shall complete an Albany Police Department Pedestrian Safety Enforcement Corridor Form, APD Form [REDACTED] of this order.
    - i. These forms shall be utilized to document traffic safety concerns from the community, officers, or Command Staff, as well as to ensure that the concerns are properly addressed.

**F. Deployment of Traffic Enforcement Personnel:**

1. The operational deployment of uniformed enforcement personnel shall be based on the identification of specific problems or trend, which shall be forwarded to Station Commanders so appropriate enforcement action can be taken.
2. Special attention shall be given to traffic related problems identified by citizens. The deployment of officers where citizens are troubled by dangerous drivers helps to reduce fear and demonstrate the department's commitment to be responsive to public requests for assistance.

**G. Evaluation of Selective Traffic Enforcement Activities:**

1. Evaluation of selective enforcement activities is used to determine the effectiveness of various traffic enforcement measures. Current enforcement procedures and actions shall be compared against collision and enforcement data.
2. If a particular enforcement action(s) does not produce the desired results by reducing a particular problem or condition, appropriate steps shall be taken to either discontinue the activity or try a different deployment strategy or technique.

**II. UNIFORM ENFORCEMENT PROCEDURES**

- A. Enforcement guidelines support the ultimate goal of traffic enforcement, which is to achieve voluntary compliance with traffic laws and regulations, thereby reducing collisions.
- B. Officers shall focus on ensuring that enforcement actions are uniform, within applicable laws and regulations, and may take into account the degree and severity of the violation committed.
  - 1. Warnings may be issued at the officer's discretion.
  - 2. A properly administered warning can be more effective than any other type of enforcement.
- C. Warnings or other non punitive enforcement actions may be substituted when circumstances warrant, especially in the case of inadvertent violations.
  - 1. When issuing a warning, officers shall complete an Albany Police Department Field Interview Report (FIR) card documenting the following:
    - a. Driver information;
    - b. Vehicle information;
    - c. Reason for the traffic stop; and
    - d. Any infractions committed.
- D. Uniform Traffic Tickets (UTTs) may, at the officer's discretion, be issued for traffic offenses that violate provisions of the New York State Vehicle and Traffic Law.
  - 1. UTTs are issued in one (1) of the following two (2) formats:
    - a. A computer generated printed UTT, utilizing the TraCS system (also known as an e-citation); or
    - b. A handwritten UTT, utilizing issued UTT booklets. Handwritten UTTs shall only be issued when the TraCS system is unavailable.
  - 2. The TraCS system has multiple benefits, and shall be the primary method used for issuing UTTs (and completing accident reports). The benefits of TraCS generated UTTs and accident reports include:
    - a. Reducing the time officers are exposed during a traffic stop or accident investigation by eliminating the repetition of entering common information, such as names, addresses, and vehicle information, to multiple paper forms;
    - b. Ensuring that information collected at a traffic stop or accident investigation is accurate, and that copies of the ticket or accident report are more legible for the public and for courts;
    - c. Data is submitted electronically to RMS, courts, prosecutors, DMV, and numerous other local, state, and federal agencies; enabling the sharing of traffic safety data more efficiently so that better decisions can be made when modifying traffic enforcement and making capital improvements to the roadways.

3. Personnel shall utilize the following documents to assist them with completing forms in TraCS:

- a. TraCS UTT ACC Quick Guide;
- b. TraCS Traffic Deposition Quick Guide;
- c. TraCS Frequently Asked Questions;
- d. Writing a UTT in TraCS; and
- e. TraCS Supervisors Guide.

E. UTT Citation Maintenance – Booklets:

1. Distribution:

- a. All hard copy UTT booklets shall be kept [REDACTED]
- b. Sergeants shall maintain an adequate supply of UTT booklets, insuring their security and recording their distribution.
- c. Sergeants shall issue each officer one (1) booklet containing twenty (20) consecutively numbered tickets.
  - i. Each UTT booklet has a pre-printed receipt on the face of the booklet, which shall be filled out completely by the receiving officer, then sent to Traffic Safety for recording.
  - ii. Officers before signing the receipt shall verify that the number of tickets and sequence are correct.

2. Submission:

- a. Handwritten UTTs shall be submitted to the respective Unit/Station by the completion of the officer's tour of duty.
  - i. Appropriate copies shall be placed in the bin labeled "Traffic" [REDACTED]
  - ii. Desk personnel shall be responsible for forwarding the UTTs to Traffic Safety Support Staff, [REDACTED] for recording and dissemination to the appropriate Court.
  - iii. If a traffic arraignment is processed in Albany City Court (criminal), officers shall submit the traffic disposition(s) with the Court paperwork and make appropriate copies for the DA's folder.

3. In circumstances where an officer completes a handwritten UTT that needs to be voided, the following shall apply:

- a. Officers shall submit an IDC to the Chief of Police listing the ticket number and the reason why the ticket needs to be voided.
- b. Officers shall attach a copy of the voided UTT to the IDC and submit all documents to the shift supervisor for approval.
- c. Once approved, a copy shall be forwarded to ASB for filing.

F. UTT Citation Maintenance – Electronic Versions:

**1. Distribution:**

- a.** Electronic UTTs shall be issued, stored, and accounted for electronically within the TraCS system.

**2. Submission:**

- a.** Completed TraCS UTTs shall be submitted electronically in TraCS by selecting "validate".
  - i.** TraCS UTTs are then automatically disseminated to the appropriate Court electronically.
  - ii.** If a traffic arraignment is processed in Albany City Court (criminal court), officers shall submit the traffic disposition(s) with the Court paperwork and make appropriate copies for the DA's folder.

**3. In circumstances where an officer completes a TraCS UTT that needs to be voided, the following shall apply:**

- a.** Officers shall submit an IDC to the Chief of Police listing the ticket number and the reason why the ticket needs to be voided.
- b.** Officers shall attach a copy of the voided UTT to the IDC and submit all documents to the shift supervisor for approval.
- c.** Once approved, a copy shall be forwarded to ASB for filing.

**G. UTT Adjudication – Albany Traffic Court:**

- 1.** Albany Traffic Court will adjudicate traffic matters for any UTTs issued for traffic infractions, other than felony and misdemeanor complaints.
  - a.** UTTs adjudicated in Albany Traffic Court shall be made returnable for Mondays at 09:00 am, no less than two (2) weeks from the date of issuance.

**H. UTT Adjudication – Albany City Court:**

- 1.** Officers shall make a physical custodial arrest for misdemeanor and felony traffic offenses, as defined by the New York Criminal Procedure Law.
  - a.** Certain offenses may be processed in the field, with prior approval from the officer's on-duty supervisor.
- 2.** Albany City Court will adjudicate traffic offenses involving the following:
  - a.** Misdemeanor or felony charges; or
  - b.** When a misdemeanor or felony arrest is made, and citations were conjointly issued for traffic infractions.

- 3.** If Albany City Court is in session at the time of arrest, after booking

procedures, the defendant shall be taken to Court for immediate arraignment.

4. If Albany City Court is not in session at the time of arrest, after booking procedures, citations shall be made returnable for the following day of issuance, with the return time of 08:30 am, in accordance with the following:
  - a. Per Subdivision Two of Section 150.30 of the New York State Criminal Procedure Law, the decision to set bail, and the amount thereof, shall be made by the Central Booking supervisor or any of the supervisor's superior officers, in accordance with GO 5.2.20 Central Booking Prisoner Processing.
  - b. Albany City Court is not in session on weekends or holidays for non-custodial arrests. During this time period, non-custodial UTTs shall be made returnable for the following Monday.
    - i. In the case of holidays, appearance dates shall be made for the next immediate day that Court is in session.
  - c. If a defendant who was issued a traffic summons is lodged, the citation(s) will be addressed during Court proceedings the following day.
5. A physical arrest may be made for a traffic infraction which would otherwise be returnable in Albany Traffic Court, in cases where the identity of the offender is in question and fingerprints are appropriate, pursuant to NYS Criminal Procedure Law, Section 160.10-2.
  - a. Supervisor approval must be acquired prior to transportation to Central Booking.
- I. Uniform enforcement supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. A police officer's enforcement action should be consistent with the severity of the violation.
  1. Citations may be issued when a driver commits an offense that causes a collision or any serious traffic violation, to include:
    - a. Speed well in excess of the posted speed limit;
    - b. Seat belt and child restraint violations;
    - c. Equipment violations which pose a serious safety hazard;
    - d. Other hazardous violations, such as disregarding traffic control devices, reckless driving, etc.; and
    - e. Non-hazardous violations, such as failure to possess a valid driver's license, vehicle registration, or proof of insurance.
6. Multiple Violations:
  - a. When a driver commits multiple violations, officers shall use discretion in determining how many citations to issue.



- a. Officers shall be aware of and enforce laws applicable to off-road recreational vehicles such as ATVs, dirt bikes, and mini bikes that are not licensable for street use.
- b. The following measures shall be considered when dealing with off-road vehicles:
  - i. Removal of unlicensed vehicles from the streets and highways.
  - ii. Issuing violations for off-road vehicle registration laws.
  - iii. Misuse of public trails, and improper use of street and highway crossings.
  - iv. Enforcement action with regard to excessive noise, trespass and property damage.

13. In the interest of maintaining a posture of prevention as opposed to apprehension, the Albany Police Department shall operate on the principle that one of the most effective deterrents to traffic law violations is to visibly patrol in marked vehicles.

- a. Patrol officers shall diligently enforce all traffic violations as a part of their regularly assigned duties.
- b. Visible traffic patrol will be line, area, or selective traffic enforcement, as directed by a supervisor.
- c. Traffic Safety officers may direct enforcement anywhere within the City of Albany, unless specifically assigned to a designated area by a supervisor.

14. In those areas where a fixed post or stationary observation is necessary to maximize the effectiveness of traffic enforcement efforts, officers shall

- a. In areas in which it has been determined a traffic hazard exists, due to repeated traffic law violations,

15. The use of unmarked vehicles for the purpose of traffic enforcement shall be utilized by personnel under the direction of a supervisor. Unmarked vehicles may be used to serve a number of specific functions:

- a.
- b.
- c.

16. Safety checkpoints are used to maximize the deterrent effect and increase the perception of "risk of apprehension" of motorists who would otherwise operate a vehicle contrary to law.



- a. Roadside safety checks shall be organized and implemented to designated areas by a supervisor and shall be performed by officers.
- b. Officers shall only conduct roadside checks at the direction of a supervisor.
- c. Roadside check points shall be conducted in a safe manner for personnel and the public, with sufficient visibility and appropriate positioning of patrol vehicles if utilized.
- d. Department issued reflective safety vests shall be worn by personnel conducting roadside checks. Some safety factors to take into consideration are:
  - i. Lighting (street lights and visibility);
  - ii. Time of day;
  - iii. Weather conditions; and
  - iv. Flow of traffic.

### **III. MOTOR VEHICLE STOPS GUIDELINES/KNOWN OR UNKNOWN RISKS**

**A.** The risks encountered during a motor vehicle stop may be known or unknown, and officer safety shall be practiced at all times.

1. Officers shall be alert for abrupt movements by any occupant of the violator's vehicle. Officers shall be aware if any occupants are:

- a. [REDACTED]
- b. [REDACTED]

2. If the violator exits his/her vehicle, the officer shall instruct the violator to return to their vehicle until approached by the officer.

3. When approaching the violator's vehicle, the officer shall be observant of the following:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

4. Officers should constantly be aware of their position outside of the violator's vehicle when interacting with the occupant(s).

5. These steps are a guideline for motor vehicle stops, officers shall revert to their judgment and training in these situations.

**B.** When initiating a motor vehicle traffic stop, officers shall follow the below procedures:

1. Notify the dispatcher of the following:

- a. [REDACTED]
- b. [REDACTED]

- c. [REDACTED]
- d. [REDACTED]

2. Unit DVRs and microphones shall be turned on and recording at all times during traffic stops, in accordance with GO 3.3.10 - Mobile Digital Video/Audio Recording Equipment.

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]

C. The level of risk for any traffic stop shall dictate the method of approach used.

1. Traffic Law Violators:

a. When an officer has observed a traffic violation and has made the decision to effect a traffic stop, [REDACTED]

b. [REDACTED]

- i. [REDACTED]
- ii. [REDACTED]

c. Officers shall encourage the violator to pull their vehicle over to the right shoulder of the roadway.

- i. [REDACTED]
- ii. [REDACTED]
- iii. [REDACTED]

d. Officers may use the available emergency equipment to illuminate the interior of the stopped vehicle.

- i. [REDACTED]

e. Officers shall ensure that the violator's vehicle is immobile during the stop.

- i. Officers should ensure that the violator's vehicle is in park.
  - ii. Officers may instruct the operator to remove the keys from the ignition or to turn the vehicle off.
- f. Officers may safely approach [REDACTED]
- g. Officers shall exercise professionalism and should remain courteous while interacting with the violator.
- h. Officers shall ask for the violator's driver license, vehicle registration, and insurance card and inform the violator of the traffic laws violated.
- i. It is essential that officers fully explain the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. At the time a motorist is charged with a violation, officers shall provide information relative to the specific charge, to include:
  - i. Court appearance scheduled date;
  - ii. Optional or mandatory nature of court appearance by the motorist;
  - iii. Notice of whether the motorist is allowed to enter a plea and/or pay a fine by mail or in person; and
  - iv. Any other pertinent information that must be provided to the motorist prior to release.
- j. Once a vehicle is stopped, the subject is considered to be in custody, therefore, the subject's safety becomes the responsibility of the involved officer(s).
  - i. If necessary, upon completion of the stop, officers shall assist the motorist back into the traffic flow.

## 2. High-Risk Vehicle Stops:

- a. High-risk vehicle stops are defined as any vehicle stop in which the officer knows or reasonably believes that the operator or other passengers in the vehicle are armed and dangerous.
- b. It is the policy of the Albany Police Department to recognize the safety of all persons as the primary consideration in any contact or traffic stop. Officers should constantly evaluate their actions in response to the circumstances and information gained preceding the initiated traffic stop.
- c. When an officer has a reasonable belief that a person, a vehicle, or its occupants are believed to have been involved in felonious activity, present a known danger, or present a high potential of risk to the officer or others, officers shall immediately notify the dispatcher.
  - i. Risk considerations may include: an immediate threat (real or perceived), a particularized suspicion of forcible felony activity, stolen vehicles, NCIC caution advisories, possession or accessibility of weapons, etc..

d. The officer shall inform the

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keep in mind that safety is paramount and

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p. [REDACTED]

q. [REDACTED]

i. [REDACTED]

r. [REDACTED]

s. [REDACTED]

t. [REDACTED]

u. [REDACTED]

i. [REDACTED]

ii. [REDACTED]

iii. [REDACTED]

v. [REDACTED]

#### IV. SPEED MEASURING DEVICES:

A. All speed measuring devices utilized for traffic enforcement purposes by the City of Albany Police Department shall meet or exceed the equipment specifications and performance standards prescribed by the National Highway Traffic Safety Administration.

B. The department shall utilize radar/lidar enforcement in the following circumstances:

1. High, or potentially high, collision locations where speed is a factor;
2. In areas where speed violations are prevalent; and
3. In response to citizen complaints concerning speeding motorists.

C. Operator Training and Certification:

1. All officers utilizing radar and/or lidar speed measuring devices must have successfully completed the basic operating training program and have proper certification prior to utilizing departmental speed measuring devices.
2. The Training Unit shall maintain all training certification records.

D. Operational Procedures:

1. Radar/lidar operators must be thoroughly acquainted to the nomenclature and the operation of the radar unit being used. Operators shall be familiar with the following factors:
  - a. Calibration;
  - b. Testing; and
  - c. Effective Range.
2. The radar/lidar operator shall establish a tracking history of the violator by:
  - a. Observing the vehicle traffic at the location;
  - b. Picking out the vehicle in violation;
  - c. Estimating the violator's speed; and
  - d. Verifying the speed with the radar/lidar unit;
3. In picking an operating site, the officer should first consider the safety of the location with respect to him/herself, other officers at the site, and the violators being stopped.
  - a. The location should be checked prior to set up to ascertain that the area is posted properly.
4. A complete calibration and testing of the unit shall be done before the operation at a particular location and immediately after terminating such operation, and a tuning test shall be administered after every violator is issued a ticket.
5. All operators shall use and complete the Radar/Lidar Activity Log supplied by the department and shall submit this at the end of the shift.

**E. Proper Care and Upkeep:**

1. Officers shall treat all radar/lidar equipment with proper care to help ensure the life and accuracy of the unit. Officers using radar/lidar units are responsible for immediately reporting malfunctions, problems, or damage to the unit by notifying the shift supervisor and marking the damage in the Station blotter, as appropriate.
2. Dash-mounted units will be left in the assigned vehicle, unless removed for maintenance or certification. No modifications of the unit or mounting devices shall be made by any officer unless specifically authorized to do so.
3. Hand-held units shall be stored in the provided storage case when not in use.

**F. Maintenance and Calibration Records:**

1. It shall be the responsibility of radar/lidar operators to ensure that the unit receives proper care during use.
  - a. Operators shall promptly report all discrepancies in operation or testing.

2. The Special Operations Lieutenant shall ensure that a program of maintenance, testing, and calibration of speed measuring devices are conducted and proper records are maintained for court testimony, including radar/lidar activity logs.
3. Radar/lidar units shall be taken to the Division of Criminal Justice Department for testing and calibration every six (6) months.

a. Records of these tests shall be kept on file in [REDACTED]

#### **V. DMV REFERRALS AND RE-EXAMINATION:**

A. Routine enforcement, collision reporting, investigation activities frequently 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 vehicle.

1. Police officers encountering a person operating a motor vehicle suspected of any of the above conditions shall:
  - a. Complete a DMV Police Agency Request for Driver Review Form.
  - b. Submit it appropriately, where it shall be sent to the New York State Department of Motor Vehicles.

#### **VI. VIOLATOR PROCEDURES RELATING TO SPECIFIC CIRCUMSTANCES**

A. Officers may in the course of their duties have contact with traffic violators who require special handling. These circumstances may be handled in the following matter:

1. Juveniles:
  - a. Tickets for traffic infractions may be issued only to persons sixteen (16) years of age or older.
    - i. Any violation of the Vehicle & Traffic Law by person(s) under sixteen (16) years of age shall be handled as either a Juvenile Delinquent or P.I.N.S. (Persons in Need of Supervision), per current directives.
  - b. Officers shall demonstrate the following procedures when a juvenile is stopped for violating provisions of the New York State Vehicle and Traffic Law and when no other criminal offense is alleged:
    - i. Confirm that the operator is under the age of sixteen (16) by obtaining their correct full name and date of birth;
    - ii. Contact and locate a parent or guardian of the juvenile violator;
    - iii. Juveniles shall be turned over to a parent or guardian at the conclusion of the stop;

- iv. A juvenile contact form shall be completed; and
- v. If any damage to property or injury occurs as a result of the juvenile's violation(s), a supervisor shall be notified immediately.

**2. Foreign Diplomats/Consular Officials:**

- a. Officers are advised that diplomatic and consular officials must be afforded their prospective privileges, rights, and immunities as directed by International Law (Vienna Convention on Diplomatic Relations, 1972) and United States Federal Law.
- b. Officers shall follow directives in General Order 1.4.05 - Consular Notification.
- c. An overview of diplomatic and consular license plate tags can be accessed on the Department's Homepage under the "Traffic Safety" link.

**3. Non-Residents:**

- a. Officers shall issue citations to non-resident violators, as with any individual, in accordance with the policies and procedures outlined in this order.
- b. If out of state inquiries cannot be validated, officers shall ensure the identity of occupants prior to concluding the traffic stop.

**4. Military Personnel:**

- a. When stopping military personnel for a violation of the New York State Vehicle and Traffic Law, officers shall follow the policies and procedures outlined in this order, as with any individual.

**5. Legislators:**

- a. When stopping a legislator for a violation of the New York State Vehicle and Traffic Law, officers shall follow the policies and procedures outlined in this order, as with any individual.

**VII. ALCOHOL AND DRUG ENFORCEMENT:**

- A.** Drivers impaired by alcohol and/or drugs represent a serious threat to the safety of others. If an officer stops a vehicle with a driver who appears impaired by alcohol and/or drugs the following shall apply:

- 1. Appropriate tests and procedures shall be administered accordingly.
- 2. Sufficient back up and resources may be requested as needed.
  - a. If available, Traffic Safety officers who have specific certification(s) or advanced training (DRE, ARIDE) pertaining to impaired drivers may be dispatched to the stop for assistance.

- B.** Supervisors may implement details consisting of officers assigned specifically for



alcohol enforcement. These assigned details should have a focus on the following:

1. Selective assignment of personnel at the time when, and to the locations where, analyses have shown that a significant number of violations and/or collision involving impaired drivers have occurred;
2. Selective surveillance of roadways on which there have been an unusual incidence of drinking-driving collisions to ascertain the characteristic violation profile of the problem drinker who drives;
3. Selected alcohol related collision investigations and analyses of findings;
4. Selective roadway checks for deterrence purposes; and
5. Selective enforcement of drinking driving laws through concentration on existing laws and the expeditious processing of violators.

**C. Identifying Impaired Drivers:**

1. Officers should learn to recognize and identify specific driving behaviors that have a high probability of signifying that the driver may be impaired by alcohol and/or drugs. The following behaviors may establish probable cause for the stop:
  - a. Turning with a wide radius that is greater than average.
  - b. Straddling the center lane.
  - c. Appearing to be under the influence by one or more of the following actions:
    - i. Eye fixation;
    - ii. Slouching in the seat;
    - iii. Gesturing erratically or obscenely;
    - iv. Driving without due care;
    - v. Weaving;
    - vi. Driving on other than the designated highway;
    - vii. Driving well below the posted speed limit;
    - viii. Stopping without cause;
    - ix. Following too closely;
    - x. Braking erratically;
    - xi. Slow response to traffic signal changes;
    - xii. Signaling inconsistent with driving actions;
    - xiii. Accelerating or decelerating rapidly; and
    - xiv. Driving without headlights during a period of day when headlights are required, or driving with inside light on without headlights being illuminated at night.
2. Officers shall exercise due care and caution when initiating a stop of a suspected impaired driver and shall be alert for unusual or inappropriate reactions from the driver.
3. Officers should learn to recognize and identify specific behaviors, signs, or attitudes displayed by impaired drivers occurring during vehicle stops that provide additional evidence/probable cause that the driver may be impaired.
4. Officers should evaluate a driver's physical appearance and condition

while he/she is still seated in the vehicle. This evaluation typically includes the following:

- a. Odor of an intoxicating beverage on the driver's breath;
  - b. Condition of the eyes (bloodshot);
  - c. Disorientation or lack of coordination and confusion;
  - d. Slurred speech;
  - e. Demeanor; and
  - f. Clothing (disheveled, urinated, etc.).
5. Officers who observe signs of a driver possibly under the influence have reasonable grounds to detain the driver and initiate field sobriety tests.
  6. Further testing may be given only if these preliminary evaluations cause the officer to be suspicious.
  7. Field sobriety tests shall be administered by the officer if reasonable grounds exist that the driver may be impaired.
    - a. The test(s) should be performed on a hard, flat surface in an area that is safe for both the officer and the suspect.
    - b. If the driver is too impaired to safely perform roadside tests, the tests should be omitted and the officer shall document the reason(s).
    - c. If a patrol unit is equipped with a mobile DVR, the field sobriety tests shall be video/audio recorded.
      - i. [REDACTED]
    - d. Field sobriety test should consist of:
      - i. Horizontal gaze nystagmus;
      - ii. Walk and turn; and
      - iii. One leg stand.
    - e. Other tests may be used to further develop probable cause for arrest if the investigating officer deems necessary. Some alternative forms of field sobriety testing that may be administered are:
      - i. Finger-to-nose;
      - ii. Vertical gaze nystagmus; and
      - iii. Recitation of the alphabet.
    - f. Alco-Sensors (pre-screening breath test devices) are available and can be utilized to develop probable cause.
    - g. The Chief of Police or his/her designee shall assign field Alco-Sensors to units, stations, and individual officers.
    - h. [REDACTED]
      - i. [REDACTED]

- i. The Traffic Safety Unit shall maintain a calibration binder which includes a list of all Alco-Sensors assigned to that particular unit/station and copies of each calibration form completed.
- j. The Commander of South Station shall maintain the master calibration binder, which will contain:
  - i. Alco-Sensors numbers;
  - ii. Serial numbers;
  - iii. Assignments; and
  - iv. All completed original calibration forms.
- k. The Traffic Safety Unit shall maintain a calibration log, which shall be kept: [REDACTED]
  - i. The log shall be in a predated format to assist in readily identifying any Alco-Sensor that has not received an accuracy check/calibration.
  - ii. Station Commanders shall ensure routine calibration and maintenance of all Alco-Sensors.
  - iii. If a qualified Traffic Safety officer is unavailable to conduct the accuracy checks and necessary calibrations, an officer that has been trained in the use of the Alco-Sensor, and has a valid Breath Test Operator's permit or is certified in Standardized Field Sobriety Testing (S.F.S.T.), may be assigned to conduct the accuracy checks/calibrations.
  - iv. If the result is not within tolerance, the instrument shall be calibrated and re-tested.
  - v. Officers shall complete an Alco-Sensor calibration form and insert it into the master calibration binder.
  - vi. If the Alco-Sensor cannot be adjusted correctly, it shall be turned into the Traffic Safety Unit for further inspection or repair.
  - vii. Officers shall make the appropriate entry into the calibration log, documenting which instrument was tested and by whom.

**I. Duties of the Special Operations Lieutenant:**

- i. Inspect the calibration log to ensure that there are no overdue accuracy checks or calibrations.
- ii. Verify each entry with an initial.
- iii. Notify the appropriate Commander of any instrument that has not received an accuracy check or calibration.
- iv. On a monthly basis, verify and update, as necessary, the Alco-Sensor assignment list located in the master calibration binder.
- v. Ensure that the simulator solution is changed routinely and that the change is documented and forwarded, as appropriate.

**D. Arrest Procedures:**

1. Whenever an officer has occasion to make an arrest for Driving While Intoxicated (D.W.I.), Driving Under the influence (D.U.I.) or for Driving While Ability Impaired Drugs (D.W.A.I.D.), one of the following appropriate warnings must be given to the suspect:
  - a. Driving While Intoxicated and Driving Under the Influence Warning:
    - i. You are under arrest for driving while intoxicated.
    - ii. A refusal to submit to a chemical test, or any portion thereof, will result in the immediate suspension and subsequent revocation of your license or operating privilege, whether or not you are found guilty of the charge for which you were arrested.
    - iii. Your refusal to submit to a chemical test, or any portion thereof, can be introduced into evidence against you at any trial, proceeding, or hearing resulting from this arrest.
    - iv. Will you submit to a chemical test to determine the alcohol or drug content of your blood?
  - b. Driving While Ability Impaired Drugs Warning:
    - i. You are under arrest for driving while ability impaired by the use of drugs.
    - ii. A refusal to submit to a chemical test, or any portion thereof, will result in the immediate suspension and subsequent revocation of your license or operating privilege, whether or not you are found guilty of the charge for which you were arrested.
    - iii. Your refusal to submit to a chemical test or any portion thereof can be introduced into evidence against you at any trial, proceeding, or hearing resulting from this arrest.
    - iv. Will you submit to a chemical test to determine the alcohol or drug content of your blood?
2. When an officer determines that an arrest is to be made, arrest guidelines shall be followed, according to current directives.
  - a. Officers shall follow the appropriate towing procedures, pursuant to GO 3.4.30 - Motor Vehicle Towing Procedures regarding the disposition of the arrestee's vehicle.
3. Officers shall transport the impaired arrestee safely to Central Booking in a marked patrol vehicle with a partition, unless otherwise authorized by a supervisor, in accordance with current department directives.
  - a. Officers shall ensure the arrestee is properly positioned in the rear of the patrol vehicle and seat belted in.
  - b. The patrol vehicle's video and audio DVR device, when available, shall record the transport, in accordance with GO 3.3.10 - Mobile Digital Video/Audio Recording Equipment.

- i. In patrol vehicles with a single mounted device, cameras should be turned to face the interior of the vehicle and directed at the prisoner.
  - ii. Visual and audio recording must be on in patrol vehicles with rear interior dash cameras.
- c. If the suspect appears to be too intoxicated or needs medical attention, the officer shall request emergency medical service to respond to the location and the arrestee is to be transported to the hospital for treatment.
  - i. Arrestees are in the custody of the Albany Police Department and shall be the responsibility of the arresting or assisting officer(s).
  - ii. Person(s) are to be transported by ambulance to the hospital under the custody of the officer.
    - a) Officers shall make sure the prisoner is secured during transport.
    - b) At a minimum, [REDACTED] shall ride inside the ambulance with the prisoner.
    - c) Upon discharge from the medical facility, prisoners shall be transported back to Central Booking in a patrol vehicle with a partition, unless otherwise authorized by a supervisor.

4. The arrestee shall be brought to Central Booking for processing:

- a. The Central Booking clerk or arresting officer shall obtain the arrestee's pedigree information.
- b. The arrestee shall be allowed a telephone call if he or she so desires.
- c. Personnel shall observe the arrested person for signs of intoxication, which include, but are not limited to:
  - i. Slurred speech;
  - ii. Unsteadiness on their feet;
  - iii. Glassy eyes;
  - iv. Confusion; and
  - v. The odor of an intoxicating beverage on their breath.
- d. Prior to the test being administered, the subject under arrest shall not be permitted to eat, drink, or smoke.
  - i. In the event the person eats or drinks anything, smokes or vomits, the test should not be given until at least twenty (20) minutes later.
  - ii. Additionally, in the event the subject under arrest has sustained an injury to the mouth, a breath test cannot be given.

- e. At least twenty (20) minutes of observation must elapse before a breath test can be administered. However, not more than two (2) hours shall elapse from the time of arrest until before the breath test is administered.
- 5. While the arrestee is in the Breathalyzer Room, [REDACTED] along [REDACTED].
  - 6. Officers who administer the breath test shall ensure that the following information is available to them should they be called into court concerning the administering of the breath test:
    - a. The Testing Officers:
      - i. Qualifications;
      - ii. Training regarding the function and use of the machine; and
      - iii. Experience regarding the use of machine.
    - b. The Machines:
      - i. Manufacturer;
      - ii. Operating principles;
      - iii. If, and when, the machine was tested by the manufacturer or operating officer; and
      - iv. Nature and function of chemicals used.
    - c. Particular Proof Relating to:
      - i. Time, date, and place of the test;
      - ii. What the officer did to get the machine ready for the test; and
      - iii. How the test was administered.
    - d. Paperwork Concerning:
      - i. All records made at test time;
      - ii. Certificate of duration of potency of chemicals (original);
      - iii. Proof that the lot number on the box containing the ampoules is same as the lot number on the ampoules used; and
      - iv. A Mobile DVR Preservation Request Form, APD Form # 431 shown on page 29 of this order.

**H. Breath Test Operation:**

- 1. The Breathalyzers [REDACTED] are scientific devices that are capable of indirectly measuring the blood alcohol content of a person by directly measuring the breath alcohol of that individual.
- 2. The Albany Police Department's breathalyzer instruments are located in the Breathalyzer Room at Central Booking.

3. Only properly trained, certified personnel shall operate the breathalyzers.
  - a. The breathalyzers shall be operated in the manner prescribed by the Bureau for Municipal Police and the New York State Department of Health.
  - b. Certified personnel shall operate the breathalyzers in the manner stated on the "Breathalyzers Operational Check List"; (DCJS 2003, 10/73).
  - c. The operator shall be responsible for completing all the required forms and departmental paperwork relating to the test.
4. Central Booking shall have the responsibility for the care, maintenance, and operation of the breathalyzer instrument(s).
  - a. All malfunctions of the device shall be immediately reported to the Central Booking supervisor, who shall make necessary repair or servicing arrangements.
  - b. The Central Booking Lieutenant shall be responsible for:
    - i. Ensuring the DataMaster breath test instrument is manually self-calibrated once a week.
    - ii. Forwarding the calibration log to the Administrative Services Bureau.
    - iii. Sending the DataMaster instruments to DCJS for recalibration once a year.
  - a) [REDACTED] DCJS will remotely calibrate the instrument(s).

**I. Blood Tests:**

1. Blood tests are considered a chemical test, under the State statutes and bare the same requirements as a chemical breath test, and shall be obtained by consent only, unless:
  - a. The driver causes serious injury or death to another person;
  - b. The operator is unconscious or unable to verbally consent; or
  - c. By court order.
2. A supervisor shall be notified anytime a blood test is being sought.
3. Once the blood is taken, it shall be processed as evidence, in accordance with current directives.

**J. Release to a Responsible Party:**

1. After all necessary tests are administered and processing is complete, and it is determined that the arrestee shall be released on an appearance ticket, it shall be the arresting officer's responsibility to ensure that the arrestee is released to a competent person or a taxicab is called.
  - a. If the arresting officer, after consultation with the Central Booking

supervisor, feels that bail should be set, it shall be done at this point.

- b. Lodged persons must be medically pre-screened by a Central Booking clerk or certified personnel before being placed in a cell.

- 2. When an intoxicated person is released, all reasonable precautions should be taken to assure his or her safety.

## **VIII. PARKING VIOLATIONS SUMMONS**

- A. Parking enforcement shall be the responsibility of sworn personnel of this department.

- 1. Officers of the Albany Police Department shall fairly and uniformly enforce all legally mandated parking restrictions utilizing City of Albany Parking Tickets.

- a. Warnings or verbal direction and advisement may also be utilized to gain compliance.
- b. While patrol units have the primary responsibility for enforcement of vehicle parking regulations, all police personnel have enforcement authority and shall be observant for violations, regardless of their duty assignment.

- B. Distribution:

- 1. Parking tickets shall be kept locked in the [REDACTED] for distribution to unit/stations.
- 2. Sergeants shall maintain an adequate supply of parking tickets, insuring their security and recording their distribution.
- 3. Sergeants shall be responsible for issuing parking tickets to officers and shall ensure that the tickets numbers are documented accurately.
  - a. Officers shall complete a Parking Ticket Citation Distribution Form, APD Form [REDACTED] of this order, recording the issued parking ticket numbers and shall sign the form, indicating its accuracy.
  - b. Sergeants shall review the Parking Citation Distributing Form, ensuring that the ticket numbers issued match the ticket numbers documented, and shall sign the form indicating its accuracy.
  - c. Completed forms shall be forwarded to ASB for filing.
    - i. ASB shall keep accurate records of tickets distributed to units/stations.

- C. Whenever issuing hand written parking violations summonses, the following shall apply:

- 1. Officers shall print all information legibly.
- 2. Officers shall ensure that all information is correct and that the ticket is filled out completely.



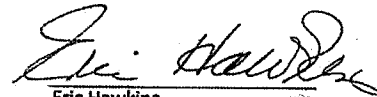
3. Officers shall be governed by the signs posted in the area as to the violators.
4. No more than one (1) ticket shall be issued for the same violation.
5. When completed, the service copy of the ticket shall be securely placed on the vehicle in violation, specifically under the windshield wiper on the operator's side of the vehicle.
6. The top copy of the ticket shall be retained by the officer(s) and shall be turned in by the completion of the officer's tour of duty.
7. Officers shall place the top copy of the parking ticket [REDACTED] at their assigned duty station by the completion of shift.
8. [REDACTED] are assigned to South Station and Center Station.
  - a. [REDACTED] and shall remain locked at all times.
  - b. [REDACTED] shall be maintained at the [REDACTED]
  - c. Station Commanders shall ensure that the parking ticket [REDACTED] are delivered directly to the Parking Violations Bureau, each weekday during "B" shift.
  - d. Department personnel delivering [REDACTED] shall wait for Parking Violations Bureau personnel to empty and relock [REDACTED]
  - e. Personnel shall then return each [REDACTED] to the appropriate station immediately.
  - f. If a [REDACTED] is found unsecured, a supervisor shall be notified immediately.
9. Officers may tow vehicles in violation of the City's parking law(s), but appropriate discretion shall be used. When deciding if a vehicle must be removed from the roadway, the following factors shall be taken into consideration:
  - a. Obstruction of traffic;
  - b. Blocking a driveway from the City street;
  - c. Scofflaw; and
  - d. Any factors compromising the safety of the public.

**D. Voiding Parking Tickets:**

1. In circumstances where an officer completes a parking ticket that needs to be voided the following shall apply:
  - a. Officers shall submit an IDC to the Chief of Police listing the ticket number and the reason why the ticket needs to be voided.
  - b. Officers shall attach a copy of the voided parking citation to the IDC and submit all documents to the shift supervisor for approval.
  - c. Once approved, a copy shall be forwarded to the Administrative Services Bureau for filing.
2. In circumstances where an officer receives a parking ticket while on official duty, the following shall apply:
  - a. Officers shall complete an Albany Police Department Request to

Void Parking Ticket Form, APD Form # [REDACTED] of this order.

- b. Officers shall attach the parking citation to the form and submit all documents to the shift supervisor for approval.
- c. Once approved, all paperwork will be forwarded to the Treasurer's Office - Parking Violations Bureau.



Eric Hawkins  
Chief of Police