

TYLER POLICE DEPARTMENT

GENERAL ORDER: 07.300

	TRAFFIC CONTROL AND ENFORCEMENT	
	EFFECTIVE DATE: 08-26-1994	
	REVISED DATE: 09-02-2020	
CALEA STANDARDS: 1.1.4; 41.3.9; 61.1.2; 61.1.3; 61.1.5; 61.1.6 – 61.1.12 61.2.1; 61.2.2; 61.3.1 – 61.3.3; 61.4.1 – 61.4.3		

07.301 PURPOSE

- A. It is the purpose of this General Order to govern the Department's traffic law enforcement activities and services. Such services may have an indirect effect on traffic flow and responses to citizen generated requests for assistance. This General Order will also govern those activities undertaken by the Department that directly affect the movement and control of vehicles and pedestrians. Finally it is the purpose of this General Order to govern the Department's traffic engineering activities.

07.302 TRAFFIC LAW ENFORCEMENT – [CALEA Standard: 1.1.4; 61.1.2; 61.1.3]

- A. Three alternatives exist for the officer relating to traffic offenses. The type of offense and the circumstances surrounding the offense should determine the action taken by the officer. The alternatives are:
1. Physical arrest, see [General Order 12.402\(A\)\(1-e\) – Arrest, Search & Seizure](#)
 2. Citation (Electronic or Hand-written).
 3. Warning Ticket (Electronic or Hand-written: Verbal Warnings are not permitted)
- B. Officers should consider the degree and severity of the violation, along with departmental guidelines and state law when deciding which alternative to use. The officer should never lose perspective of the ultimate goal of traffic enforcement, which is the use of enforcement in an effort to secure voluntary compliance.
- C. It is not the intent of this General Order to replace the officer's judgment. It is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer must decide what enforcement action is proper based on a combination of training, experience, and common sense. Some of the factors to consider are:

1. Severity of the violation;
 2. The danger presented;
 3. The flagrancy of the violation; and
 4. The availability of the officer.
- D. State and federal laws govern the handling of certain individuals. State law regulates the handling of traffic law violations and the action which may be taken regarding the following individuals:
1. Residents of the State of Texas.
 2. Non-residents of the State of Texas.
 3. Juveniles.
 4. Legislators ([CCP Art. 1.21](#), [TRC 543.003](#), [543.004](#)).
 5. Military personnel.
 6. Federal and State ([TRC 543.011](#)) Law regulates the action which may, or may not, be taken regarding the following individuals:
 - a. Foreign diplomats.
 - b. Consular officials.
 7. The United States Department of State Consular Notification and Access Manual will be used as a guideline for handling foreign diplomats and consular officials.
- E. Except when deemed necessary, traffic enforcement will be conducted utilizing marked and properly equipped police vehicles. Due to the hazards to the officer and the possibility of non-recognition by the public, unmarked vehicles should not be used to make any kind of traffic stop. If a violation occurs, officers in an unmarked vehicle will contact a marked unit.
- F. Officers may use both stationary and moving speed-measuring devices as needed to work their problem areas. Officers may work speed enforcement with traffic flow or they may work it from a side street. Officers may consult with their supervisor and work traffic any way that is safe and effective.

07.303 PROCEDURES FOR MAKING A TRAFFIC STOP

- A. When an officer who is working traffic observes a violation, the officer will proceed after the violator and use the overhead emergency lights to stop the violator. If the vehicle will not pull over, then the officer will activate the police unit's siren in order to attract the attention of the operator. Once the siren has been activated and the operator still will not stop the officer will follow the pursuit policy.

- B. If possible, an officer may request the violator to pull into the nearest parking lot and the police unit's overhead lights may be turned off. At the officer's discretion, the officer may use the police vehicle's hazardous warning flashers, spotlight, wigwags, or public address system.

07.304 USE OF OVERHEAD EMERGENCY LIGHTS AND SIREN

- A. Officers may use the emergency equipment on the police unit if an emergency exists. For the purpose of this section, emergency equipment includes both the overhead emergency lights and siren in use at the same time.
- B. Officers may run code three under the following conditions:
 - 1. When responding to a potentially violent felony in progress or the suspect is about to escape.
 - 2. When responding to a life-threatening situation whereby human life is in danger of death or serious bodily injury.
- C. Officers may use the overhead emergency lights to warn traffic of the danger in the roadway when the officer encounters a traffic flow problem.
- D. Officers shall abide by departmental General Orders and state law requirements dealing with pursuits and emergency vehicle operations.

07.305 TRAFFIC CONTACTS INVOLVING MOTOR VEHICLES

[CALEA Standards: 61.1.5; 61.1.6; 61.1.7; 61.1.10; 61.1.11]

- A. For many citizens, the only contact they ever have with the police is the result of a traffic contact. As a result, this is the only means they have to evaluate the police. Therefore, it is necessary for the officer to approach the traffic violator in a professional manner, to minimize conflict with the violator, and to promote a professional image.
- B. Upon observing a traffic violation and after making the decision to stop the violator, the officer will move the police unit into the correct position to make the traffic stop. The officer will advise the dispatcher that a traffic stop is about to be made. Once acknowledged by dispatch the officer shall provide the location of the stop and the license number of the violator's vehicle and/or the description of the vehicle. The officer should attempt to have the violator stop the violator's vehicle in a safe location. No traffic stop is routine and upon getting out of the police unit the officer should remain observant for suspicious movements made by the occupants of the violator's vehicle. Officers receive training on unknown risk stops and high risk stops in the recruit training program and periodically with in-service updates.
- C. The Officer should consider the following:
 - 1. All uniformed officers are expected to enforce the traffic laws, and to stop and detain motorists or pedestrians whenever there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law.

2. Officers must conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Law Enforcement Code of Ethics articulates the professional and personal behavior that is expected of all law enforcement officers.
3. Racial, ethnic, or other bias based profiling is totally unacceptable patrol tactics and will not be condoned. The department will utilize various management tools to ensure that biased based characteristics are not being used in traffic enforcement.
4. Officers are prohibited from stopping, detaining, searching or arresting anyone on the basis of illegal profiling. Officers shall make traffic stops and conduct field interviews only on the basis of reasonable suspicion, and shall make arrests only on the basis of probable cause.
5. This policy shall not preclude officers from stopping a person to offer assistance, such as upon observing a substance leaking from the vehicle, a flat tire, or someone who appears to be ill, lost, or confused. This policy does not prohibit stopping someone suspected of a crime based on a description that includes one or more of those identified attributes, or considering a person's apparent age when investigating curfew or liquor law violations.
6. The following procedure should be considered when stopping a motorist or pedestrian.

Seven (7) Step Approach	
Greeting	Good Morning, Afternoon or Evening.
Introduction	Officer provides their name.
Reason for Stop	Officer provides reason for stop.
Feedback	Excuse for the violation.
Documents	Ask for driver's license, insurance, or any other necessary documentation.
Enforcement Decision	Warning, citation or arrest
Closing the Contac	If no further reason to detain then return documents and release.

- D. First time offenders found to be driving under a suspended or otherwise invalid driver's license from the State of Texas will normally be cited for the class C '*DWLI*' violation. A previous conviction for '*DWLI*', committing the offense while not insured, or driving in violation of an ALR suspension are Class B offenses and the driver will normally be placed under custodial arrest if the reason the license is invalid is confirmed by a driver's license check through LIDR, DPS. In the event an officer believes mitigating circumstances prevent the issuance of a citation or an immediate arrest from being made, a supervisor's approval is required before the driver is released. If the decision is made to not make an arrest, then the officer will complete an offense report detailing the contact and have a warrant issued for the violation. No custodial arrest shall be made unless the driver's license is confirmed via Teletype through LIDR, DPS-Austin as being invalid.
1. If the driver's license return indicates that the license is invalid as a result of an administrative action (ALR Reinstatement Fee Required, Prohibition Fee Required, Reinstatement Fee Required or Suspension Reinstatement Fee Required) and the invalidation cannot be confirmed at the time of the inquiry, the officer may

complete an offense report and forward to an investigator for follow-up.

2. Violators found to be driving under a suspended or otherwise invalid license from another state shall be treated as a no driver's license violation and no custodial arrest will be made for driving under a suspended driver's license.
- E. Routine traffic enforcement, accident investigation, and general investigation activities frequently lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary control of a motor vehicle. In addition to reports related to the action or incident for which the motorist was stopped, the actual or suspected impairment shall be brought to the attention of the State Medical Advisory Board utilizing the appropriate referral form to be prepared by the submitting officer.
- F. All officers assigned to police Patrol activities will check stopped violators for impairment due to alcohol or drugs. If a driver is suspected to be under the influence then an arrest will be made and a test for that substance will be offered. Each such arrest will be made according to state law.
- G. Officers working speed traffic enforcement will follow proper radar/lidar procedures. In addition officers will allow 5 MPH tolerance for the speeding violations depending on location, conditions, etc. School zones are usually a zero tolerance area with consideration of the 5 MPH tolerance.
- H. All officers assigned to Patrol Division activities will make reasonable efforts to be observant for possible violations of the traffic code. Officers are allowed to use their discretion regarding the issuing of citations for violations of the traffic code, except for those violations that can be proven as a result of traffic accident investigation. Officers may cite a violator for as many violations as the officer feels would be appropriate considering the totality of events. Possible violations include, but are not limited to:
 1. Hazardous violations.
 2. Equipment violations.
 3. Public carrier/commercial vehicle violations.
 4. Other non-hazardous violations.
- I. When a citation is completed, all applicable sections of the citation are to be completed, when possible. In addition to any case number directly related to the citation, a brief summary of the contact circumstances will be noted in the citation narrative on the citation. The officer may also note in the citation narrative that the internal audio recording feature on the electronic ticket books may have additional information regarding the contact. Officers cannot rely solely upon the audio/video recording as the devices may not function properly and this form of information is not always readily available to others that may need the information.
- J. Regarding the officer's efforts toward enforcement of the traffic code, the officer will most likely use a beat/area patrol as officers are assigned to certain beats/areas of the city during their tour of duty. An officer may use a line patrol for enforcement purposes so long as the

officer remains in the officer's assigned beat/area. An officer may also use a directed patrol method if the officer is assigned a Community Policing problem or is part of the Traffic Unit assigned where assignments are made based on selective enforcement methods. Officers may use both covert and overt stationary observation methods to assist in the enforcement of the traffic code. The use of unmarked or unconventional vehicle will not be used for traffic enforcement purposes except when personnel are acting as spotters for officers working from marked patrol vehicles.

- a. Beat/Area traffic patrol is defined as patrol or stationary observation in an area or beat that includes a number of streets, roads, or sections of highway.
 - b. Line patrol is defined as moving patrol or stationary observation on a specified route between two points, usually on one City Street or a section of a highway.
- K. An officer may issue a citation to a juvenile for a traffic violation pursuant to the [Code of Criminal Procedure Art. 14.06 \(b\)](#). The juvenile violator that possesses a valid driver's license will be allowed to sign the citation and then be released. The juvenile violator that does not have a valid license is to be released to a responsible adult.
- L. The citizens must have an opportunity to acquaint themselves with newly enacted laws and/or regulations. It is the policy of the Tyler Police Department to issue warnings only for the first two weeks after a new law or regulation is enacted. After that period of time, the officers should use their own discretion.
- M. Officers will not stop vehicles for the purpose of conducting roadside safety checks.
- N. When the operator of any vehicle is arrested the officer will ensure that passengers are not left stranded. The officer will make every effort to relocate the passengers to a safe environment where they can arrange for transportation.

07.306 TRAFFIC CONTACTS INVOLVING OTHER THAN MOTOR VEHICLES

[CALEA Standards: 61.1.5; 61.1.12]

- A. While the majority of encounters regarding traffic enforcement involve motor vehicles, there are other violations regarding traffic flow and the traffic code that cannot be ignored. Two of these groups involve pedestrians and bicyclists. These two groups are also governed by traffic laws, the purpose of which is to protect both groups while they travel upon the roadways and mix with vehicular traffic. All officers assigned to police patrol activities will make reasonable efforts to be observant for possible violations of the traffic code regarding pedestrian and bicyclists.
- B. All officers assigned to police patrol activities will make reasonable efforts to be observant for possible violations of the traffic code regarding parking violations. Officers should check their assigned beat/area for parking violations and take appropriate enforcement actions.
- C. Officers shall enforce the traffic code regarding off the road vehicles the same as any motor vehicle that is driven on the road. Officers are able to enforce the traffic code on any vehicle that is driving on the parkway the same as the street.
- D. Any off the road vehicle driven in a City Park may be cited as a City Ordinance violation.

07.307 RADAR / LIDAR EQUIPMENT – [CALEA Standard: 61.1.8]

- A. The radar/lidar equipment will be maintained by the Traffic Sergeant who will be responsible for the repair of the equipment as required. The Sergeant will also be responsible for programmed maintenance.
- B. Before an officer begins speed enforcement utilizing radar/lidar equipment, the officer shall inspect, test, and check the calibration of the radar/lidar equipment both internally with the test button and externally with appropriate tuning forks before being used. Officers should internally check the calibration of the equipment routinely throughout the shift or after each speed related contact in which the equipment was used. At the conclusion of the officer's shift, another internal and external test and check of calibration should be done. Any malfunctions shall be reported to a supervisor and the radar/lidar returned to the Police Department where it will be tagged for repair. If the unit functions properly, then the unit can be used for speed enforcement purposes.
- C. All officers should handle the radar/lidar units with care so as to avoid causing damage.
- D. Calibration and maintenance records will be kept by the Traffic Unit Sergeant.
- E. All officers should attend a radar/lidar certification course for the proper handling and operation of a radar/lidar. Training is provided in the academy and through practical use in the PTO program. The Career Development Unit will keep the training records of each employee.
- F. Officers working traffic may pace a violator with the police unit using the speedometer for enforcement of a speeding violation.
- G. All speed measuring devices purchased by the Tyler Police Department after the effective date of this General Order shall comply with the standards promulgated by the National Highway Traffic Safety Administration.

07.308 ALCOHOL / DRUG ENFORCEMENT – [CALEA Standards: 61.1.5; 61.1.9; 61.1.10]

- A. In addition to selective traffic enforcement programs coordinated by the Traffic Unit Sergeant and at the Shift Commander's discretion, an enforcement detail of officers may be formed for selective alcohol enforcement. Off duty officers may be assigned to help reduce alcohol related accident problems by patrolling the assigned area for intoxicated drivers. The locations and times will be assigned in accordance with the data received from the most accurate accident analysis report.
- B. All officers assigned to the Patrol Division will be afforded the opportunity to attend training courses designed to help the officer identify intoxicated drivers. Some of these training courses may include field sobriety testing and impairment indicators.
- C. Officers should be observant for any signs of intoxication and record that information whenever possible using the in-car video system and documented in the case report. Whenever possible, the recording should include the following:

1. Identification of all persons on the recording.
 2. Conducting of the field sobriety testing.
 3. The issuance of the Statutory Warning.
 4. The giving notice of the constitutional rights.
 5. The DWI interview questions.
 6. The request for a specimen of breath, blood, or urine, as applicable.
- D. When an officer contacts a driver they suspect to be intoxicated, they should request that the subject complete the following Standardized Field Sobriety Tests, when possible, which will aid the officer in the development of probable cause:
1. Standardized Field Sobriety Tests (SFST) to be conducted each time when possible:
 - a. Horizontal Gaze Nystagmus (HGN)
 - b. Walk and Turn (W&T)
 - c. One Leg Stand (OLS)
 2. Alternative Tests, if needed:
 - a. Finger to Nose
 - b. Romberg Balance Test
 - c. Alphabet, etc.
 3. Portable Breath Test (PBT)
 4. Observed signs of intoxication that are to be included in the written report:
 - a. Driving characteristics
 - b. Physical appearance and demeanor that includes slurred speech, bloodshot eyes, clothing appearance, etc.
 - c. Odor of an alcoholic beverage
 - d. Unsteady balance, etc.
 5. If probable cause exists to make the arrest, the suspect will be placed in handcuffs and placed in the back seat of the police unit. The suspect will be seat belted into the police unit. If the suspect agrees to a breath test then the suspect's vehicle may be left legally parked awaiting the result of the Intoxilyzer test. If the vehicle is a hazard or in a traffic lane then the vehicle must be moved or towed to prevent any damage to the vehicle or injury to the traveling public.

6. An Intoxilyzer operator will be called to meet the officer at the jail and administer the appropriate test. If the suspect completes the test and is determined not to be intoxicated then the officer can return the suspect to the suspect's vehicle and release the suspect. The officer will be required to complete all of the DWI paperwork explaining in the narrative of the report the actions taken by the officer. Paperwork includes, but is not limited to, TPD report forms for arrest, DWI interview forms and State forms, if necessary. In all cases a DIC-24 will be read to the suspect.
- E. In the event the suspect is injured and requires medical attention or the officer suspects narcotic use, the officer should contact a supervisor regarding a blood test in lieu of an Intoxilyzer test.
- F. Officers shall arrest any driver involved in a motor vehicle accident if the officer has probable cause to believe the driver was intoxicated.
- G. Officers shall not issue a traffic citation that deals with the probable cause for initial stop to an individual booked into jail for an offense involving the operation of a motor vehicle while intoxicated. Citations that are not a part of the probable cause for the arrest may be issued; for example, no driver's license.

07.309 LICENSE PLATE RECOGNITION SYSTEM (LPR) – [CALEA Standard: 41.3.9]

- A. A fundamental element of policing is locating stolen vehicles or vehicles involved in other criminal acts including but not limited to abduction, burglary, auto burglary, and theft. LPR technology provides an efficient, cost effective, and passive means of monitoring vehicular traffic in areas, thereby reducing the need for traditional investigative stops and potential confrontational interaction between citizens and law enforcement. By making officer better informed and alerting them to potentially dangerous situations, the department believes that LPR technology will enhance both public and officer safety, while increasing the agency's efficiency and effectiveness at solving reported crime, apprehending wanted persons, recovering missing or endangered persons, and locating stolen vehicles.
 1. Usage / Limitations / Security
 - a. Only trained personnel will utilize LPR equipment or access LPR databases. Training shall be provided by the training division and shall include policy, operation of equipment if applicable, database access, security, and dissemination of information.
 - b. Department personnel are responsible for the security of any LPR information and may not access, use, release or otherwise disseminate data except for official law enforcement purposes.
 - c. The investigative division assistant chief shall ensure that the scan data is stored in a secure environment with restricted access to authorized personnel only.
 - d. Available LPR data should be considered to be searched when conducting license plate canvasses in the immediate wake of any homicide, shooting,

robbery, kidnapping, AMBER ALERT and / or other major crime or incident if possible. Registration plates or partial plates potentially associated with a crime or incident may be entered into the database and compared against the scan file.

2. Data Storage and Retention
 - a. Data obtained from the use of LPR equipment shall retained for the period prescribed by the State of Texas Records of Public Safety Agencies and the contracting company.

07.310 SECTION 07.310-07.319 RESERVED FOR FUTURE EXPANSION

07.320 TRAFFIC ENGINEERING – [CALEA Standard: 61.3.1]

- A. Due to the existence of a City Traffic Engineer, the role of the Police Department in this area will be limited to providing information, assistance, and referrals to that office.
 1. Any complaints received that the police department determines to be related to any form of traffic engineering will be forwarded to the Traffic Engineer's Office for consideration and appropriate action or to the Texas Department of Transportation depending on which agency has responsibility for the section of roadway in question..
- B. Accident report copies will be forwarded to the Traffic Engineer's Office on a weekly basis to provide traffic accident location information.
 1. These reports contain information regarding what enforcement action, if any, was taken by the investigating officer.
 2. High traffic accidents locations will be identified and information provided to the City of Tyler Traffic Engineering Department.

07.321 SECTIONS 07.321 - 07.330 RESERVED FOR FUTURE EXPANSION

07.331 TRAFFIC DIRECTION AND CONTROL – [CALEA Standard: 61.3.2]

- A. In furtherance of public safety, it may be necessary for an officer to manually regulate the flow of traffic around accident scenes, fire scenes, hazards, or special events. The purpose of manual traffic control is to ensure an orderly flow of traffic, prevention of congestion, and to ensure the safety of all motorists and pedestrians.
- B. In the event that an officer is required to make use of manual traffic control, the officer shall wear a reflective safety vest. The vest is also required when conducting accident investigations in the roadway. The officer shall, when manually directing traffic, use simple and easy to understand hand gestures as taught by the Tyler Police Department. A whistle may also be used.

The use of temporary traffic control devices may be utilized by this Department during certain situations such as special events or emergencies. These devices (movable barriers, reversible or temporary signs, etc.) are placed and removed by personnel from

the City's Street and Traffic Departments. The use of portable or part-time stop signs should not be used except for emergency purposes.

- C. At times, officers may be called upon to perform manual traffic control during adverse road and weather conditions. Officers must remember that in weather conditions such as fog, ice, snow, smoke, or blowing sand, the drivers' visibility is greatly reduced and road conditions might have deteriorated to the point that drivers may not be able to control their vehicles. In these circumstances, officers shall use every precaution and try to make themselves as highly visible as possible using whatever means available to them. Officers should also be alert to special problems such as downed power lines or road construction sites while directing traffic. In all instances, officers shall take necessary steps to ensure their safety while performing their duties.
- D. This Department shall provide traffic direction and control at working fire scenes or whenever the Fire Department requests assistance. Officer's responsibilities include prevention of vehicles moving over fire hoses, spectator control, and maintaining access for additional fire units or other emergency vehicles. Officers should make sure that neither they nor their vehicles get in the way of firefighting equipment, and should refrain from going to fire scenes unless dispatched.
- E. It shall be Department policy that a decision concerning provision of manual traffic direction services shall be made in cooperation with traffic engineering authorities. Such a decision shall be based on traffic volume and speed, number of pedestrians present, duration of congestion period, and presence or absence of traffic control devices. No Department personnel shall be used for manual traffic control when the use of a traffic control signal will alleviate the problem.
- F. This Department shall make plans and preparations prior to special events and taking into consideration the following:
 - 1. Designation of a single person or position as supervisor and coordinator for the coverage of a given event;
 - 2. Written estimate of traffic, crowd control, and crime problems expected for any given event;
 - 3. Contingency plan for traffic direction and control;
 - 4. Use of special operations personnel (if necessary);
 - 5. Logistical requirements;
 - 6. Coordination inside and outside the agency;
 - 7. Relief for officers;
 - 8. Media access / stage area;
 - 9. Emergency vehicle access;
 - 10. Public transportation, including drop-off and pick-up locations;

11. Alternate traffic routes; and
12. Preparation of an After Action Report.

07.332 RESERVED FOR FUTURE EXPANSION

07.333 TRAFFIC ANCILLARY SERVICES – [CALEA Standard: 61.4.1]

- A. It is the policy of the Tyler Police Department to provide general assistance to all highway users. This will include providing information and direction, assisting stranded motorists, taking action on highway hazards, and providing for removal of vehicles when necessary, and other reasonable requests for assistance from the public. The intent of this policy is to assist in providing a safe and efficient flow of traffic and to help ensure the safety of the general public.
- B. When observing a stranded motorist on or along a roadway, an officer should stop and offer assistance. If the officer cannot stop the officer should notify communication personnel of the situation so someone can be dispatched to assist the motorist. An officer's assistance may include, but is not limited, to the following types of assistance:
 1. Providing information or directions.
 2. If the stranded motorist is in need of towing services and does not have a preference for the service to be utilized, the officer shall obtain towing services in accordance with the Department's on call wrecker service.
 - a. If the person is in need of mechanical assistance, the officer can have the police dispatcher telephone someone for the person. The officer should not recommend a specific mechanic service, but can identify possible sources.
 - b. In some situations, it may be necessary to remain with the stranded motorist to ensure that assistance arrives in a timely manner.
 3. In the event that emergency assistance is required (i.e., medical crisis, fire, etc.), the officer is responsible for basic functions of first aid and fire suppression. The officer is then responsible for the summoning of assistance from the appropriate city department or outside agency that provides such services.
 4. If a motorist is stranded or disabled on the highway in a location or environment that is hazardous, the officer shall provide protection and summon appropriate assistance for the situation. If necessary, the officer shall transport the motorist to a place of safety.
 - a. Protection may be provided by use of the police vehicle's emergency overhead lights and/or manual traffic direction.
- C. For procedure on the use of the department authorized push bar see [General Order 05.113 – General Patrol Duties](#).
- D. Officers will not use a police vehicle for providing a jump-start to civilian vehicles.

- E. Officers will not unlock vehicles where a citizen has locked their keys in the vehicle unless there is an emergency present necessitating such action. When such an emergency is present members of this Department are authorized to use the minimum amount of force they deem necessary to gain entry to the vehicle. An example of such an emergency would be a small child locked in the vehicle during adverse weather conditions.

07.334 HAZARDOUS HIGHWAY CONDITIONS – [CALEA Standard: 61.4.2]

- A. It shall be the policy of this Department that whenever officers observe hazardous highway conditions or hazards to public safety, the officer shall contact the Communications Operator who shall then contact the proper city department, county department, State agency, or public utility company and relay such information. Officers may be required to remain at the scene to direct traffic around the hazard. Examples of such conditions may include, but are not limited to:
 - 1. Debris in the roadway.
 - 2. Defects in the roadway itself.
 - 3. Lack of improper, visually obstructed, down or damaged mechanical traffic control and/or traffic information signs.
 - 4. Lack of or defective roadway lighting systems.
 - 5. Ice or snow on the roadway.
 - 6. Other materials on the roadway.
 - 7. Water leaks.
 - 8. Gas leaks.
 - 9. Light poles or utility poles damaged or down.
 - 10. Hazardous materials spill.
 - 11. Fires.
- B. Hazards of an emergency nature shall be reported to the proper authority immediately. Conditions of a non-emergency nature may be noted and referred to the proper authority at a later time.
 - 1. Serious conditions will not be left unattended without proper warning devices put in place to alert those that are approaching the hazard.
- C. Notification will be logged by communications.

07.335 HAZARD REPORTS

- A. It shall be the policy of this Department to encourage all employees, sworn or civilian, to actively participate in reporting hazards having the potential of resulting in accidents, injuries and waste material. Such hazards may be within the working environment of this Department

or outside of this Department's functions. Sworn personnel shall pay particular attention to hazards involving the following:

1. Locations where point traffic control may be required.
2. Locations where parking control may be required or modified.
3. Locations where traffic control devices may be required or modified.
4. Locations warranting special sight distance studies.
5. Locations involving school crossing zones.

07.336 HAZARDOUS MATERIALS – [CALEA Standards: 61.2.1; 61.2.2]

- A. Officers investigating a complaint or accident that involves a chemical spill or hazardous material spill shall, upon arrival, secure the scene and request immediate assistance from the fire department.
- B. If the situation obviously requires immediate action to cordon off the area or evacuate nearby residents or building occupants, i.e., if there is a danger of immediate explosion or release of toxic gases, the officer should initiate such action immediately if there is not an officer of the Tyler Fire Department at the scene to take command.
 1. Adjustments in the size of the danger area can be made later after the senior Fire Department Officer arrives on the scene.
 2. An officer will relinquish command of the situation to the first Tyler Fire Department officer who arrives at the scene. The Tyler Fire Department has the final responsibility in any incident involving hazardous materials.
- C. A police supervisor will report to the on-scene command post and will assign officers as needed. At a minimum, officers will be assigned to assist with the following as needed:
 1. Keep one radio equipped officer at the on-scene command post until released by the fire official in charge of the on-scene operation to relay information to other Police personnel as may be requested by the fire official in charge.
 2. Evacuation of citizens from the danger area when requested to do so by the fire official in charge.
 3. Cordon off the danger area for safety and exclude entry by unauthorized personnel.
 4. Once the area has been designated a danger area and evacuated, entry by non-emergency personnel will be permitted on the basis of police officer's judgment, clearance by the Command Post, or upon presentation of a Disaster Area Permit which authorizes entry into disaster or danger areas. Questionable persons who insist on right of entry will be referred to the on-scene command post for determination of status.
 5. Protection of sensitive and critical installations and prevent looting in the danger area.

6. Enforcement and traffic control in and around the scene of the incident.

07.337 ESCORT SERVICES – [CALEA Standard: 61.3.3]

- A. The Tyler Police Department provides escort services for a variety of circumstances.
 1. Routine escort service requests, such as funeral escorts, shall be routed through the Communication Unit.
 2. Escort requests for public officials, dignitaries, and parades shall be approved by the appropriate supervisor.
 3. Escorts for oversize vehicles or loads, and hazardous cargo shall be approved by the traffic department. During escort service that might require a state or city permit such as a house moving, etc., the escorting officer will first check to ensure proper compliance before beginning the escort.
 4. Emergency escorts such as out of town ambulances shall be routed through the Communications Unit for assignment.
 5. During adverse weather conditions, officers shall make an effort to transport or arrange for transportation of those persons who are stranded to a place of safety.
- B. Procedures for the emergency escort of private vehicles will be conducted as follows:
 1. Due to the dangers and liabilities involved, officers will not provide emergency escorts except in cases where in the officer's opinion there is an immediate danger of loss of life. Communications and a Supervisor will be notified of the situation prior to providing the escort. When there is time, a Supervisor should review and approve or disapprove the escort. Whenever possible, an ambulance should be summoned to provide transportation to an appropriate facility.
 2. Should the circumstances of the emergency dictate, the officer may place the civilians in the police car and provide emergency transportation. Communications and a Supervisor will be notified of the situation prior to transport. The civilian vehicle should not be allowed to follow the police vehicle, but should be directed to the hospital or secured at the scene. The officer may then transport the driver back to the vehicle once emergency service is provided.

07.338 FUNERAL ESCORTS

- A. The officer assigned the call will be responsible for the following:
 1. Communicating with the Funeral Home personnel to establish the route the procession will take. The officer will honor all reasonable requests. Officers should use sound judgment based on traffic flow, time of day, road conditions, trains, or other factors that might affect the safe and effective progression of the escort. If for some reason, the officer feels that the request is unreasonable, the officer must request a supervisor come to the location. The supervisor will make the decision

with the understanding that every effort will be made to accommodate the request if it can be done safely and without straining manpower resources.

2. Decide which officer will lead the procession.
3. Ensuring that all of the back-up officers assisting with the procession know the route.
4. Establish which radio talk group will be used by all assigned police personnel. Before the procession leaves the officer will conduct a radio check to confirm that all personnel are monitoring the correct frequency.
5. Communicate to Funeral Home personnel that in the event the lead police vehicle is delayed the procession is to wait at the next intersection that is regulated by a traffic control device. This delay will last until the officer can regain the lead and safely lead the procession through the intersection.
6. Evaluate the number of vehicles that will be involved in the procession and request additional police units as required.
7. Once traffic has been blocked at the entrance to the cemetery the officer will show respect to the family by stepping out of the police vehicle and standing at parade rest.
8. Report any problems, such as accidents, through the chain of command.

B. Responsibilities of all officers:

1. Overhead emergency lights and headlights will be used during each procession.
2. Escorts will never exceed the posted speed limit.
3. Officers will use sirens if necessary to stop or hold traffic at an intersection.
4. Ensure that intersections displaying a Red traffic light can be entered safely. The safety of the escort is more important than the speed in which it gets to the gravesite.
5. Once an intersection has been secured the officer shall not leave until another officer has assumed the responsibility of the intersection or other vehicles not involved in the procession have stopped which effectively blocks the intersection.
6. Motorcycles will not be used for Funeral Escorts

C. Responsibilities of Patrol Sergeants

1. Check "funeral escort schedule" at beginning of shift;
2. Make sure staffing is adequate to conduct escorts;
3. Determine number of Patrol Units needed for escorts; and
4. Advise dispatch in advance of the number of Patrol Units required for escorts

D. Responsibilities of Funeral Homes

1. Funeral homes are required to provide 24-48 hours advance notice of pending escort;
2. Provide estimate of number of cars in procession;
3. Try not to schedule any escorts between 1430-1530 hours; and
4. Contact dispatch no more than thirty minutes in advance of escort to advise if funeral is on schedule.

07.339 VEHICLE IMPOUND AND TOWING – [CALEA Standard: 61.4.3]

- A. It is the policy of this department to establish guidelines for the towing and impoundment of vehicles while adhering to applicable state and federal statutes. The following procedures shall be used by officers when for any reason it becomes necessary to assume custody and/or control over any motor vehicle.
- B. Designated employees have the authority to have vehicles towed by an approved on-call wrecker service to the wrecker companies storage lot for safe keeping or the Downtown Station's Property Storage Building / Lot's (generally reserved for vehicles involved or suspect of being involved in a criminal incident) under one or more of the following conditions:
1. The vehicle has been left unattended and the presence of the vehicle constitutes an obstruction, is hazardous to the normal flow of traffic, or otherwise jeopardizes the public safety.
 2. The vehicle is left unattended in a tow-away zone as specified by city ordinance.
 3. The vehicle is on a public roadway and is blocking an entry or exit to a public or private driveway and the owner of driveway requests the Department to tow it.
 4. The operator is taken into police custody from the vehicle. Exceptions listed below:
 - a. If the vehicle is legally parked and the operator signs a vehicle release, the vehicle may be left at the location.
 - b. If the level of intoxication concerning a person operating a motor vehicle is in question. The vehicle may be left at the scene if it can be done so safely and it can be properly secured.
 - c. If the operator elects to release the vehicle at the scene to a licensed and capable driver. Proper release must be signed.
 5. The vehicle has been involved in a criminal offense and is being impounded as evidence or for processing. The vehicle should only be towed after careful consideration by the investigating officer and supervisor.
 6. Removing a vehicle from an accident scene when the owner or operator is not available or capable of providing proper custody, control, or security of the vehicle.

7. The vehicle is illegally parked and;
 - a. Prevents the efficient movement of traffic.
 - b. Jeopardizes the public safety.
 8. Abandoned vehicles in accordance with [Section 07.341](#) of this policy.
 9. Recovered-Stolen vehicles, after a reasonable effort has been made to contact the owner.
 10. Vehicle is in violation of [City of Tyler Code of Ordinance Section 18-31](#) and notice has been given as set forth in section [City of Tyler Code or Ordinance Section 18-32](#).
- B. The vehicle owner shall be responsible for any costs incurred as a result of towing and/or storage of the vehicle.
- C. In all cases that involve the towing of an unoccupied vehicle, a reasonable effort will be made to contact the owner/operator by phone. The time used should depend on the individual situation such as traffic hazards and officer's time restraints.
- D. All unoccupied vehicles, which are impounded by the Department, shall be listed in the Communications Impounded Vehicle Log. This entry shall list the date, time, case number, officer involved, and description of vehicle, location, reason for tow and wrecker service used. This procedure is not necessary if the vehicle is towed as a result of a traffic accident investigation. In this case the required information is contained within the officer's traffic accident report.
- E. All abandoned or junk vehicles will be towed to the on-call wrecker service's storage facility. The following exceptions will require an impounded vehicle to be transported to the Department's property storage lot.
1. Recovered-Stolen vehicles when the registered owner cannot be located and the vehicle is not disabled.
 2. Vehicles used in the commission of a crime or part of a crime, with Supervisor approval, including vehicles subject to State Seizure laws.
 3. Any vehicle a supervisor authorizes to be towed to the Department.
- F. All vehicles towed to the Department will be properly tagged in accordance with established department policy. The inventoried items, unless submitted to central property, shall remain secure in the vehicle so as to protect the items from the elements.
- G. If an employee requests the on-call wrecker service to remove a vehicle and the owner operator arrives who is capable of moving the vehicle prior to the wrecker connecting to the vehicle the employee shall cancel the request.

1. If the on-call wrecker service has already connected to the vehicle, the owner / operator shall be responsible for making arrangements with the wrecker service concerning the release of the vehicle.
2. In the event of a disagreement, the vehicle will be towed to the wrecker service's storage lot and the operator of the vehicle advised to pursue a settlement through civil process.

07.340 VEHICLE INVENTORIES – [CALEA Standard: 61.4.3]

- A. Officers impounding vehicles under authority of this policy shall conduct a vehicle inventory on the vehicle.
- B. Vehicle inventories are an administrative measure performed for the purpose of:
 1. Determining whether there is any personal property in the vehicle that needs to be protected from loss or damage while the car is impounded.
 2. Protecting the department against claims that property was lost, stolen, or damaged while the vehicle was in Departmental custody.
 3. Protecting departmental personnel and the public against injury or damage due to toxic, explosive, flammable, or otherwise hazardous substances that may be contained in the vehicle.
- C. Vehicle inventories should be conducted at the point of seizure or as soon as possible thereafter.
- D. If probable cause for a search exists, guidelines as set forth in [General Order 12.400 – Arrest, Search & Seizure](#) should be followed. The discovery of evidence or contraband during an inventory does not mean that the inventory must cease and a search warrant obtained. The inventory can be completed in the normal manner. Only when there is a need to go beyond the normal inventory will a search warrant be needed, for example, removing interior door panels or going into a locked area for which there is no key.
- E. All areas of the vehicle that are accessible without having to be forced open shall be inventoried, including, but not limited to:
 1. Passenger compartment;
 2. Compartments inside the passenger compartment (e.g. glove box, center console, etc.); and
 3. The trunk.
- F. Locked areas of the vehicle shall not be inventoried unless the officer has a key that will allow entry to these areas. The officer shall not use force or cause damage to open any part of the vehicle or any container within the vehicle.

- G. When making an inventory of a locked vehicle or areas of a vehicle that are locked and not accessible, the officer shall make a visual inventory listing the items of value that are in plain sight.
 - 1. Locked areas not accessible to the officer shall be noted on the inventory form.
- H. Members of this department will be responsible for the safekeeping of valuable property located inside of towed vehicles. Valuable property will be removed from the vehicle prior to towing. The property will be stored in the property room. The Officer will complete a property report and indicate the property is being stored for safekeeping only.

07.341 REMOVAL OF ABANDONED VEHICLES – [CALEA Standard: 61.4.3]

- A. Abandoned motor vehicles are defined as any of the following:
 - 1. A motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours.
 - 2. A motor vehicle that has remained illegally on public property for a period of more than 48 hours.
 - 3. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
 - 4. A motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the Texas Turnpike Authority.
 - 5. Junked motor vehicle means any motor vehicle as defined in the Texas Transportation Code Section 683.071 and [City of Tyler Code of Ordinance: Section 18-30](#).
- B. Section 683.011 of the Texas Transportation Code and [City of Tyler Code of Ordinance: Section 8-4](#) authorize the police department to take into custody an abandoned motor vehicle found on public or private property.
- C. The Texas Transportation Code Section 683.074 and [City of Tyler Code of Ordinance 18-30](#) allows authorized persons to enter private property to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle, and cause the removal of a vehicle or vehicle part that constitutes a nuisance when so ordered by the judge of the municipal court.
- D. Vehicles found left unattended creating a hazardous traffic situation may require immediate removal to the on call wrecker company's storage lot if they cannot be moved out of the roadway.
- E. Vehicles left abandoned on public property, shall be handled according to the following procedures.
 - 1. When responding to a citizen complaint concerning an abandoned vehicle or the employee observes what appears to be an abandoned vehicle, the employee shall determine if the vehicle falls within the definition of an abandoned vehicle.

2. If the vehicle is classified as abandoned, the employee shall:
 - a. Check to ensure that the vehicle is not stolen.
 - b. Attempt to contact the owner of the vehicle and indicate such attempt(s) in their Abandoned Vehicle Report. The owner will be given **(5)** five days to remove the vehicle. This is five (5) full days not including the date of incident / report or the date the tow.
 - c. Place a "*Notice of Abandoned Vehicle*" sticker indicating the date the vehicle will be towed. The sticker should be placed on one of the vehicle's windows, preferably the driver's door window or front windshield.
 - 1) If a vehicle is not removed on or after the date noted on the sticker, it will be towed to the requested on-call wrecker service's storage lot.
 - 2) Sworn employees working shifts outside normal business hours should make arrangements to have a PSO assist them in getting the vehicle towed on or following the designated removal date.
 - 3) An Abandoned Vehicle incident report shall be completed by the initiating employee. A supplemental report is to be completed by the same employee if the vehicle is removed prior to being towed. If the vehicle is towed the employee who requests the on-call wrecker service will be responsible for completing the supplemental report.
 - i. Since the Department is no longer having abandoned vehicles auctioned the employee towing the vehicle is not required to complete a Property Voucher or submit a tow slip from the on-call wrecker service to the Property and Evidence Unit.

**Note: The responding on-call wrecker service shall be responsible for transporting and storing all abandoned vehicles towed at the request of the Department to their storage lot where they in compliance with the Texas Transportation Code, Title 7, Chapter 683 Abandoned Motor Vehicles.*

- F. Abandoned motor vehicles left parked or abandoned on private property without the consent of the owner of the property will not be towed by this Department. The property owner will be advised to have the vehicle towed on their own initiative, if they so choose.
- G. Police officers and Street Department personnel are authorized to remove junk vehicles from private property, as defined in [City of Tyler Code of Ordinance, Chapter 18, Article III, Sections 18-30 to 18-36](#). The following are the procedure for employees to tag junk vehicles or vehicle parts discovered on private property, which are visible from public property:
 1. When the junk vehicle or vehicle parts are first discovered, the officer will take steps to properly identify the items for the report. A tag explaining the process should be attached to any portion of the property that will not be damaged when it is removed.

The officer will attempt to contact the owner of the property to explain the situation and provide or leave a Path / Prevent Blindness Brochure, which offers an option of donating the junk items. The officer shall complete the paperwork and keep the form in their possession but wait thirty days before taking any further action.

2. Upon the expiration of the thirty-day waiting period the officer will ensure the form is complete and forward the report to the Patrol Commander who will transfer the documentation to the Street Department. The Street Department personnel will be responsible for any administrative process, hearings, towing and disposing of the junk vehicles or vehicle parts.

H. Whenever a vehicle is removed or towed at the direction of an employee, the employee will record the following:

1. Time.
2. Date.
3. Location.
4. Reason for removal or tow.
5. Towing service used.
6. Location of the vehicle and
7. Notification (or attempts) of the registered owner.
8. This information will be placed in the employee's incident report. A copy of the vehicle page and towing receipt will be submitted to the Property Unit. A vehicle inventory will also be completed.

Approved: 09-02-2020



Jimmy Toler
Chief of Police