



Mecklenburg County Sheriff's Office

	MCSO General Order # 20	Effective Date: September 19, 2022
	Subject: Uniform Traffic Enforcement	
	Rescinds: April 1, 2012	Revised: September 12, 2022
	Approved: Sheriff Garry L. McFadden 	

Applicable Standards: CALEA 61.1.2 – 61.1.7, 61.1.10, 61.3.2, 61.4.1, 61.4.2 and 41.2.3

I. Purpose:

The purpose of this General Order is to establish policy and procedure for Mecklenburg County Sheriff's Office personnel regarding traffic enforcement. All deputy sheriffs shall remain familiar with Chapter 20 of the North Carolina General Statutes (NCGS), particularly those articles that pertain to traffic enforcement.

II. Policy:

It is the policy of the Mecklenburg County Sheriff's Office to enforce traffic laws for the purpose of reducing the number of traffic accidents. A deputy's enforcement actions, and decisions about the type of enforcement action to take in any given situation, should include careful consideration of the nature and seriousness of the violation, the intent of the driver, and the effect of the violation on other motorists and/or pedestrians.

Deputies will initiate enforcement action based on a combination of training, experience, and common sense. In the absence of specific direction elsewhere, deputies should operate on the premise that deliberate violations of traffic laws, and hazardous violations, deserve a more vigorous enforcement effort than do inadvertent violations or non-hazardous violations. Pursuant to Section IV ("Traffic Enforcement Options") (C) ("Prohibition on Regulatory Stops"), **Deputies will not initiate an enforcement action based solely upon a suspected regulatory offense as defined in Section IV(C).**

MCSO places greater emphasis on the quality of a deputy's traffic law enforcement efforts, rather than the quantity. While all uniformed deputies share responsibility for traffic law enforcement, it is recognized that the opportunity to enforce laws varies in different parts of the County and varies according to the other law enforcement responsibilities of the deputy and primarily falls on the uniformed personnel of the Field Operations Division.

Field Operations supervisors will consider these factors in evaluating the traffic enforcement work of subordinates. The department expects all uniformed deputy sheriffs to contribute to the traffic enforcement effort, but does not establish quantitative objectives for individual deputies, such as ticket quotas.

III. Traffic Enforcement Practices:

A. Unmarked Sheriff's Office Vehicles:

MCSO personnel operating unmarked vehicles may engage in traffic enforcement if the unmarked vehicle is properly equipped with blue lights, emergency lights, and siren. Traffic stops in vehicles without blue lights and siren are prohibited.

B. Visible Traffic Patrol:

Normal traffic enforcement involves visible traffic patrol by deputies who observe and handle traffic violations during the performance of their normal duties, or while on a directed patrol traffic enforcement assignment.

C. Line Traffic Patrol:

Traffic enforcement of a specific street or particular section or roadway.

D. Directed Patrol:

Traffic enforcement that is conducted at specific times and/or locations and may be focused on specified offenses.

E. Stationary Observation Enforcement:

When completing reports or doing other activities that keeps deputies out of service for a short while; deputies are encouraged to park their patrol vehicles in a conspicuous location, where the presence of the vehicle will serve to remind drivers to comply with traffic laws.

1. **Covert Stationary Observation:** Stationary observation in which the deputy is not visible to the drivers being observed.
2. **Overt Stationary Observation:** Stationary observation in which the deputy is in full view to serve as a deterrent to other drivers.

F. Parking Violations:

Enforcement of parking violations will be limited as follows:

1. Deputies may issue parking citations to vehicles parked in violation of an approved fire lane. A list of all approved fire lanes will be maintained in the MCSO Communications Center. Any deputy issuing a fire lane citation must first confirm it to be an approved fire lane.
2. A person loading or unloading a vehicle may park temporarily in a fire lane as long as the vehicle is not left unattended. If the driver is in the motor vehicle or nearby, ask them to move the vehicle.
3. Deputies may issue parking citations to vehicles parked in parking spaces designated as handicapped by an appropriate sign. Vehicles displaying proper handicapped license plates or placards (including out of state handicapped plates or placards) should not be cited.
4. Parking citations for vehicles parked on private parking lots, shopping centers, grocery store are appropriate only if the parking violates a law or ordinance.

G. Littering:

Deputies will enforce anti-littering laws and may issue citations when littering is observed.

H. Speed Measuring Devices:

The Mecklenburg County Sheriff's Office will only deploy speed measuring devices listed on the North Carolina Approved Speed Measuring Instrument List.

1. Only deputies who have successfully completed an approved North Carolina Criminal Justice Education & Training Standards Commission training course for the type of speed measuring device being utilized are authorized to use that device for any enforcement purpose.
2. Speed measuring devices shall be operated in accordance with the required training, all applicable laws, department regulations, and manufacturer's specifications outlined in the user's manual for the device being used.
3. Deputies are responsible for the proper care of the speed measuring devices they use.
4. RADAR devices shall be tested internally by using the internal test button or feature on the device, and externally by using the assigned tuning fork(s).
5. Calibration and testing of approved speed measuring devices will be conducted in accordance with the procedures established by the North Carolina Department of Justice, Criminal Justice Education and Training Standards Commission (12 NCAC 09C.0607).

I. Alcohol Enforcement Measures:

MCSO recognizes that motorists impaired by alcohol or other substances pose a significant risk to the safety of others. MCSO actively participates in the North Carolina Governor's Highway Safety Program and the enforcement of alcohol and drug related traffic offenses.

1. MCSO Field Operations personnel will receive formal training in Driving While Impaired (DWI) enforcement which includes, but is not limited to:
 - a. Identifying DWI motorists by characteristic driving behavior.
 - b. Identifying the behavioral signs of intoxication.
 - c. The proper administration of field sobriety tests.
 - d. Completion of required DWI reports, forms, and citations to support successful prosecution.
2. MCSO Field Operations Division is responsible for the development, implementation and maintenance of drug and alcohol awareness programs for community interest groups.
3. Selective enforcement efforts to enforce the traffic laws related to alcohol/drug impaired driving will include, but not be limited to, the following:

- a. Selective assignment of personnel to locations where and when analyses indicate that a significantly high ratio of crashes and alcohol related violations occur.
- b. Selected surveillance techniques along roadways at times of high incidents of alcohol/drug related offenses.
- c. The use of DWI checking stations (note - all checking stations shall meet the requirements set forth in North Carolina General Statutes Chapter 20 § 20-16.3A and be conducted pursuant to section VIII of this policy.)

J. Uniformed Citation Book:

Before being issued a Uniform Traffic Citation book, all affected personnel must complete the required training course which will include all or part of the following curriculum: North Carolina General Statutes; Completing the Uniform Citation; Traffic Law Enforcement; Stop/Approach/Surviving a Traffic Stop; and Deputy/Violator Relations.

1. Deputies with citation books will schedule all cases on their regularly assigned court days.
2. The yellow copy of all citations will be forwarded to the deputy's supervisor for review and corrective action, when appropriate. **The citation and Traffic Stop Reporting Form (SBI-122) will then be forwarded to the Headquarters Administrative Sergeant responsible for Citation Records within five (5) business days.**

- K.** Deputies authorized and assigned vehicles equipped to utilize eCitation must follow the protocols established by the North Carolina Administrative Office of the Courts. **A copy of the electronic citation and Traffic Stop Reporting Form (SBI-122) will be forwarded to the Headquarters Administrative Sergeant responsible for Citation Records within five (5) business days.**

IV. Traffic Enforcement Options:

Deputies shall take enforcement action for traffic and motor vehicle law violations witnessed by them. All enforcement action will be conducted in a professional, fair, courteous, and impartial manner. MCSO Field Operations personnel will have the primary responsibility for traffic enforcement, radar operation, and traffic control.

- A.** When traffic violations are observed, deputies will take appropriate enforcement action when selecting from the following enforcement methods that are available from the least to most extreme:
1. **Verbal Warning:** Verbal warnings may be issued to a violator whenever there is a minor traffic infraction, equipment violation, or when the act may be a unique violation or where traffic crash potential is minimal.
 2. **Written Warning:** When a written warning is issued, the deputy will explain to the violator the contents of the warning ticket and provide the violator a copy. Warnings or other non-punitive enforcement actions should be substituted for

arrests or citations when circumstances warrant, especially in the event the driver was unaware of the violation.

3. **Citation:** The issuance of a Uniform Traffic Citation is applicable in most cases for those violators who commit a minor traffic misdemeanor or infraction which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations.

When issuing a traffic citation, the issuing deputy will relay the following information to the violator:

- a. The traffic violation(s) for which the driver is being cited.
- b. The assigned court date, time and location.
- c. If the court appearance is mandatory or optional.
- d. If the violator may be allowed to enter a guilty plea or pay the fine by mail and instructions on how to do so.
- e. The location of the Mecklenburg County Courthouse.

4. **Physical Arrest:** Persons charged with criminal traffic offenses should generally be released on a citation, as opposed to being taken into custody, unless one or more of the following conditions exist, in which case the violator may be taken into custody:

- a. Violations of traffic laws pertaining to Driving While Impaired.
- b. When the violator has outstanding warrants or criminal processes.
- c. Whenever a felony has been committed involving a vehicle.
- d. When a charge is made, and the violator cannot produce sufficient information to prove their identity.

5. In instances where a physical arrest is authorized, the following procedures will apply:

- a. Arrestees will be informed of the specific charge(s) against them that warrants their arrest.
- b. If the deputy intends to question the arrestee about the violation, the arrestee is to be advised of their rights pursuant to *Miranda v. Arizona*.
- c. The arrestee's vehicle will be disposed of in accordance with existing agency policy.
- d. If the arrestee is physically fit and not in apparent need of medical attention, he/she will be transported to the Arrest Processing Center located at the Mecklenburg County Detention Center for necessary processing and subsequent appearance before a magistrate.

- B. Deputies will use discretion in determining the level of enforcement action to be taken and the enforcement action should be commensurate with the severity of the violation in enforcing state and local traffic laws in accordance with the general guidelines

established in this General Order.

C. Prohibition Against Regulatory Stops:

Deputies may charge regulatory offenses, including those listed below, after having stopped a vehicle for some other more serious/potentially hazardous violation. However, the following regulatory offenses **shall not** be the initial basis for a traffic stop:

1. **Driving Without Non-Commercial Driver's License; Operating Motorcycle without Proper License Endorsement; Knowingly Permitting an Owned Vehicle to be so Operated; or Violating Restrictions on Graduated Licenses.** (NCGS 20-7; 20-11; 20-32; 20-34)
2. **Failure to Carry License while Driving, or Driving with an Expired Non-Commercial License.** (NCGS 20-7(a), (f))
3. **Driving while License Revoked, After Notification, or while Disqualified.** (NCGS 20-28)
4. **Operating Vehicle with Improper Dealer or Transporter Plates; Loaner/Dealer Plate Violation by Driver; Loaner/Dealer Plate Violation by Dealer; or Improper Use of Registration Plates Issued by Dealers.** (NCGS 20-79(e)(1); 20-79.2(b2)(1); 20-79.02(e)(1); 20-79.02(e)(2); 20-79.1)
5. **Violation of Vehicle Inspection Law.** (NCGS 20-183.8(a); 20-384)
6. **Financial Responsibility Violations.** (NCGS 20-313(a); Chapter 20, Articles 9A and 13)
7. **Violation of Vehicle Registration Laws, EXCEPT those involving stolen, altered, or fictitious registration plates or certificates, or any violation of the vehicle title laws.** (NCGS 20-111)
8. **Failure to Clean Registration Plates.** (NCGS 20-63(e))
9. **Operating an Overloaded or Overcrowded Vehicle.** (NCGS 20-140.2)
10. **Improper Vehicle Equipment.** (NCGS Chapter 20, Article 3, Part 9) *EXCEPT the following offenses under Part 9 which are potentially dangerous offenses or present greater public safety concerns and thus may constitute the sole basis for a traffic stop: Violation of Mandatory Seatbelt Law (NCGS 20-135.2A); Transportation of Children in the Open Bed of a Vehicle (NCGS 20-145.2B); Operating a Vehicle Resembling a Law Enforcement Vehicle (NCGS 20-137.2); Unlawful Use of Mobile Phones (NCGS 20-137.3-137.4A)*

D. Procedures for Violators with No Driving Privileges:

1. **Suspended or Revoked Licenses:** Violators whose driving privileges have been suspended or revoked may be arrested or they may be released on their own recognizance if the deputy has reason to believe the violator will make their appearance in court.

2. No Operator's License:

- a. If the violator does not have a valid operator's license through a DCI/DMV computer check, the deputy should cite for no operator's license, unless circumstances warrant a physical arrest (i.e. no supporting identification, out of state resident). **The violator shall not be allowed to drive from the location and other arrangements should be made for removal of the vehicle.**
- b. If the violator was issued a license in another state and that privilege has been suspended or revoked, the deputy should cite for no operator's license, unless circumstances warrant a physical arrest. **The violator shall not be allowed to drive from the location and other arrangements should be made for removal of the vehicle.**

E. Procedures for Violators with No Identification:

1. When a violator cannot produce valid identification, the deputy shall attempt to confirm the violator's identity using all available criminal justice resources including, but not limited to, the agency's Records Management System, DCI/DMV records and CJLEADS.
 - a. If the deputy confirms the violator's identity the deputy may use their discretion whether to arrest, issue a citation, or warn the motorist.
 - b. If the deputy cannot confirm the identity of the violator, he/she shall physically arrest the violator. The deputy will advise the magistrate of the lack of identification and request the violator produce proof of identity as a condition of release.
2. If a deputy later determines that the violator used a false identity, the deputy will:
 - a. Notify the District Attorney's Office that the violator used a false identity and request they dismiss the charges brought under the wrong/false name.
 - b. Send a certified registered letter to the person whose identity was misused. The letter will contain information about the charge(s) filed, when/where the incident occurred, and that someone has misused their identity; this is done in case the violator has done this at other times.
 - c. Assist the victim in expungement proceedings in accordance with North Carolina General Statute § 15A-147(a).
 - d. Initiate a criminal investigation for providing false information to a law enforcement officer in violation of North Carolina General Statute § 20-29, and when the actual identity of the violator is determined, file the original charges (those charges initially brought under the wrong/false name) against the violator using his/her true name.

F. Driving While Impaired (DWI) Processing:

Deputies engaged in Driving While Impaired (DWI) enforcement shall be mindful of the strict legal limitations surrounding the apprehension of impaired drivers and the scope of their authority as it relates to enforcement.

1. A deputy's observations are crucial in establishing the requisite probable cause necessary to arrest a violator for DWI.
2. Deputies must rely on their formal training and experience in this area, putting emphasis on driving actions that give rise to the deputy's belief that a motorist is driving while impaired.
3. Deputies shall keep detailed notes of these driving actions and shall activate their in-car camera and body-worn camera systems to assist in establishing reasonable suspicion for a traffic stop and, ultimately, probable cause for arrest and conviction.
4. Once a deputy decides to stop a vehicle and the driver has pulled over, the deputy shall continue establishing probable cause for arrest; this shall include (but not be limited to) the following actions:
 - a. Request the violator's operator's license or other acceptable identification both to identify the violator and to evaluate the violator's divided attention ability.
 - b. Interview the violator, determining that he/she was or is in control of the vehicle.
 - c. Note the number of persons in the vehicle.
 - d. Note any observations that add to your suspicion of intoxication and/or impairment (slurred speech, strong odor of an alcoholic beverage, red and/or glassy eyes, etc).
 - e. If impairment is detected, request the violator to exit the vehicle and then administer field sobriety tests in a safe location out of traffic.

E. Deputies may require a violator to submit to one or more Standardized Field Sobriety Tests (SFSTs) and/or an alcohol screening evaluation. Requiring a violator to submit to such evaluations does not constitute an arrest.

1. The test results of any test(s) administered may be used as probable cause to arrest for DWI; the driver's refusal to take any SFSTs may not be used as the only probable cause to arrest.
2. SFSTs may include, but are not limited to, the following methods:

Standardized Field Sobriety Testing Methods:
Finger-To-Nose
One Leg Stand
Walk and Turn
Horizontal Gaze Nystagmus
Alcohol Screening Device

- F.** The use of a Preliminary Breath Test (PBT) should only be used to determine the presence of alcohol and not to form an opinion as to the driver's level of impairment and administered after performing the battery of SFST tests. The results of the PBT are not admissible in court.
- G.** Once the elements of the DWI violation are clearly established, the deputy will effect an arrest in accordance with current agency procedures and request the violator to submit to a chemical analysis in accordance with the following guidelines as prescribed in North Carolina General Statute Chapter 20 § 20-16.2.
- 1.** The charging deputy will choose the type of analysis to be administered. The breath test will be the analysis selected unless there is a reason prohibiting its use.
 - 2.** The charging deputy will transport the violator to the site of the chemical analysis. Most breath and blood tests will be conducted at the Mecklenburg County Sheriff's Office Arrest Processing Center.
 - 3.** All DWI arrests coming into the Arrest Processing Center will be expedited to speed up processing times. DWI arrests move ahead of other arrest types and are processed in the order in which they are received.
 - 4.** The arrest will be documented on a criminal incident report utilizing the agency's reporting system.
- H.** Deputies will use the following guidelines for chemical analysis test selection:
- 1.** Submission to a breath test(s) will be requested unless:
 - a.** The violator is sick, injured, unconscious, admitted to a medical facility, or otherwise unable to be administered such test(s); or
 - b.** The breath analysis instrument is not operating properly, preventive maintenance has not been performed, or a licensed chemical analyst is not available.
 - 2.** Submission to a blood test will be requested whenever submission to a breath test is not requested for any of the reasons stated above.
 - 3.** If, at the time of arrest, there is reason to believe that the violator is under the influence of alcohol and drugs (prescription or controlled substance), a breath test will still be required.
 - a.** If the breath test result is .08% BAC or higher, a blood test will not be required.

Carolina Department of Public Safety Juvenile Justice Division, Department of Social Services or 26th Judicial District Court Judge.

V. Off-Duty Traffic Enforcement:

- A. All deputies operating marked Sheriff's Office patrol vehicles will be attentive to traffic violations and will take appropriate enforcement actions whether on- or off-duty when the violation is flagrant or when emergency conditions exist.
- B. Deputies are prohibited from taking traffic enforcement action while in their personal vehicle or when not in uniform, except in life threatening circumstances.

VI. Deputy Responsibilities During Traffic Enforcement:

- A. Deputies will use discretion when determining which traffic violators will be stopped.
- B. Deputies shall use emergency equipment (blue lights and siren) in a prudent, judicious manner when making traffic stops, and adhere to applicable State laws governing the use of such emergency equipment.
- C. Deputies shall choose the location for the vehicle stop carefully, taking time to affect the stop at a place where any available lighting and nearby cover may be utilized. Deputies will consider the following when selecting the safest location for a vehicle stop:
 - 1. Traffic congestion.
 - 2. Pedestrian traffic.
 - 3. Road conditions and surrounding terrain to include curves, hill crests and intersections.
 - 4. Visibility to oncoming traffic.
 - 5. Use of private driveways or areas providing access to open business establishments will not be used for traffic stops unless absolutely necessary. When private property is used all possible measures will be taken to avoid any inconvenience to property owners and patrons.
- D. Prior to the stop, the deputy will do the following:
 - 1. Notify the MCSO Communications Center of the description of the vehicle and driver, tag number, location, reason for the stop, and any other important information.
 - 2. If there is no license plate displayed or the license plate is believed to be fictitious, a brief description of the vehicle, which should include make, model, color, and number of occupants.
 - 3. Use all safety precautions in the approach and contact with the driver. For the safety of the deputy and consideration of the motorist, vehicle stops required at night should be made, if possible, in a well-lit area such as a business that is open.
 - 4. Deputies should employ the vehicle's public address system when it is necessary

to provide instructions to a violator prior to any approach.

5. The spotlight may be utilized to illuminate the interior of the violator's interior so that occupants are kept in view. Hazard lights may also be deployed when the vehicle is parked.
 6. Maintain radio contact with the MCSO Communications Center using a portable radio.
- E. When approaching the stopped vehicle, deputies are to exercise caution, bearing in mind the potential dangers from the violator and/or passengers and existing traffic flow. Deputies are encouraged to employ all necessary tactics that will ensure their safety and accomplishment of a law enforcement task.
1. Deputies should check the trunk lid, rear window, rear seat and floorboard as they approach the violator.
 2. Deputies should stop slightly to the rear of the front door or rear door post whether approaching from the driver or passenger side of the vehicle.
 3. Should any occupant of the vehicle exit before the deputy has made his/her approach, that person should be directed to get back into the vehicle before attempting the approach.
- F. **When Making Initial Contact with the Violator, the Deputy Shall:**
1. Present a professional image in dress, grooming, language, bearing and emotional intelligence. Deputies should understand that traffic stops may be an emotional experience for the driver and strive to make each contact educational and leave the violator with the impression that the deputy has performed a necessary task in a professional and courteous manner.
 2. Be certain of any violation(s) observed.
 3. Have the necessary forms and equipment which are needed immediately available.
 4. **Introduce himself/herself by rank, last name, and as a member of the "Mecklenburg County Sheriff's Office" and request the violator's driver's license and registration.**
 5. **Unless the circumstances dictate otherwise, the deputy will advise the violator of the reason for stopping the vehicle.**
 6. Be alert for any signs of physical impairment, emotional distress, and/or alcohol/drug abuse.
 7. The violator is to remain in his/her vehicle unless directed out by the deputy.
 8. Clear the traffic stop as soon as practical and notify the MCSO Communications Center.
- G. In the event a **high-risk** traffic stop is warranted, deputies shall modify their traffic stop

protocol to adhere to the following procedures and guidelines:

1. The deputy shall allow a greater distance between his/her vehicle and the violator's than what is required for a routine traffic stop.
2. A solo deputy shall not approach a vehicle upon initiating a **high-risk** stop. The deputy shall wait for additional assistance to properly conduct a high-risk stop. The vehicle will be cleared in the following manner after adequate backup has arrived:
 - a. Each involved deputy will seek cover behind a portion of the patrol vehicle for reasonable protection.
 - b. The contact deputy will give commands to the vehicle's occupant(s) through the PA system. Each person shall be given instructions as to how he/she is to exit the vehicle and where to go and will be instructed to remain in a prone or kneeling position. Instructions shall be given clearly and slowly. The contact deputy will give instructions to only one person at a time.
 - c. The deputy providing cover will maintain visual contact with the occupants of the vehicle with his/her weapon drawn and in a low ready position.
 - d. After each known occupant is secured (handcuffed), the contact deputy will make another verbal challenge toward the vehicle (in the event someone else is hiding in the car). If no one else is detected, deputies may approach and clear the vehicle, keeping in mind the uncertainty of other occupants possibly being inside the vehicle.
 - e. After the vehicle has been cleared and the occupants are secured, the deputy will explain to violator the nature or reason of the high-risk traffic stop.

H. Supervisors should ensure deputies understand and perform primary job responsibilities and use appropriate criteria and discretion when stopping traffic violators.

I. **Traffic Stop Reporting Form – SBI 122:**

A Traffic Stop Reporting form (SBI-122) must be completed and forwarded to the Field Operations Administrative Sergeant within five business days regardless of the enforcement action taken. **North Carolina General Statute § 143B-903 requires traffic stop statistics be collected for State law enforcement officers, to include local law enforcement officers employed by all 100 North Carolina County Sheriffs' Offices.**

VII. **Uniform Traffic Enforcement Guidelines:**

In order to encourage uniform enforcement standards, deputies shall adhere to the following guidelines when enforcing traffic violations:

- A. **Bicycles:** The use of bicycles is governed by many of the same laws that govern motor vehicles. However, a substantial number of bicycle operators are juveniles and are not familiar with or instructed in their proper use pertaining to traffic. The following procedures

are intended to result in a more uniform and consistent application of the law:

1. In areas where congestion and frequency of traffic crashes involving bicycles is predominant, laws pertaining to the proper operation of bicycles will be strictly enforced.
 2. On roadways with a substantial flow of vehicular traffic, and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws will be enforced.
 3. In areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience is low, officers should exercise broad discretion in the application of laws regarding the operation of bicycles; and
 4. Officers should be less tolerant with older offenders who should be more aware of the hazards inherent in the operation of a bicycle. Officers should be more lenient in the enforcement of laws and more instructive in their response to youthful offenders.
- B. Commercial Carriers:** Commercial or “public” carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in this directive are applicable.
- C. Hazardous Violations:** Hazardous violations are defined as those violations that pose a direct hazard to the safe and efficient flow of traffic and/or contribute substantially to crashes. These include, but are not limited to, careless and reckless driving, violation of traffic control devices and other crash related violations. The infringement of other people’s safety should be a key- determining factor for enforcement action in these situations.
- D. Pedestrians:** The enforcement of traffic laws pertaining to pedestrians requires broad discretion from individual officers. Deputies should take appropriate enforcement action whenever and wherever pedestrian and bicycle traffic law violations are observed with consideration given to the following:
1. Prior to any substantial increase in enforcement directed toward pedestrian traffic, sufficient publicity will be conducted by the Department’s administration;
 2. Officers will concentrate their efforts in areas where pedestrian crashes have been frequent and/or severe; and
 3. Regarding pedestrian traffic laws, the “intent” of the law will supersede the “letter” of the law, and enforcement will be conducted accordingly.
- E. Recreational Vehicles:** Any recreational vehicle driven upon the public roadways will be governed by the same registration laws and operator’s license laws as any other motor vehicle driven upon public roadways.
1. Officers are to take appropriate enforcement action for violations committed by drivers of off-road recreational vehicles (i.e. dirt bikes, all-terrain vehicles, mini-bikes) that are observed and/or reported.

2. Officers are authorized to have such vehicles towed from the roadway when unlicensed, unregistered, and/or uninsured.
 3. If misuse of private or public property occurs while operating a recreational vehicle, (i.e. D.W.I., damage to property, trespassing, reckless driving) enforcement action can be taken by officers.
 4. Juvenile offenders will be handled the same as adult offenders. The seriousness of the offense will be taken into consideration when determining if a parent or guardian should be contacted or if further action will be taken with the Juvenile Services Department.
- F. Speed Violations:** Legally, there are few defenses for exceeding the posted speed limit or driving faster than conditions permit. Often, however, violators stopped for speed violations may indicate certain factors unknown to the deputy prior to the stop that may have contributed to the violation.
1. **Deputies should exercise discretion when deciding if a verbal warning, written warning or a citation is appropriate.**
 2. Consideration should be given to such factors as weather, traffic volume, pedestrians in the area and location of the violation, while being mindful that excessive speed correlates directly with increased traffic crashes.

VIII. Multiple Violations:

- A. When multiple violations are committed by a single violator and arise from a continuous activity, the enforcement action shall be based on the most serious offense committed.
- B. Deputies may consolidate multiple violations into a single citation or complaint in the following situations:
 1. When the complaint incorporates all the simultaneous violations, and
 2. When the citation addresses overlapping or simultaneous violations.
- C. Deputies may issue less than the authorized number of citations when it does not compromise their investigative and enforcement responsibilities and it accomplishes a legitimate police purpose; or they may incorporate all charges into a reckless driving charge in accordance to North Carolina General Statute § 20-140.
- D. In all cases of multiple violations, the enforcement action taken shall be enough to support a comprehensive and complete prosecutorial effort.

IX. Newly Enacted Traffic Laws:

- A. When new traffic laws are enacted, the Chief Deputy will review them to determine the level and schedule of enforcement action to be taken by MCSO personnel.
- B. At his/her discretion, the Sheriff or Chief Deputy may authorize verbal or written warnings as MCSO's primary enforcement action until the public has been educated on the provisions of the new laws.

X. Special Processing Conditions:

A. Non-Residents of North Carolina:

North Carolina has joined with other states in a Non-Resident Violator Compact (NRVC). The NRVC provides a driver from a Compact State is not to be bonded for motor vehicle violations but issued a citation. The home state of the driver will revoke the driver's license if the driver fails to appear in court or pay the citation in a timely manner. The driver from a jurisdiction which is a member of the NRVC should not be arrested and bonded except for the following offenses:

- Felonies involving the use of a motor vehicle.
 - Death by vehicle (N.C.G.S. § 20-141.4).
 - Driving while subject to an impairing substance (N.C.G.S. § 20-138.1).
 - Driving a commercial vehicle while subject to an impairing substance (N.C.G.S. § 20-138.2).
 - Driving by a person under 21 while drinking or after having consumed alcohol or controlled substance (N.C.G.S. § 20-138.3).
 - Driving with open container after drinking (N.C.G.S. § 20-138.7A).
 - Operating a commercial vehicle after consuming alcohol (N.C.G.S. § 20-138.2A).
 - Operating a school bus, school activity bus, or childcare vehicle after consuming alcohol (N.C.G.S. § 20-138.2B).
 - Impaired Instruction (N.C.G.S. § 20-12.1).
 - No operator's license (N.C.G.S. § 20-7).
 - Possess fictitious, canceled, revoked, suspended or altered license, or counterfeit, sell, lend, or permit use of license by another or any other violation of N.C.G.S. § 20-30.
 - Driving while (license) suspended, revoked or disqualified, or permitting an owned vehicle to be so operated. (N.C.G.S. § 20-28; N.C.G.S. § 20-34).
 - Driving a commercial motor vehicle without being licensed to do so, or driving a commercial motor vehicle while license suspended, or subject to a disqualification or out of service order (N.C.G.S. § 20-37.12).
 - Violations concerning the transportation of hazardous materials.
 - Violations of the fuel tax law.
1. North Carolina General Statute § 20-4.1 through 20-4.20 govern the reciprocity agreements between North Carolina and other states and regulate when law enforcement personnel may arrest a non-resident for a violation of the motor vehicle laws of North Carolina.
 2. North Carolina General Statute § 20-4.19 provides that a deputy shall issue a citation to a non-resident violator if the offense is one which would not result in the suspension or revocation of the person's license under the laws of North

Carolina.

- a. A deputy issuing a non-resident violator a citation is forbidden from requiring the nonresident member violator to post bond and is required to release the violator upon personal recognizance.
 - b. Deputies issuing citations to non-resident violators shall complete the "Acknowledgement / Personal Recognizance for Appearance" section located at the bottom of the North Carolina Uniform Citation by marking the appropriate box if necessary. The section should then be explained to the nonresident member and a signature obtained.
3. Nonresident violators who refuse to sign the "Acknowledgement / Personal Recognizance for Appearance" section should be arrested for the original violation and taken before a magistrate.
 4. The following states are not members of the Non-Resident Violator Compact (NRVC): Alaska, California, Michigan, Montana, Oregon and Wisconsin.

XI. Juveniles:

- A. Juveniles will be treated in the same manner as an adult when they commit a traffic violation that is otherwise releasable on a citation for an adult operator.
- B. Juveniles who have committed a traffic violation that would necessitate a custodial arrest for an adult will not be taken into custody unless intake is warranted by the nature of the offense. A parent or guardian will be notified as soon as possible, and the juvenile will be released into their custody.
- C. Juveniles age 16 or 17 with provisional licenses or permits who commit a "criminal moving violation" may be served with a revocation report (Form AOC-CVR-12), arrested, and taken before a judicial official for an initial appearance. The deputy also has the option to simply issue a citation for the triggering offense and release the provisional license holder.
- D. A "criminal moving violation" is defined as a violation of Part 9 or 10 of Article 3 of NCGS Chapter 20 which is punishable as a misdemeanor or a felony offense. This term does not include the offenses listed in the third paragraph of NCGS 20-16(c) for which no points are assessed, nor does it include equipment violations specified in Part 9 of Article 3 of this Chapter (North Carolina General Statute § 20-13.3).
- E. In all cases where a juvenile is taken into custody, the deputy is responsible for notifying the juvenile's parent or guardian of the circumstance as soon as possible. If the deputy deems further custody is necessary, he/she must contact the juvenile detention intake for authorization.
- F. In all cases, the deputy is to obtain the juvenile's name, date of birth, the name of the juvenile's parent or guardian, and the address and a telephone number for the parent or guardian. This information is to then be presented to a Mecklenburg County Juvenile Court counselor to determine if further action is to be taken.

- G. North Carolina General Statute § 15A-505 requires that the charging deputy notify the juvenile's parent or guardian, either in person or by phone (if released on a citation) or by writing within twenty-four (24) hours (if the juvenile is taken into custody) when a minor juvenile less than 18 years of age is charged with any of the following motor vehicle violations for which four or more points could be assessed by the North Carolina Division of Motor Vehicles (NCDMV) :
1. Driving while impaired.
 2. Passing stopped school bus.
 3. Aggressive driving.
 4. Reckless driving.
 5. Hit and run, property damage.
 6. Following too close.
 7. Driving on the wrong side of the road.
 8. Illegal passing.
 9. Failure to yield the right of way to a pedestrian, bicycle, motorcycle or scooter.

XII. Legislators:

- A. Members of the United States Congress and North Carolina State Legislature are, in all cases except treason, felony, and breach of the peace, immune from arrest during their attendance at the session of their respective house, and in going to and returning from the same.
- B. **There are no North Carolina laws which exempt any other state or local officials, either appointed or elected, from federal, state or local laws.** The issuance of a traffic citation, warning (verbal or written), or a physical arrest in those cases where physical arrest is authorized is allowed.

XIII. Consular Officers and Foreign Diplomats:

- A. Under prevailing international law and agreement, a foreign Consular is not liable for arrest or detention pending trial, except in the case of a grave crime (defined as a felony offense that would endanger the public safety) and pursuant to a decision by a competent judicial authority. Immunity from criminal jurisdiction is limited to acts performed in the exercise of Consular functions and is subject to court determination. Family members of Consular officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as Consular officers do.
- B. Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers. The State Department credentials bear its seal, the name of the officer, his/her title, and the signature(s) of State Department officials.
- C. The mere issuance of a traffic citation does not constitute arrest or detention in the

context referred to above.

XIV. Military Personnel:

- A. Military personnel whose permanent residence and/or duty station is located outside the State of North Carolina will be treated as a non-resident.
- B. In cases where a physical arrest is made, the investigating deputy's supervisor will notify the liaison officer of the nearest Armed Forces Investigative Headquarters Division. This does not apply to the issuance of a traffic citation when an actual physical arrest is not made.

XV. MCSO Communications Center Responsibilities:

- A. During high risk stop situations, or upon request of a supervisor or deputy making the stop, all non-emergency traffic may be cleared from the primary communications channel by activating emergency alerts and tones. Deputies should monitor the channel and refrain from making unnecessary broadcasts during traffic stops.
 - 1. Information regarding vehicle, occupants, tag, location and time should be recorded in the Computer Aided Dispatch system (CAD).
 - 2. Telecommunicators should allow no more than 1 - 2 minutes to pass without a response from the deputy. If no response is received, a safety check should be made with the deputy. If no response is received within two minutes, a backup unit should be dispatched to the deputy's location.
 - 3. If a backup unit is requested for a non-emergency situation, a deputy will normally be dispatched if available. If no MCSO unit is available, a request for back-up will be made to the respective communications centers for the Charlotte-Mecklenburg Police Department (CMPD), North Carolina Highway Patrol (NCSHP) or one of the township police departments depending on the location of the traffic stop.
 - 4. When emergency assistance is required or the MCSO Communications Center is unable to contact the deputy, the nearest unit from MCSO, CMPD, NCSHP or township police departments depending on the location will be dispatched.
- B. If a supervisor's presence is required on the scene, the deputy making the stop should contact their immediate Chain of Command. If the deputy's Chain of Command is not available, the deputy should contact an on-duty supervisor at the Arrest Processing Center.

XVI. MCSO Checking Stations (Checkpoints) and Roadblocks:

MCSO will conduct checking stations (checkpoints) to determine compliance with the Motor Vehicle Code. All MCSO checking stations shall follow North Carolina General Statute Chapter 20 § 20-16.3A and will adhere to the following requirements when MCSO checking stations are conducted:

- A. Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce driver's license, registration, or insurance information.
- B. Operate under a written policy (MCSO Checkpoint Operations Plan) that provides guidelines for the pattern of stopping vehicles to include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated.
- C. During checking stations no deputy or officer may change the pattern or deviate from the pattern or plan except when temporarily authorized by the person in charge of the checking station.
- D. Deputies that are participating in multi-agency checking stations will operate under the provisions of the lead agency's checking station plan.
- E. Advise the public that an authorized checking station is being operated by having, at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the checking station.
- F. The placement of checkpoints should be random or statistically indicated. MCSO shall avoid placing checkpoints repeatedly in the same location or proximity.
- G. MCSO may conduct any type of checking station or roadblock as long as it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.

XVII. Traffic Direction and Control:

Manual traffic control may be necessary to ensure an orderly flow of traffic with the safety of all motorists, pedestrians, and public safety personnel in mind. Effective traffic management reduces the duration and impacts of traffic incidents and improves the safety of collision victims, motorists and first responders. Quick clearance is necessary to safely restore normal traffic flow and reduce the incidence of secondary crashes.

- A. At fire scenes or scenes of critical incidents; deputies will park their vehicles at a safe distance from the scene, keeping in mind the accessibility for ingress and egress of fire, rescue, and other emergency vehicles.
- B. Deputies will always wear approved retro-reflective traffic vests upon exiting their vehicle.
- C. Appropriate measures will be taken to prevent injury from fire or exposure to hazardous materials, including moving persons a safe distance away from the hazard. Information on potential hazards will be forwarded to the responding fire and rescue units.
- D. When adverse weather conditions occur and cause hazardous driving conditions, deputies will evaluate the situation and arrange appropriate traffic control or make notification to the appropriate personnel for the purpose of correcting the condition. These hazards include, but are not limited to downed power lines, debris on the roadway, or natural conditions such as fog, snow or ice.
 - 1. Deputies that encounter adverse road conditions will advise the MCSO

Communications Center of what type of personnel are needed to correct the hazardous condition i.e., sand, salt, plowing, power company personnel etc.

2. In instances of road closings due to flooding, trees down across the roadway, etc. the responsible local, county or state agency will be notified, and barricades requested.
 3. Alternate routes for motor vehicle traffic will be determined, and traffic diverted to those routes.
- E. Mecklenburg County Sheriff's Office personnel do not have access to traffic signal control boxes for the purposes of manually operating such traffic control devices. If control to traffic signal control boxes is obtained, then deputies will not manually operate traffic control signals without authorization from a supervisor.
1. Flares, traffic cones and all other traffic devices can be used in addition to advanced warning signs when necessary.
 2. Any malfunctions regarding traffic control signals will be promptly reported to the appropriate state agency (North Carolina Department of Transportation - NCDOT) or local public works department (Charlotte Department of Transportation - CDOT).
 3. Temporary traffic control devices will only be used in pre-scheduled special events or road construction projects. Deputies may request these devices for use at accident scenes, natural disasters, unanticipated road hazards, etc. These devices, which include traffic cones, barricades, portable stop signs, and other devices, will normally be placed and removed by NCDOT or CDOT.

XVIII. Closing:

Any questions regarding this General Order should be directed to your Chain of Command or the Office of Professional Compliance.