



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT

PROCEDURE 13  
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Chief of Police

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**TRAFFIC ENFORCEMENT/EDUCATION OPERATIONS**

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**A. POLICY STATEMENT**

Traffic safety is of primary concern to the Concord Police Department and the community of Concord. Traffic collisions have a traumatic impact on the physical, emotional and financial well being of the involved parties. The Police Department is committed to reducing the number of traffic collisions, through enforcement and education efforts, and to improving safety in the City of Concord.

**B. GENERAL**

1. In an effort to increase traffic safety in the City of Concord, several measures may be implemented including, but not limited to:
  - .1 Analysis of traffic collision data by the Crime Analysis and Traffic Bureau functions of the department in order to evaluate the appropriate use of selective enforcement efforts.
    - .01 Monthly, the Crime Analysis unit, when operational, shall produce a map showing the locations of all traffic collisions, along with relevant data such as time, primary collision factor, and beat. This information shall be distributed to all managers and supervisors in patrol and traffic for use in developing selective enforcement strategies.
  - .2 Analysis of traffic enforcement activities by traffic and beat officers in order to evaluate the impact selective enforcement efforts have had in reducing traffic related problems.
    - .01 With assistance from the Crime Analysis Unit and the "Crossroads" traffic analysis system, officers and supervisors may evaluate traffic enforcement activities used to address traffic collision patterns.
    - .02 Supervisors and managers can use feedback analysis, as described in Section D of Administrative Instruction/Administration 15 to measure the effectiveness of the enforcement strategies that were implemented in response to a particular traffic problem.
  - .3 Implementation of selective enforcement techniques and procedures should be based on the analysis of traffic collision data and prior selective enforcement activities. In order to develop and implement the most effective strategy, officers should consider the following:
    - .01 The nature of the complaint; speeding vehicles, right of way violations, pedestrian violations, high accident rate, etc.
    - .02 The location of the violations; residential, major intersection, downtown area, etc.
    - .03 The days and times of the week when the violations are occurring.
    - .04 Review all current collision and prior documented selective enforcement data.

- .4 Deployment of selective traffic enforcement personnel based on quantifiable data.
  - .01 Personnel should be deployed in order to have the optimum impact on the reported or observed problem. Officer(s) should consider the following strategies:
    - .001 Marked patrol car v. enforcement motorcycle.
    - .002 Mobile v. stationary observation techniques.
    - .003 Covert v. overt tactics.
- .5 Officers, supervisors and managers are encouraged to complete an analysis of selective traffic enforcement activities. This analysis is a means of measuring the effectiveness of the strategies, and it will be a resource for future enforcement efforts. The most effective analysis format is the use of “feedback analysis”, as described in Section D of Administrative Instruction/Administration 15.
- .6 For purposes of traffic enforcement and the reduction of traffic collisions, officers have access to the following, through the Traffic Bureau or CMS:
  - .01 Traffic collision data, including reports, investigations and locations.
  - .02 Traffic enforcement data, including citations, arrests, dispositions and locations.
  - .03 Roadway hazard reports (from Traffic Engineering)
  - .04 Traffic collision and enforcement analysis reports.
- 2. The Police Department and the Traffic and Engineering Department have educational materials available for the public in order to enhance traffic safety.
  - .1 The Special Victims Unit of the Police Department may provide traffic safety education to elementary school age children.
  - .2 The Traffic Bureau of the Police Department participates in various programs that are designed to educate the public about traffic safety.
  - .3 The Police Department uses informational, mobile radar boards as a means to increase driver awareness.
  - .4 The Patrol Bureau, specifically each sub-beat officer, provides traffic safety education to neighborhood and business groups within their sub-beat.

**C. ENFORCEMENT STRATEGIES**

- 1. Traffic enforcement is the responsibility of all employees assigned to the Patrol and Traffic functions of the Field Operations Division.
  - .1 In addition to general traffic enforcement, Patrol Officers shall focus their enforcement efforts in a manner designed to eliminate and/or reduce traffic safety problems within their beats.
    - .01 Upon request, the Traffic Bureau shall provide support and be an enforcement resource to Patrol Officers.
- 2. Enforcement strategies include, but are not limited to:

- .1 Mobile patrol in marked patrol cars and on police motorcycles.
    - .01 Unmarked or unconventional vehicles shall not be utilized for the primary purpose of traffic enforcement.
  - .2 Stationary observation of specific locations where there is a high incident rate of hazardous violations. This type of enforcement strategy can be done covertly or overtly, whichever method the officer(s) feel will have the greatest impact on reducing collisions and/or traffic violations at a particular location.
  - .3 Directed patrol aimed at reducing the frequency of hazardous violations in an identified area.
3. The use of speed measuring devices, such as hand-held and fixed mount radar and LIDAR units, is an enforcement strategy employed by the Concord Police Department.
    - .1 All radar and LIDAR units utilized by the Concord Police Department shall meet or exceed the standards set by the National Highway Traffic Safety Administration. The radar and LIDAR units shall also comply with all local, state and federal regulations.
    - .2 Prior to utilizing radar or LIDAR speed detection equipment in an enforcement setting, officers shall receive, at a minimum, the following training and certification:
      - .01 Classroom and practical session conducted by an officer who has completed at least the POST basic radar and/or LIDAR operators course, as applicable.
      - .02 Certification shall consist of documentation of training session in officer's Training Management System (TMS) record.
    - .3 Before performing radar or LIDAR speed enforcement, the operator shall complete a calibration check of the radar unit. The check shall be made through the use of the appropriate external and internal calibration mechanisms in compliance with the manufacturer's instructions. Any radar unit that is not functioning properly shall be removed from service immediately and submitted for repair.
    - .4 Radar and LIDAR units shall be operated in accordance with the manufacturer's specifications.
    - .5 The operator of the radar and LIDAR unit shall be responsible for the proper use and care of the device.
    - .6 Radar and LIDAR units shall have a calibration service performed as specified by the manufacturer.
      - .01 The service of all radar and LIDAR units shall be completed by a designated vendor that specializes in such services.
      - .02 Records of calibration and repair for each radar unit shall be maintained by the Traffic Bureau supervisor or his/her designee. Maintenance of the records shall be the responsibility of the Traffic Bureau supervisor.
  4. Use of the patrol vehicle's speedometer by pacing a suspected speed violator in another acceptable form of speed measuring device.
    - .1 The vehicle's speedometer shall meet the manufacture's specifications for the particular make and model of vehicle.

- .2 When using the vehicle's speedometer to measure a suspected violator's speed, the officer should do the following
  - .01 Know the posted speed limit of the area where the violation has been observed.
  - .02 Gauge the suspected violator's speed against the speed of other vehicles, if present.
  - .03 Know the last calibration date and results of the speedometer in the patrol car.
    - .001 The information is documented on a sticker that is affixed to the vehicle.
  - .04 Position the patrol car behind the suspected violator, making certain to maintain a safe distance and that there are no vehicles between the suspected violator's car and the patrol car.
  - .05 Pace the suspected violator while maintaining a constant distance between the two vehicles.
    - .001 The distance of an adequate pace shall be determined by the officer based on factors including, but not limited to traffic conditions, the speeds being traveled, the potential for a collision or other hazardous condition if the suspected violator is not stopped, etc.
      - .0001 The officer should make the stop as soon as he/she is confident that there has been sufficient observation time to justify the stop and issuance of a traffic citation.
- .3 The care and upkeep of the patrol fleet's speedometer is the responsibility of the city Fleet Manager. If an officer notices a problem with the speedometer on his/her patrol vehicle ~~ear~~, he/she shall take the vehicle to the Corporation Yard for repair as soon as practical.
- .4 The City garage shall either complete or arrange for routine maintenance of vehicle speedometers, based on the manufacturer's recommendations.
- .5 The City garage shall keep all maintenance and calibration records on file.
- .6 As part of their field training, officers shall receive instruction in the proper way to use the speedometer as a speed measuring device. The instruction shall be noted in the officer's field training manual.

#### **D. TRAFFIC COMPLAINT PROCESS**

- 1. When an employee receives a complaint regarding traffic issues, he/she will forward it to the effected District Commander.
- 2. The District Commander will review the complaint and assign it to the appropriate sub-beat officer.
  - .1 A copy of the complaint will also be forwarded to the sub-beat officer's Sergeant and Corporal, who will monitor the sub-beat officer's efforts in addressing the problem.
- 3. The sub-beat officer will employ the aforementioned techniques, as appropriate, to address the complaint.

- .1 The Problem Solving process can include a variety of responses. Each officer is only limited by his/her imagination. Examples of responses that might be considered to effectively reduce the number of traffic complaints in a given area include, but are not limited to:
  - .01 Involve the effected residents, neighborhood or businesses, to determine an appropriate response to the problem.
  - .02 Employ the services of the Traffic Unit for assistance in resolving the complaint.
  - .03 Employ the Traffic and Engineering Department of the City of Concord to review the roadway or intersection in question.
  - .04 Involve any other effected party, inside or outside of the city, to determine the appropriate response.

## **E. ENFORCEMENT PROCEDURES**

### **1. Stopping the Violator**

- .1 The violator shall be stopped as soon after the violation as safety permits. Care should be exercised to make the violator aware of the officer's presence and make his/her directions understood.
- .2 Officers should be conscious of safety concerns at all times during the traffic stop and should adhere to the following basic safety precautions:
  - .01 Advise Concord Police dispatch of the intention to make the enforcement stop, prior to initiating the contact.
  - .02 Provide dispatch the license plate number of the vehicle and the location of the stop.
  - .03 Select the safest location possible for the stop.
  - .04 Approach the vehicle using extreme caution, spotlighting the interior of the vehicle when appropriate.
  - .05 Take a position that provides for the safest contact with the violator.
  - .06 When appropriate, request a cover officer if one has not already been assigned.

### **2. Demeanor. The officer's demeanor shall be courteous but decisive.**

- .1 Decisiveness: An officer shall not issue a citation unless he/she is certain of the identity of the violator and has witnessed all of the elements of the offense. He/She shall proceed in a positive, firm and businesslike manner.
  - .01 If an officer is unable to satisfactorily identify the violator and elects to pursue charges in the matter, the officer shall follow the provisions of Section 40302(a) of the California Vehicle Code.
- .2 Courteousness: An officer shall be courteous in behavior, language and tone of voice. He/She shall avoid actions or language designed to belittle, ridicule or embarrass. He/She shall deflect derogatory language by the violator, unless such language supports one or more elements of a crime the officer is investigating. The violator should be addressed by his/her last name, preceded by his/her correct title, e.g., Mr. or Mrs.

- .01 Officers shall refrain from the unnecessary touching of or leaning against the violator's vehicle. He/She shall also avoid placing objects such as a flashlight or citation book on the violator's vehicle.

3. Conversation

- .1 Reason for Traffic Stop. The citing officer should immediately inform the violator of the reason he/she has been stopped. The officer should answer all proper questions, but should not give unsolicited explanations of the offense.

- .2 Requested Documentation. The officer shall request the following documentation from the violator.

- .01 Driver's License. The officer will accept only the driver's license and not a billfold, card case, or other similar article.

- .02 Registration to the vehicle.

- .03 Proof of financial responsibility.

- .3 Prohibited Conversation. The citing officer shall not:

- .01 Quote bail.

- .02 Refer the violator to the Traffic Bureau.

- .03 Suggest that the case may be handled by mail or telephone.

- .001 Court appearances are mandatory and may only be revised by the court.

- .04 Recommend or suggest any auto club or similar service.

- 4. Unnecessary Delay. The citing officer shall complete the citation without unnecessary delay and shall then release the violator.

- .1 The officer should inform the violator of the court appearance date, time and location.

- .2 The violator shall not be detained against his/her will pending the return of a random warrant check, unless there is reason to believe the violator is wanted for a crime.

- 5. Infraction violations – enforcement procedures: Except as prescribed in Section 40302 of the California Vehicle code, all vehicle code infractions and those misdemeanor violations that are treated as infractions by the Mt. Diablo Superior Court may be handled in the following manner. The nature of the violation, for which the officer detains an individual, as well as any subsequent observations, will determine the appropriate disposition of the matter. The options include issuing a warning, issuing a notice to appear, or making an arrest.

- .1 Warnings should be used judiciously. When issuing a warning, the officer should:

- .01 Verify the identity of the violator and that he/she has a valid driver license.

- .02 Verify that the violator does not have any outstanding wants or warrants.

- .03 Verify that the violator is in possession of current vehicle registration and proof of insurance.

- .04 Advise the violator of the nature of the violation and potential consequences.
  - .05 Advise the violator that a warning is being given and that future violations may result in a traffic citation.
  - .06 Release the violator without further delay, provided no other violations are detected during the course of the detention.
- .2 A notice to appear may be issued and is encouraged for speed violations, violations resulting in a traffic collision, hazardous violations by pedestrians and bicyclists, hazardous off-road vehicle violations, other hazardous violations, multiple violations, equipment defects or other non-hazardous violations and registration and driver's license violations. If the officer elects to release the violator with a citation, the procedures should include:
- .01 Verifying the identity of the violator and that he/she has a valid driver license.
  - .02 Verifying that the violator does not have any outstanding wants or warrants.
  - .03 Verifying that the violator is in possession of current vehicle registration and proof of insurance.
  - .04 Advising the violator of the nature of the violation.
  - .05 Advising the violator that a citation is being issued.
  - .06 Issuing the citation to the violator.
  - .06 Releasing the violator without further delay, provided no other violations are detected during the course of the detention.
- .3 Hazardous violations deemed to be misdemeanors may be handled by arrest or citation, except when otherwise specified by 40302 CVC.
- .01 Violators who are placed under physical arrest shall be handled in accordance with Procedure 3 and Section "G" of this Procedure.
- .4 In the event that an officer stops a vehicle for any of the violations enumerated in Section 40001 of the California Vehicle Code, and the driver is someone other than the owner of the vehicle, the officer is encouraged to issue a "owner's responsibility" citation, as provided for in Section 40001. In doing so, the officer should do the following:
- .01 Verify that the vehicle is indeed owned by another person.
  - .02 Verify that the registered owner of record is the current owner of the vehicle.
  - .03 Complete the citation as though it were to be issued to the driver; however, write the term "owner's responsibility" on the violator's signature line.
  - .04 Advise the driver that the citation has been completed as an "owner's responsibility" citation.
  - .05 Release the driver without delay, provided no other violations are detected during the course of the detention for which the driver will be cited or arrested.
  - .06 Retain all copies of the citation and forward them to the Records Bureau.

- .07 This procedure applies to both privately and commercially owned vehicles.
- .5 Violations resulting in a traffic collision: Officers are encouraged to issue a citation for any provable traffic violation that results in a collision. The process for completing such an investigation is outlined in Departmental Procedure 22. Unless the officer witnessed the violation or has had the required training to issue a citation directly to the violator based on the outcome of the investigation, the officer shall:
  - .01 Complete the citation as normal.
  - .02 Write “to be notified” on the violator’s signature line.
  - .03 Retain all copies of the citation, attach citation to police report and forward all to the Records Bureau.
- 6. Completing the Citation. The citing officer should complete the citation by using a black pen. Before removing the violator’s copy, he/she shall check all copies of the citation to make sure they are complete, correct and legible.
  - .1 Compare the violator’s signature with the signature on the license.
  - .2 Do not write on or make any notation on the violator’s driver’s license.
  - .3 Street names are to be entered in full with no abbreviations of the proper name itself and are to be followed by the standard abbreviations listed below:
 

.01 Av = Avenue	Dr = Drive	SC = Shopping Center
Bl = Boulevard	Hwy = Highway	St = Street
Cr = Circle	Ln = Lane	Sq = Square
Ct = Court	Pl = Place	Wy = Way
Ctr = Center	Rd = Road	
  - .4 Enter violations by using appropriate Vehicle or Municipal Code numbers.
- 7. Violations Involving Commercial Vehicles or Vehicles Hauling Hazardous Materials
  - .1 If the vehicle stopped is a commercial vehicle as defined in 15210(b) VC, the term “COMVEH” shall be placed in the violation description area.
  - .2 If the vehicle stopped is hauling hazardous materials as defined by 2402.7 VC then the term “HAZMAT” shall be placed in the violation description area.
- 8. Continuation Form. If there are multiple violations beyond the capacity of a standard traffic citation, a citation continuation form shall be used. Officers will not issue a second citation if the charges arise from one incident.
- 9. Officers shall turn in completed citations no later than the end of their shift at the end of their respective workweek.

**F. NOTES FOR EVIDENCE**

- 1. All officers should realize that the basic information completed on the face of the citation is insufficient in most cases for memory recall during oral testimony. In all cases where a citation is issued for a traffic violation, the officer’s comments in regard to the violation shall be completed on the reverse side of the



department's copy and be retained by the Records Bureau. In addition to the probable cause for the stop, the officer should document how the violator was identified.

- .01 If the officer elects to cite the violator for a violation other than the one for which the individual was detained (typically an administrative violations such as no proof of insurance), the officer shall document the original reason for the stop on the front of the citation. This documentation would be a simple, one-line statement ("stopped 22350 CVC") and would be in addition to the notes required on the back of the officer's copy of the citation. The one-line statement provides a reference to all who receive a copy of the citation.
2. If an intersection is involved, it is recommended that officers complete a small diagram on the back of the department's copy depicting the officer's location, the violator's location and the location of any other vehicles involved.
3. Officers are reminded that the information they write on the back of the citation is a public record and can be released to the involved parties, if requested.

#### **G. DATE OF APPEARANCE**

1. Citation appearance dates will be consistent with current court times and dates as set by the local courts.

#### **H. IN-CUSTODY CITATIONS**

1. It is the policy of this Department to issue a promise to appear in cases involving a physical arrest for misdemeanor violations of the California Vehicle Code such as driving while under the influence of alcohol.
2. A promise to appear shall be completed by the arresting officer and the area for the date of appearance and the signature of the defendant shall be left blank.
  - .1 If the arrested person is subsequently released under the authority of Section 853.6 PC, the releasing officer will fill in the appropriate date of appearance and obtain the written promise to appear from the defendant.
  - .2 If the arrested person is not released on a written promise to appear or is released on bail, the notation "Complaint Filed" is entered in the area used for the date of appearance.
    - .01 The citation will then be forwarded to the court with the other necessary documents of the case.

#### **I. NONRESIDENTS/JUVENILES/STATE LEGISLATORS/DIPLOMATIC PERSONNEL/MILITARY PERSONNEL**

1. Traffic violations by nonresidents of the State of California shall be handled in the following methods.
  - .1 The violator may be released with a warning without a citation at the discretion of the officer.
  - .2 The officer may choose to release the violator on a promise to appear if the violator provides an address within this state at which he/she can be located.
  - .3 If the violator cannot furnish satisfactory evidence of identity and an address within this State where he/she can be located, the violator may be brought to the Station to post bail in accordance with Vehicle Code Section 40305.

2. Traffic violations by residents of the State of California who live outside of the service area of the Concord Police Department shall be handled in accordance with Section E of this Departmental Procedure.
3. Traffic violations by juveniles shall be handled in accordance with General Order No. 34.
4. Traffic violations by State Legislators shall be handled in the same manner as any other adult resident of the State of California, as enumerated in Section E of this Departmental Procedure.
5. Traffic violations by diplomatic personnel or consular officials shall be handled in accordance with Procedure No. 40.
6. With the exceptions noted below military personnel are afforded no special immunities under the California Vehicle Code and shall be handled in the same manner as any other resident of the State of California and in accordance with Section E of this Departmental Procedure.
  - .1 Pursuant to Section 6701(a) of the CVC, military personnel are granted certain privileges regarding the registration of motor vehicles.
  - .2 Pursuant to Section 12817 of the CVC, military personnel are granted certain privileges regarding the status of a driver's license issued by the State of California.

#### **J. REQUEST FOR REEVALUATION OF A DRIVER**

1. All requests for driver reexaminations shall be made by completing the Department of Motor Vehicles Request for Reexamination of Driver form (DL 412) or Department of Motor Vehicle Notice of Priority Reexamination of Driver (DL 427). The form shall be completed in detail and state the officer's reason(s) why he/she believes the driver should be reexamined.
  - .1 Reasons considered as acceptable for reexamination are: Mental problems, physical problems which affect driving ability, inability to understand traffic rules, medical problems which cause dizziness, blackouts, lack of coordination, impaired vision, or drug or alcohol abuse.
  - .2 Officer requests shall be attached to a copy of the citation or report, if one is written. The request form and the attached reports shall be forwarded to the Records Traffic Bureau.
  - .3 Pursuant to Section 21061 of the CVC, officers may complete a "Notice of Priority Reexamination of Driver" if, in their opinion, there is an immediate need for the driver to be reexamined. The following conditions must be present for a priority examination:
    - .01 The driver must be cited or arrested for violation of citeable provisions of Sections 21000 through 23336 of the CVC.
    - .02 The driver must show evidence of incapacity. Evidence of incapacity is defined as serious physical injury or illness, mental impairment, or disorientation, which leads the officer to "reasonably believe" that a clear or potential danger or risk of injury to that person or other persons exists if allowed to resume driving.
    - .03 The incapacity must immediately affect driving safety.
    - .04 The officer at the scene must issue the driver a Notice of Priority Examination.
  - .6 The officer shall complete the Notice of Priority Examination (form DL 427) at the time of contact and serve it to the driver. The driver shall be asked by the officer to sign the form. The officer shall then instruct the driver to:

- .01 Appear at the Department of Motor Vehicles Driver Safety Office for reexamination.
- .02 Read the printed information on the form.
- .03 Immediately telephone a Driver Safety Office listed on the back of the form for an appointment.
- .04 Bring their copy of the form to a Driver Safety Office within five (5) workdays and complete a reexamination or be suspended from driving.
- .7 The officer shall then give the driver the white copy of the form. The yellow copy shall be attached to the citation or report. The green copy shall be forwarded to the Records Bureau the same day the notice is issued.
- .8 The Records Bureau shall mail the Notice of Priority Reexamination to the DMV prior to the end of the business day following the issuance of the DL 427, pursuant to Section 21062 of the CVC.

#### **K. DRIVING WHILE UNDER THE INFLUENCE (DUI) ENFORCEMENT**

1. The detection and apprehension of motorists who drive while under the influence of alcohol and/or drugs is the responsibility of all sworn officers assigned to the Field Operations Division.
2. Officers shall investigate all incidents involving a suspected DUI driver, and when appropriate, shall physically arrest all persons in violation of CVC sections related to DUI.
  - .1 Section 23140 CVC makes it unlawful for a person under the age of 21 years, who has a blood alcohol content (BAC) of .05 or greater, to drive a motor vehicle. The section is punishable as an infraction, and it also applies to the operation of a bicycle, as provided in Sections 21200 and 21200.5 CVC.
    - .01 Section 23612 CVC (Implied Consent) applies to arrests for violation of Section 23140 CVC.
  - .2 Section 23136 CVC makes it unlawful for a person under the age of 21 years, who has a BAC of .01 or greater, as measured by a Preliminary Alcohol Screening (PAS) test, to drive a motor vehicle.
    - .01 Section 13390 CVC makes a violation of 23136 a civil penalty. Consequently, an officer lacks the authority to arrest or issue a notice to appear for the violation.
    - .02 A person under the age of 21 years, who drives a motor vehicle, is deemed to have given his/her consent to a PAS test or other chemical test if lawfully detained for an alleged violation of 23136(a) CVC.
    - .03 If the PAS results show .01 percent BAC or greater, or if the driver refuses to take a PAS test, the officer shall confiscate the individual's driver's license and issue an order of suspension (DS 360M) to the person.
    - .04 If the driver is a minor, he/she should be released to a parent or guardian.
    - .05 If the violator is between 17 and 21 years of age, and not found to be in violation of 23152 CVC, he/she shall be ordered not to drive a motor vehicle until such time as there is no longer any alcohol in their blood.
    - .06 The violator's vehicle should be towed pursuant to 22651(h)(2) CVC.

3. A driver who is arrested for 23152 CVC shall be processed through the Concord Police Department Temporary Holding Facility, as prescribed in Procedure No. 3.
  - .1 If the violator is an adult, he/she may be released to a responsible adult, as enumerated in General Order No. 42.
    - .01 If the arrestee is an adult male, and cannot be released to a responsible adult, he may be housed in the Concord Police Department Temporary Holding Facility.
    - .02 A female arrestee may not be housed at the Concord Police Department Temporary Holding Facility. She shall be transported to MDF, if a responsible adult cannot be located.
  - .2 A minor who is arrested for 23152 CVC shall be handled in accordance with General Order No. 34.
4. Any person found to be in violation of 23153 CVC shall be arrested and processed at the Concord Police Department Temporary Holding Facility, in accordance with Procedure 3.
  - .1 Adult arrestees shall be transported to MDF.
  - .2 The on-duty Watch Commander/Shift Supervisor may authorize that a juvenile arrestee be transported to Juvenile Hall, or released to a parent or guardian. The decision regarding which disposition is chosen should be based on the following considerations:
    - .01 Juvenile Hall's ability and/or willingness to house the juvenile.
    - .02 The severity of the injuries which resulted from the traffic collision.
    - .03 The juvenile's prior record.
    - .04 The availability of a parent or guardian.
5. Section 40300.5 CVC allows a peace officer to arrest a person, without a warrant, when the officer has reasonable cause to believe that the person has been driving while under the influence of an alcoholic beverage or any drug, when any of the following conditions exist:
  - .1 The person is involved in a traffic collision.
  - .2 The person is observed in or about a vehicle that is obstructing a roadway.
  - .3 The person will not be apprehended unless immediately arrested.
  - .4 The person may cause injury to himself or herself or damage property unless immediately arrested.
  - .5 The person may destroy or conceal evidence of the crime unless immediately arrested.
6. Drivers who are charged with any of the offenses enumerated in Section "K" of this Procedure are required to submit to a chemical test to determine their BAC. Such procedures shall be in accordance with Administrative Instruction/Uniform No. 10.
7. Section 273a(b) of the Penal Code (PC) makes it a misdemeanor for any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to be placed in such a situation that their person or health may be endangered.

- .1 Section 11165 PC defines a child as any person under 18 years of age.
- .2 Officers may include a charge of 273a(b) PC whenever a person is arrested for a violation of Section 23152 CVC and a person under 18 years of age is a passenger in the vehicle.
- 8. Section 273a(a) makes it a felony for any person who, under circumstances likely to produce great bodily harm or death, willfully causes or permits any child to be placed in such a situation that its person or health is endangered.
  - .1 Officers may include a charge of 273a(a) PC when the circumstances support the elements of this crime. Specific examples include, but are not limited to:
    - .01 The child is a passenger in a DUI driver's vehicle and is injured as a result of a traffic collision.
    - .02 The child is a passenger in a DUI driver's vehicle during a high speed pursuit.

#### **L. ENFORCEMENT AGAINST DRIVERS WITH SUSPENDED/REVOKED LICENSES**

- 1. Officers should take enforcement action in all instances when a driver, who has lawfully been detained, is found to be operating a motor vehicle while his/her driver's license is suspended or revoked.
  - .1 When appropriate, the violator should be arrested.
    - .01 The violator may be released at the scene with a notice to appear, or the violator may be processed at the Concord Police Department Temporary Holding Facility and then released with a notice to appear.
  - .2 If the suspension/revocation service order indicates that the violator has not been served with a Notice of Suspension, the officer should complete a DMV "Verbal Notice (DL 310)" and have the violator sign the form, after he/she has been advised of the authority and effective date of the suspension/revocation.
    - .01 The driver shall be cited for 12500(a) CVC, Unlicensed Driver or 14601.1(a) CVC, as determined by the driver's knowledge of the suspension and District Attorney's guidelines.
- 3. When a driver has been issued a notice to appear for driving a motor vehicle while their driving privilege has been suspended or revoked, or if they are in violation of 12500(a) CVC, the violator's vehicle should be towed in accordance with Procedure No. 21.

#### **M. PARKING ENFORCEMENT AND VEHICLE ABATEMENT**

- 1. The primary responsibility for parking enforcement and vehicle abatement is that of the Parking Services Unit. This unit is comprised of a Lead Parking Services Officer, Parking Enforcement Officers and Community Specialists. The Lead Parking Services Officer reports to the Administrative Services Manager.
  - .1 Sworn officers are expected to perform these functions when, the presence of illegally parked or abandoned vehicle(s) create an immediate hazard; in response to specific complaints; as part of an effort to remove a community nuisance; or when the officer feels such action is appropriate.
  - .2 Reserve Officers as well as CSOs, Community Specialists and Police Interns who are not assigned to Internal Operations may assist with parking enforcement and vehicle abatement at the request of a sworn officer.

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2. The procedures for parking enforcement and vehicle abatement can generally be found in the Parking Enforcement and Vehicle Abatement Program manual.