

SCRANTON POLICE DEPARTMENT POLICY

Effective Date:

February 19, 2020

Policy Number:

16-022

Policy Subject:

Vehicle Enforcement Action

Reevaluation Date:

February 19, 2021

No. Pages:

2

PLEAC Standards:

2.4.1

I. PURPOSE

The purpose of this policy is to provide members with guidelines on taking enforcement action incidental to motor vehicle violations.

II. POLICY

The Scranton Police Department is responsible for the safety of motorists and pedestrians within its jurisdiction and will enforce the traffic laws of the Commonwealth of Pennsylvania to reduce the incidence of traffic crashes and hazardous conditions that may exist for motorists.

III. DEFINITIONS

TraCS – Traffic and Criminal Software; A public safety program accessible through a computer or Mobile Data Terminal (MDT) allowing for the electronic filing of citations and warnings.

IV. PROCEDURE

A. Physical Arrest

1. Officers may affect a physical arrest on any person in violation of those traffic laws pertaining to driving under the influence of alcohol and/or drugs and all other violations of the law requiring physical arrest in the Commonwealth of Pennsylvania. In the event a violator resides outside the Commonwealth, the violator may be taken into custody and transported to the local Magisterial District Justice's office for adjudication.
2. There may be other incidents in which a violator should be physically arrested. The decision should be based upon sound legal principals as opposed to peripheral issues such as the violator's attitude.

B. Traffic Citation

A traffic citation should be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations, and operating unsafe and/or improperly equipped vehicles.

C. Written Warning/ Equipment Repair Card

1. A written warning is a proper alternative to a traffic citation that may be used based in the individual officer's discretion, professional judgment, training and experience.
 - a. All written warnings should be issued using the TraCS system in equipped vehicles or with the Pennsylvania Department of Transportation's MV-433A card or its equivalent when TraCS is not available.
 - b. Written warnings should be e-filed through TraCS or turned in to Central Records.
2. An equipment repair order is a proper alternative for officers to use for minor equipment violations and for operators who do not have in their possession their driver's license, registration card and/or insurance card.
 - a. All equipment repair orders should be issued with the Pennsylvania Department of Transportation's MV-433A card or its equivalent.
 - b. Violators issued an equipment repair card should have the proper response to the repair card explained to them in order to avoid a traffic citation. Citations should be filed using TraCS against violators who do not respond in an appropriate amount of time.
3. Verbal warnings will not generally be issued in lieu of written warnings or equipment repair cards. Verbal warnings may be used when appropriate, such as emergency incidents that require the officer to leave the stop quickly or times that the reason for the stop was based on reasonable suspicion for another crime where a written warning would not be applicable.
4. When a vehicle is stopped based on reasonable suspicion for another crime and a written warning/traffic citation would not be applicable, the officer shall create a Field Investigation report and document the traffic stop.

D. Parking and Traffic Ordinance Violations

Violations of parking laws in the Pennsylvania Vehicle Code or municipalities traffic ordinances (parking violations) should be written using the appropriate parking ticket. If there is no response to the ticket within 30 days a traffic citation should be generated and e-filed by the parking ticket clerk. In some cases, a traffic citation may be written in lieu of the parking ticket.

By Order Of:

Chief Carl R. Graziano
Superintendent of Police
Scranton Police Department