

NIAGARA FALLS POLICE DEPARTMENT

GENERAL ORDER

EFFECTIVE DATE: 09/23/2013	SUBJECT: TRAFFIC ENFORCEMENT	Number 317.00 (NYSLEAP O-47-1)
RESCINDS: 07/09/2003		Number of pages 4

I. Purpose:

- A. The purpose of this Order is to establish policies and procedures when dealing with residents, non-residents, juveniles or foreign diplomats/consular officials who violate provisions of the Vehicle and Traffic Law.

II. Policy:

A. Resident and non-resident violators:

1. The uniform vehicle code regarding traffic signs and regulations is consistent throughout the United States. Non-residents are rarely subject to inconsistent or unfamiliar signs; therefore, unless the regulation that was violated is unique to the City of Niagara Falls, no immunity should be granted merely because a person is a non-resident.
2. Circumstances surrounding the violation or the officer's judgment should dictate the necessity of the summons. Residents of the City of Niagara Falls shall not be granted any special immunity based upon their residency.
3. New York State is a member of the 1977 Nonresident Violator Compact. As a result, New York has entered into individual or multi-state compacts with various other states. The substance of the compact is codified in Section 517 of the Vehicle and Traffic Law and it is quoted as follows in applicable part:

"Such compact shall provide that if a person licensed by either state is issued a summons or an appearance ticket by the other state for a moving violation covered by the compact or agreement, he shall not be detained or required to furnish bail or collateral and that if he fails to appear in response to such summons or appearance ticket, his license may be suspended by the state that issued the license until

he submits to the jurisdiction of the court or administrative tribunal in which such summons or appearance ticket is returnable."

B. Diplomatic Immunity:

1. Traffic infractions:

- a. Foreign diplomats and consular officials and in certain cases, their families and staff members, will not be served with a summons nor will a summons be placed on their vehicles once their identity has been established. (I.D., License Plates).

2. Motor Vehicle Accidents:

- a. When a person with diplomatic immunity is involved in a motor vehicle accident, a police officer shall obtain the necessary information to complete the accident report. The other party in the accident will be given the necessary information. No summons is to be issued to a person with diplomatic immunity for any violation regarding the accident.

3. Identification:

- a. A police officer involved with a person having diplomatic immunity must keep in mind that unless imminent danger to life will result, a diplomat is not to be restrained, detained or transported against his will once it has been established that he is entitled to diplomatic immunity. However, a person may be reasonably detained until such time as his immunity is established.
- b. A police officer in the proper performance of his duty is justified in stopping a person and requesting identification. Such a restraint of a person having diplomatic immunity is justified as person having this immunity is requested by the U.S. Government to show appropriate documentation whenever requested to do so by a police officer. It should be noted that diplomatic license plates by themselves do not constitute adequate identification of the operator or occupants of the vehicle.

- 4. If a police officer has reason to believe that a person may be entitled to diplomatic immunity but cannot through his investigation establish with reasonable certainty that the subject, in fact, does have immunity, and the subject has committed an offense that would normally lead to his arrest, a supervisor will be called to the scene

immediately. If necessary, the subject will be transported to police headquarters where the question may be resolved by contacting the United States Mission to the U.S., Telephone Number 212-415-4444 anytime. Police officers should be advised that certain individuals do possess diplomatic immunity but may not have their identification card with them; therefore, if a person claims immunity and does not have the card, the above number should be called in order to verify this claim. When calling, the subject's name, title and country should be given.

5. Reporting Incidents:

- a. Any incidents involving diplomats or claims of diplomatic immunity will be reported to the Shift Commander immediately. The Shift Commander will notify Deputy Superintendent/Operations as deemed appropriate.

C. Juvenile Violators:

1. The following procedure shall be followed when a juvenile is caught violating the Vehicle and Traffic Law:
 - a. The juvenile will be taken to police headquarters and their parent and/or responsible adult shall respond to take custody of the juvenile; or,
 - b. The juvenile will be taken home and, if possible, released to a responsible adult.
2. No traffic summons will be issued to any juvenile for any traffic offense.
3. A juvenile shall be turned over to a Youth Aid Division officer, if available, and shall be held until parents and/or a responsible adult can come to pick up the juvenile. If no YAD officer is available, the arresting officer shall stay with the juvenile unless otherwise directed by the desk lieutenant. At no time will a juvenile be brought through the cellblock or any other part of the building in which contact with adult prisoners can be made. The Youth Aid office shall be used as a waiting area whenever possible.
4. Any vehicle operated by a juvenile shall be towed according to department policy. The vehicle shall not be released to anyone but the registered owner unless otherwise directed by the desk lieutenant.

D. Traffic Summonses:

1. The Records Division shall distribute all Uniform Traffic Tickets to NFPD officers. Upon receiving the book containing twenty tickets, the officer shall sign a Receipt for Uniform Traffic Tickets. The receipt shall be given to the Records Clerk and the information regarding the tickets shall be entered into the NFPD Computer System.
2. Any Uniform Traffic Ticket that has been voided shall be delivered to the Administrative Captain along with an incident report describing the reason for the void. All voided tickets shall be kept under the care and custody of the Administrative Captain. Any unaccounted Uniform Traffic Tickets shall commence an investigation by the Administrative Captain and possible disciplinary action.