

CHAPTER 7: TRAFFIC

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1.0 TRAFFIC DIRECTION AND CONTROL

1.1 POLICY

It is the policy of the Buffalo Police Department to maintain a safe and even flow of vehicular traffic throughout the City so that accidents can be prevented and congestion avoided.

1.2 RESPONSIBILITY

- A. The Police Department is responsible for supervising and controlling traffic in all public streets and public places in the City of Buffalo.
- B. It is the responsibility of all uniformed personnel to actively participate in the supervision and control of traffic.
- C. It is the responsibility of all members of the Department to impartially enforce the laws and ordinances relating to traffic.
- D. All members will wear Department issued high visibility clothing as their outermost clothing while directing traffic.

1.3 DIRECTING TRAFFIC - POSITION

Only sworn members in police uniform shall direct traffic.

- A. The position taken by a member directing traffic is a very important factor in properly controlling an intersection. There is no single rule that applies to all circumstances. The intersection design, the traffic pattern, the degree of regulation desired, and a host of other variables will influence the decision. In selecting a position, the member shall consider the following factors:
 - 1. the personal safety of the member;
 - 2. the ability of the member to see all the traffic;
 - 3. the ability of motorists to see the member;
 - 4. the non-obstruction of traffic;
 - 5. the ability to effect control from that position.
- B. The member directing traffic must be in control of the situation at all times. (S)he must be ever aware of both vehicles and pedestrians. It is essential that the member clearly communicate his/her directions. Since traffic cannot be regulated vocally, the member must use hand signals. To avoid confusion all members should use the same hand signals and gestures. It is important that the member be in a position so that drivers can see the hand signals from a long distance.

1.4 DIRECTING TRAFFIC - HAND SIGNALS

A. Stance

While directing traffic, members should stand straight with weight evenly distributed on both feet. They must exhibit confidence. When not signaling, they should allow their hands to hang easily at the side. Member should not face vehicles that have been authorized to move but should stand with one side toward them. Above all, they should refrain from using excited, aimless, or incomprehensible gestures, or waving of the hands from the hipline.

B. Stopping Traffic

Two (2) motions are used. First, the member should point with his/her arm and forefinger at the driver that (s)he wants to stop. Hold the point until it is seen by the driver. Then hold the palm up indicating to the driver that (s)he must stop. Because the member cannot look both ways at the same time, (s)he should stop traffic in one direction first before attempting to stop traffic in the opposite direction. After traffic is stopped in one direction, the member should continue to hold the palm up in the stop position and then turn his/her head to the other direction and repeat the process.

C. Starting Traffic

To start traffic, the member should position himself/herself with his/her side toward the traffic to be started. The member should point his/her arm and forefinger toward the car that is to be started. That position should be held until the driver's attention is gained. Then with the palm facing up, the hand should be swung in an upwards motion, bending at the elbow and continuing in a circular motion making a full rotation. Once traffic is started in one direction, the same procedures should be used to start traffic in the opposite direction.

D. Right Turns

When right turns are necessary, the arm the member signals with will be determined by the direction from which the vehicle is coming. If it approaches from the right, the member should use the right arm, and if it approaches from the left, the left arm is used. The arm should be bent at the elbow. Vehicles approaching from the right will be directed by the right forefinger. Vehicle approaching from the left will be directed by using the left thumb.

E. Left Turns

In assisting a vehicle to make a left turn, the member must first halt the traffic in the lane through which the vehicle must pass. If the vehicle making a left turn is approaching from the left, the right arm should be used to stop oncoming traffic. The signal to stop should be maintained with the right arm while the left arm is used to indicate when the driver can make the left turn. If the vehicle is approaching from the right, the member should turn around so that (s)he is facing the direction in which the vehicle will turn and proceed as above.

F. Traffic Directed by Two Officers

When two (2) members are assigned to a particular intersection, only one of the members will originate all signals and gestures. The companion member only assists by helping to carry out the first member's directions. The member doing the signaling should be in the most conspicuous and advantageous position.

G. Errant Drivers

If a driver has apparently ignored a member's hand signals, the member should not attempt to correct the driver by having him/her back the vehicle to the spot the member originally desired. This is dangerous and only serves to create additional traffic congestion. If a warning, traffic summons or arrest is necessary, the member shall direct the motorist to the nearest space at the curb or to a position where the vehicle will not interfere with traffic flow.

H. Caution Required

Members directing traffic shall take all necessary precautions for their safety. While directing traffic they should never step backwards without first being certain that it is safe to do so. They should not remain in the path of an approaching vehicle, relying on the assumption that the driver will see him/her. Reflectorized belt, coat or vest shall be worn.

1.5 TRAFFIC CONTROL DEVICES

A. Malfunctioning Traffic Signals

Whenever a member of the Department becomes aware that a traffic signal is out of order or is malfunctioning, the member shall immediately notify the Radio Dispatcher.

1. Dispatcher

The Radio Dispatcher shall promptly dispatch a crew from the Signal Division to make repairs. The Radio Dispatcher shall also dispatch a District sector car to the scene to determine if manual traffic control is necessary until the traffic control device is repaired. Portable four way stop signs should be used in lieu of manual traffic control whenever possible. If manual traffic control is necessary, the Traffic Division shall be used for this purpose. If no member of the Traffic Division is available, the original District sector car shall remain on the scene.

2. Storms or Power Failures

If due to a storm or power failure, a number of traffic lights are not functioning properly or are out of order, portable four way stop signs shall be used wherever possible. Available members of the Department shall be assigned to intersections where the traffic is heaviest when portable four way stop signs are unavailable or impractical. Members of the Traffic Division shall be assigned first. If there is an insufficient number of members of the Traffic Division available, the Supervisor in the effected District shall detail

available members of his/her own command.

B. Manually Controlling Traffic Signals

Members of the Department assigned to the Traffic Bureau may manually control traffic signals for short periods of time when there is an excessively high volume of traffic that will result in extreme traffic congestion if not properly regulated (e.g. rush hour traffic at high volume intersections, special events, sporting events, etc.).

C. Missing or Damaged Stop Signs

1. Notification

When any member of the department is made aware that a Stop Sign is missing, knocked down, or for any reason, inoperable, (s)he shall immediately:

- a. if between the hours of 0600 and 2200, request the Radio Dispatcher to contact Signal Truck 249;
- b. at any other time, notify the Radio Dispatcher to have the sign replaced with a temporary Stop Sign.

2. Record

The member of the Communication Center making such notification shall make a notation which shall contain the following information:

- a. time of notification;
- b. person notified;
- c. location of damaged or missing Stop Sign;
- d. the employee's name.

D. Emergency Barricades

1. Whenever the need arises for emergency barricades, the requesting member shall contact the Radio Dispatcher or the 911 Supervisor.
2. The Dispatcher shall relay the information to the Signal Truck.
3. If the Signal Truck is unable to respond or has an insufficient number of barricades available, the Dispatcher, after gaining the approval of the 911 Lieutenant, shall contact the Flasher Handling Company and request the barricades. The Dispatcher shall apprise the Signal Truck of the location and number of barricades that were delivered.
4. Whenever it appears that the barricades are no longer needed and they have not yet been removed, the concerned command shall contact the Signal Division.

1.6 CLOSING STREETS

A. Temporary Closing of Streets

1. When the Mayor of the City of Buffalo authorizes the temporary closing of a street under the power granted him/her by the City Charter, the Commanding Officer of the Traffic Division shall notify the Commanding Officer of the District affected.
2. The Commanding Officer of the District affected shall instruct their Patrol Lieutenants to inspect the area for which the permit was granted and to ensure that the requirements are fulfilled.

B. Emergency Closing of Streets

1. Whenever streets are closed at the direction of the Mayor because of an emergency, or for public safety, or for any other impending necessity, the Commanding Officer of the District shall:
 - a. promptly notify the 911 Lieutenant;
 - b. detail sufficient members of his/her command to handle the situation;
 - c. arrange for the delivery of proper equipment (e.g. barricades, etc.)
 - d. assume command of the situation until relieved by higher authority.
2. A Police Officer may temporarily close a street during a fire, automobile accident or special emergency. The street may be closed for only so long as is required for public safety and it may be closed to all or selected vehicle traffic and to pedestrian traffic. The Officer closing the street shall notify the Radio Dispatcher and request whatever assistance is necessary to aid him/her in closing the street.

1.7 RESTRICTING PARKING

A. Authority

1. The Commissioner of Police may make temporary regulations and orders to meet special conditions (e.g.. snow removal, leaf pickup, paving and street cleaning, parades, special events, etc.) regarding the parking and standing of motor vehicles on public streets or public places, within the City.

B. Posting

1. Whenever the Commissioner of Police exercises his/her authority to restrict parking, signs describing the type of restriction must be posted conspicuously, not later than twenty-four (24) hours preceding the beginning of the period of restriction. Signs shall be made available at the Traffic Bureau.
2. The Commissioner may delegate to any other Department of the City of Buffalo, the authority to post streets in which parking or standing is to be restricted. The designated Department must notify the Commissioner of

Police, or his/her designee, of the streets to be posted, the date of posting, the date and time when posting will be completed, and the date and time during which parking or standing will be regulated.

2.0 HEAVY SNOW CONDITIONS

2.1 POLICY

It is the policy of the Buffalo Police Department to use its authority to control traffic and to regulate parking during heavy snow conditions to effectuate the safe and expeditious movement of vehicles and pedestrians.

2.2 SNOW EMERGENCIES

Refer M.O.P. Chapter 11.

2.3 CLOSING THE SKYWAY COMPLEX

Refer M.O.P. Chapter 7.

2.4 MONITORING MAIN THOROUGHFARES

During heavy snow conditions:

- A. uniformed members of the Traffic Division and Districts shall continuously monitor the condition of main thoroughfares and major intersections;
- B. locations which are especially hazardous due to ice and snow shall be reported to the Dispatcher, who shall notify the Streets Department;
- C. during heavy traffic conditions, members shall direct traffic at major intersections where their Lieutenant has determined it to be necessary.

2.5 ENFORCING ILLEGAL PARKING REGULATIONS

When directed to do so by their superiors, uniformed members of the Department shall strictly enforce illegal parking regulations during heavy snow conditions, paying particular attention to the following:

- A. illegally parked vehicles on major thoroughfares and bus routes;
- B. no standing on bus routes between 0130 and 0700hrs from November 15th through April 1st;
- C. abandoned vehicles;
- D. alternate side parking.

2.6 TOWING VEHICLES

- A. During heavy snow conditions, vehicles that are parked illegally and are impeding traffic or are hindering snow removal efforts shall be towed. Refer M.O.P. Chapter

2.

B. When vehicles are towed due to heavy snow conditions, each District shall maintain a list of all vehicles towed and the location to which they were taken.

3.0 CLOSING THE SKYWAY COMPLEX

3.1 POLICY

It is the policy of the Buffalo Police Department to close the Skyway Complex whenever weather conditions deteriorate to the point that the health and safety of motorists may be placed in jeopardy.

A. The 911 Lieutenant will cause a message to be sent via the E-Mail System announcing the closing and/or opening of the Skyway.

3.2 911 LIEUTENANT'S RESPONSIBILITIES

A. The 911 Lieutenant after consultation with the most senior Headquarters command officer available shall be responsible for the closing and/or the opening of the Skyway, Father Baker Roadway, and the Fuhrmann Boulevard Complex.

1. The Lieutenant of "A" District will monitor the Skyway Complex and advise the 911 Lieutenant via radio as to the prevailing weather and road conditions.

B. The 911 Lieutenant shall, if necessary:

1. Contact the Duty Deputy of the Buffalo Fire Department at the alarm office for activation of the Fire Department tow truck for Skyway use (856-5111).
2. Contact the Erie County Sheriff's Department for the use of helicopters and/or snowmobiles (662-5554).

C. The 911 Lieutenant will notify by telephone:

1. The Buffalo Streets Department 851-5942 and NITTEC
All other notifications that were previously made via telephone by the 911 Lieutenant (i.e. police departments, emergency service agencies, television and radio stations, etc.) will now be made automatically by a fax message system.
 - a. The fax message system is linked to the New York State Department of Transportation computer which is located in their Buffalo Office. When the Duty Inspector orders the closing or opening of the Skyway Complex, the computer system will activate the fax message system as well as activate the flashing light indicators on the Skyway Closing Signs.

D. The 911 Lieutenant will cause a message to be sent to surrounding police agencies via

the NYSPIN terminal which is located in the E-Mail Office.

3.3 RADIO DISPATCHER'S RESPONSIBILITY

The Radio Dispatchers shall notify The Buffalo Police Department mobile radio units, that the closing plan is being implemented.

3.4 DISTRICT COMMANDER'S RESPONSIBILITIES

When the weather is threatening and there exists a definite possibility that the Skyway may need to be closed, the District Commanders whose Districts would be affected shall place on standby alert all members of their command who would be assigned to implement the closing plan. In preparation, such members shall be properly equipped for the weather conditions. Marked vehicles shall be fueled and the emergency lights, heater, etc., operational.

3.5 IMPLEMENTATION OF THE SKYWAY COMPLEX EMERGENCY CLOSING PLAN

- A. The 911 Lieutenant, after consultation with the senior most Headquarters command Officer available, will be responsible for the activation and deactivation of the "Skyway Complex Closing Signs". This system will, in turn, automatically activate the fax message notifications.
- B. The "A-District" Lieutenant will ensure that all posts are covered within the snow emergency plan. (S)he will monitor the complex during the shutdown period and will notify the 911 Lieutenant of any change in the prevailing weather or road conditions.

SNOW EMERGENCY PLAN:

- 1. Tift Street and Hopkins – one (1) Patrol car to stop any west bound traffic on Tift Street
- 2. Tift Street and Ohio Street – one (1) Patrol car at the traffic circle. This will stop any vehicles from entering the Skyway ramp from Ohio Street. Stop traffic from going under the Skyway and accessing Fuhrmann Blvd, and also stop any vehicles that may have exited Route 5 after the Father Baker Bridge and attempting to get back onto the Skyway.
- 3. Ohio Street and Ganson – one (1) Patrol car to stop traffic southbound traffic on Ohio Street from entering the Skyway Complex. This location also allows for the safety of the Officer as well as the Citizens who would have to turn around and exit the area.
- 4. Ohio Street at Sand Piles – one (1) Patrol car to stop any traffic inside the complex from accessing the elevated section of the Skyway.

5. On Route 5 just past the Father Baker Bridge – one (1) Patrol car (normally covered by LAPD but many times, they do not have the manpower) this will force any of the north bound traffic coming from the South towns to exit at Tift Street and then exit the area.

C. The “B-District” shall cover the following locations:

1. Delaware Avenue at the entrance of the Skyway
2. The 190 to the Route 5 merge onto the Skyway

3.6 OTHER AVAILABLE RESOURCES

A. U.S. Weather Bureau Information 565-0013 *
1-800-462-7751 *

B. Medical Resources

Red Cross	886-7500
Ambulance Dispatch and Erie County E.M.S.	898-3696

C. Food, Clothing, Shelter

Red Cross	886-7500
Salvation Army	884-4798
Traveler's Aid Society	854-8661
Crisis Services	834-3131

D. Road Conditions

American Automobile Assoc. (AAA)	634-7900
Erie County Sheriff's Department	662-5554

E. Utility Emergencies

National Fuel Gas	822-1103
National Grid (Electric)	1-800-867-5222
Verizon (Customer Service - Telephone)	1-877-771-0771
Spectrum (Cable/Internet/Phone)	558-8921

* These telephone numbers are for **OFFICIAL USE ONLY**, and are **not** to be made public.

3.7 EMERGENCY CLOSING NOTIFICATION LIST

- A. In the event of an emergency closing of the Skyway Complex, the following police agencies, emergency service agencies, and television and radio stations will be notified via a fax message system.
- B. When the 911 Lieutenant or his/her designee places a phone call to NITTEC and enters the proper code, the fax message system will automatically be activated and notification of the closing/opening of the Skyway Complex will be sent in the order as indicated below.
- C. If for any reason the fax message system fails, it will be the responsibility of the 911 Lieutenant, to make the notifications by telephone.

D. Emergency Services

<u>AGENCY</u>	<u>PHONE NUMBER</u>	<u>FAX NUMBER</u>
Buffalo Police Headquarters	851-4444	851-4108
A District Station	851-4415	851-4848
B District Station	851-4403	851-4391
State of NY DOT	649-2157	649-2351
Buffalo Fire Alarm Office	856-5111	851-4155
NYS Police and	836-0240	836-1809
	(0800-1600hrs)	
NYS Thruway Authority	896-2525	436-2899
Lackawanna Police Department	822-4900	827-6676
Hamburg Town PD	649-3800	648-4821
Erie County Sheriff's Dept.	662-5554	662-8477
Ambulance Dispatch (A.D.I.) and Erie County E.M.S.	898-3696	898-4958
NFTA	855-7326	855-6387

E. Television and Radio Stations

<u>TV/Radio Station</u>	<u>PHONE NUMBER</u>	<u>FAX NUMBER</u>
NFTA Traffic Central	855-7318	855-6671
WGRZ Television (Channel 2)	849-2200	849-7602
WIVB Television (Channel 4)	876-7333	874-8173
WKBW Television (Channel 7)	840-7777	856-8784
WBEN Radio	843-0621	876-1344
WGR	843-0220	885-8255
WNED	845-7040	845-7043

4.0 TRAFFIC ENFORCEMENT

4.1 POLICY

It is the policy of the Buffalo Police Department to use its law enforcement authority to the extent necessary to provide safe, expeditious and convenient movement of traffic in the City of Buffalo.

4.2 TRAFFIC BUREAU RESPONSIBILITIES

The Traffic Bureau shall be responsible for:

A. Analyzing traffic accidents in terms of:

1. time
2. place
3. severity
4. cause

B. Analyzing traffic enforcement activities in terms of:

1. type of violations
2. severity of violations
3. frequency of violations
4. time and location of violations

C. Implementing selective enforcement techniques based on:

1. time and location of accidents
2. time and location of violations
3. traffic volume
4. traffic conditions
5. the needs of the community

D. Deploying traffic personnel to accomplish specific enforcement objectives;

E. Evaluating the effectiveness of the enforcement techniques implemented.

4.3 UNIFORMS REQUIRED FOR TRAFFIC ENFORCEMENT

Only sworn members in uniform and operating a marked patrol vehicle shall actively engage in traffic enforcement. Reflectorized vests shall be worn.

4.4 ENFORCEMENT OPTIONS

Generally, a member has three options when enforcing traffic laws and ordinances.

A. Warnings

The member may issue a warning. Warnings may be used when the violation was:

1. inadvertent, and
2. not serious or not likely to result in an accident; and,
3. not frequent at that location; and,
4. did not involve multiple violations.

B. Traffic Summonses

The member may issue a traffic summons to the motorist. Traffic summonses shall be issued in those circumstances in which there has been a violation of the traffic laws or ordinances and the motorist has not been issued a warning or has not been placed under arrest.

C. Arrests

The member may make a physical arrest of the motorist. Physical arrests may be made whenever the traffic offense is:

1. A misdemeanor or felony defined in the Vehicle and Traffic Law involving the use of alcohol and/or drugs;
2. Felony Aggravated Unlicensed Operation First Degree defined in Section 511-3 VTL;
3. One involving extenuating circumstances such as repeated suspensions by an Out-of-state driver or involving an accident or repeated violations of City Ordinance Section 437 (Hackers). The propriety of making an arrest involving extenuating circumstances shall be determined by the City Court Booking Lieutenant.
4. A traffic infraction, coupled with a non-traffic offense for which the person may be arrested.

4.5 TO WHOM SUMMONSES MAY BE ISSUED

Traffic summonses may be issued to any person who is at least 16 years of age (Refer to M.O.P. Chapter 7). They shall be issued for any violation of the Vehicle and Traffic Law, or City Ordinances relating to traffic, except those relating to parking, standing, or stopping for which a parking tag must be issued. For violations involving driving during a snow ban, an Adjudication Summons shall be issued in lieu of a Traffic Summons. Refer M.O.P. Chapter 3.

4.6 SUMMONSES - SPECIFIC CLASSES OF PERSONS

A. Residents

Traffic summonses may be issued to any resident who is at least 16 years of age (refer to M.O.P. Chapter 7). Summonses may be issued for any violation of the vehicle and traffic law or City ordinances related to traffic.

B. Non-Residents

Non resident motorists shall be treated the same as residents except that members of the Department should use their discretion when enforcing traffic laws or ordinances that are peculiar to this state and not the nonresident's state. Nonresidents who live in a state that is a member of the 1977 Nonresident Violator Compact shall not be detained nor required to furnish bail for any moving violation that is covered by the Compact. If such motorist fails to appear as required, his/her license will be suspended by his/her home state until (s)he submits to the jurisdiction of the court or administrative tribunal in which the summons is returnable.

C. Juveniles

Juveniles less than sixteen (16) years of age cannot be issued a traffic summons. Juveniles who have committed a traffic infraction shall be taken to the stationhouse of the District in which the infraction occurred and their parents, guardians, or other persons legally responsible for their care, shall be required to retrieve them. Juveniles who have committed misdemeanors or felonies may be petitioned to Family Court. (Refer M.O.P. Chapter 3). A Judge at Family Court may be reached at 716-845-7400. In all cases Juvenile Referral Cards (P-1294) shall be completed.

D. Diplomats

Refer to M.O.P. Chapter 3.

E. U.S. Government and Military Vehicles

1. Whenever the operator of a vehicle owned by the U.S. Government is observed
2. committing a traffic offense, (s)he shall not be issued a traffic summons. Instead, the member shall obtain all the facts of the incident, and report them in writing to his/her Commanding Officer.
3. The Commanding Officer shall forward the report, through channels, to the branch of the U.S. Government to which the vehicle is assigned.

4.7 DEALING WITH MOTORISTS

1. Members of the Department who have stopped a motorists for having committed a traffic infraction must first establish control of the situation in a way that assures the safety of the member, the motorist and other people using the roadway.
2. The member must be ever mindful that this is a stressful time for citizens. The courtesy and positive image that is shown by the member will make this contact less

confrontational. It will also enhance the member and Departments image. Remembering that the purpose of the enforcement is to favorably alter the citizens driving habits.

3. If a traffic summons is issued to the motorist, the member must clearly explain to the motorist the following:
 - a. the date, time and location the motorist is required to appear;
 - b. how the motorist can answer the summons including whether or not the
 - c. motorist can plead guilty by mail;
 - d. any other information that may assist the motorist in dealing with the summons.
4. Officers are reminded that parents or guardians are chargeable under the Vehicle and Traffic Laws if they knowingly permit unlicensed youths to drive on the road.

4.8 SPEED ENFORCEMENT

Excessive speed is often a contributing factor in motor vehicle accidents. Members of the Department shall diligently enforce laws and ordinances regulating speeding.

4.9 RADAR

A. Training and Certification

Before a member is authorized to use radar or other speed measuring devices, (s)he must have received proper training and be certified to operate that device and must keep his/her certification current. The member must comply with all required procedures for operating that device.

B. When Radar is to be Used

Radar and other speed measuring devices will be used in the following circumstances:

1. In locations where there is a high incidence of accidents in which excessive speed is a contributing factor;
2. In locations where speeding frequently occurs;
3. In locations where citizen complaints indicate a high frequency of speeding violations.

C. Selecting a Site

In selecting a site the member of the Department using radar or other speed enforcement device must give first priority to the safety of himself/herself, other members of the Department, other motorists, and the violator that is to be stopped. The member must check the location to be certain that it is properly posted.

D. Calibration of Speed Measuring Devices

All speed measuring devices must be maintained and calibrated according to the

manufacturer's standards or at least once a year.

4.10 SPEEDOMETER CALIBRATION

If a member is to appear at a hearing for a traffic summons (s)he issued for speeding, and the speeding charge was based on reading the speedometer when following the violator, the member must have proof of the accuracy of the speedometer. Such proof shall be secured prior to the scheduled hearing date and can be obtained from the Police Garage after garage personnel calibrate the speedometer.

4.11 DWI ENFORCEMENT

A. All uniform members of the Department have a special responsibility to rigorously enforce laws prohibiting driving while intoxicated/impaired. Commanding Officers of Districts shall direct members of their command to carefully inspect locations in their Districts, at the time and place where there has been a past history of alcohol related accidents or alcohol related violations.

B. The Commanding Officer of the Traffic Bureau shall be responsible for assigning members of his/her command to specifically enforce laws that prohibit driving while intoxicated/impaired. The members assigned to such enforcement shall be responsible for:

1. enforcing alcohol/drug related traffic laws in those locations, and at those times, that have had a significant incidence of alcohol/drug related accidents or alcohol/drug related traffic offenses;
2. to ascertain the characteristic violation profile of the offender by surveying those roadways on which there has been an unusual incidence of alcohol/drug related accidents;
3. analyzing alcohol/drug related accident information.

4.12 PARKING ENFORCEMENT

All uniform members of the Department are responsible for enforcing laws and ordinances regulating parking and standing. Primary attention shall be devoted to enforcing those laws and ordinances that impact on the flow of traffic (e.g. double parking, no standing any time, fire lanes, etc.), those that are designed to facilitate snow removal or street cleaning (e.g. alternate parking, bus routes during the winter, etc.), and those parking violations that are the subject of citizen complaints.

5.0 TRAFFIC SUMMONSES

5.1 POLICY

It is the policy of the Buffalo Police Department that traffic summonses will be the primary accusatory instrument used to charge a person with a traffic offense whether a paper ticket or automated ticket.

5.2 DEFINITIONS

For purposes of this Chapter, terms shall be defined as follows:

- A. Traffic Infraction: A violation of any provision of the Vehicle and Traffic Law, or any other law, ordinance, regulation, order, or rule regulating traffic, and which is not declared by law to be a felony or misdemeanor.
- B. T.V.B.: New York State Traffic Violations Bureau.
- C. Traffic Summons: Shall mean the six part TSLED/TVB Summons.

5.3 THE TSLED/TVB SUMMONS

The TSLED/TVB Summons is a six copy document which is color coded and identified as follows:

- A. White with Red Stripe Copy - Simplified Information/Complaint
- B. White with Blue Stripe Copy - Court Disposition Copy
- C. Yellow Copy - Traffic Violations Bureau Copy (motorist)
- D. White with Green Stripe Copy - Arrest Record (TSLED) Copy
- E. White with Gold Stripe Copy - Uniform Traffic Ticket (City Court copy (motorist))
- F. White Copy (card stock) - Officer's Copy

5.4 OBTAINING TRAFFIC SUMMONS BOOKS

- A. The number of traffic summons books issued to any command will be determined by the Traffic Records Office and will be based on the number of summonses that that command has issued. Each unit will be held strictly responsible for the distribution and use of these books.
- B. The following procedure will be followed when replacement books are required:
 - 1. The Commanding Officer will cause to be prepared in duplicate, on an Intra-Departmental Memorandum, a listing of completed summons books. It shall show the beginning and ending number of each completed book.
 - 2. One copy (gold stripe, yellow, or a photocopy of the Officer's copy) of each summons issued, securely bound together in numerical order, in lots of 20, and by book number, shall be taken to the Traffic Records Office along with the two copies of the Intra-Departmental Memorandum. Completed books shall be returned in lots of 5.
 - 3. After checking the returns for accuracy, the second copy of the Intra-Departmental Memorandum shall be receipted by Records Office personnel, and returned to the delivering member for filing in the Command files.

4. New traffic summons books will be issued on the basis of the number of books returned (in sets of 5).
5. The member receiving the traffic summons books shall sign a receipt for books received, and then deliver the books to his/her Commanding Officer.

5.5 UNITS TO MAINTAIN A RECORD OF TRAFFIC SUMMONS BOOKS

- A. When new traffic summons books are received at a Departmental unit, the Commanding Officer shall ensure that the books are checked for deficiencies. Each new book shall be listed by date received and by book number, in a journal provided for that purpose.
- B. If any book is discovered to be deficient because of any missing summonses, misprints, or for other reasons, the deficiencies shall be listed on an Intra-Departmental Memorandum which shall be forwarded to the Traffic Records Office with all misprints and defectives or summonses/books containing deficiencies.

5.6 DISTRIBUTING TRAFFIC SUMMONS BOOKS TO INDIVIDUAL MEMBERS

- A. When a book is issued to an Officer, his/her name, date of issuance, and the book number, shall be recorded in the traffic summons book journal maintained at their unit.
- B. It will be at the discretion of each command as to how books are to be assigned (i.e. to individual officers, car crews, shift Lieutenants, etc.). New recruits shall not be assigned books on a personal basis until they have a permanent assignment. When a member is transferred or otherwise leaves his/her command, the Commanding Officer shall recall the Traffic Summons Book that was assigned to that member.
- C. One book shall be maintained at the desk of each District in the event that it becomes necessary to issue a summons at the desk.
- D. Commanding Officers shall direct that periodic inspections be made of all traffic summons books that have been issued by his/her command. The inspections shall seek to ensure compliance with existing procedures and to determine if members are using the books regularly.

5.7 CARE OF TRAFFIC SUMMONS BOOKS BY INDIVIDUAL MEMBERS

- A. Members to whom traffic summons books are issued shall be strictly responsible for their care and use.
- B. Upon receipt of a traffic summons book, the member shall carefully check it for completeness. If any deficiencies are found, they shall return the book to the Commanding Officer (refer to M.O.P. Chapter 5).

C. Traffic summons books shall be maintained in a secure place when not in use and they shall not be taken home nor left in any private vehicles.

5.8 PREPARING THE TRAFFIC SUMMONS

No Officer shall issue a traffic summons unless (s)he has received proper instruction through the Buffalo Police Training Academy and/or completely reviewed the training bulletins and instructions sheets provided by the Traffic Records Office.

A. Check carefully to ensure that no traffic summons has been inadvertently skipped over.

B. Use black ballpoint pens only (there are 6 copies so the writer must press very hard).

C. Print all entries except signatures.

D. Use the required code designations.

E. If the violator is to be cited for multiple traffic charges, prepare a separate traffic ticket for each offense. All charges shall be made returnable at the same tribunal for the same date.

F. Only those sections of the VTL indicated in the "Police Guide to the V&T Law" are valid. No other sections of the VTL may be cited.

G. Make sure that all the required information is provided and that the traffic summons is prepared completely and accurately.

5.9 PERSONAL SERVICE REQUIRED

All traffic summonses must be served personally on the offender when the traffic summons is issued.

5.10 SUMMONSES - WHERE RETURNABLE

Summonses shall be made returnable as follows:

A. City Court

1. misdemeanors relating to traffic
2. traffic infractions when coupled with a criminal offense or a misdemeanor,
3. summary arrests,
4. hitchhiking, 1157-A VTL
5. DWI and related alcohol/drug related traffic offenses,
6. truck mileage tax violations,
7. City Ordinance violations relating to cabbies,
8. Transportation Law
9. Tax Law

B. Traffic Violations Bureau (TVB)

1. traffic infractions except those relating to parking, standing, or stopping.

2. dimensions and weights of vehicles, 385 VTL (refer to "Police Guide to the V&T Law"),
3. registration of truck and trailers, 401-7&8 VTL (refer to the "Police Guide to the V&T Law").

5.11 DISPOSITION OF COPIES OF TRAFFIC TICKETS

A. Traffic Violations Bureau Cases

If the defendant is required to appear at the Traffic Violations Bureau, the disposition of the copies is as follows:

1. The yellow (TVB) copy is the defendant's copy and is issued to the defendant.
2. The white with gold stripe (Uniform Traffic Ticket) becomes the District copy and is retained at the issuing member's command.
3. The white (Officer's) copy is retained by the issuing Officer.
4. The white with red stripe, white with blue stripe and white with green stripe are to be forwarded to the Traffic Records Office.

B. City Court Cases Processed through City Court Booking

If the defendant is required to appear in City Court and has been processed through the City Court Booking Unit, the disposition of the Traffic Summons is as follows:

1. The white copies with red, blue and gold stripes remain intact and are placed into the arrest folder (the gold stripe is the defendant's copy and will be served by the Judge upon arraignment);
2. The white copy with green stripe (arrest record copy) is retained by City Court Booking, logged onto the "Summons Log" sheet and will be retrieved by the Traffic Records personnel;
3. The yellow copy becomes the District copy and is retained at the Officer's command;
4. The white (Officer's Copy) must be retained by the issuing Officer.

C. City Court Cases Not Processed through City Court Booking

If the defendant is required to appear in City Court and has not been arrested and processed through City Court Booking, the disposition of the Traffic Summons is as follows:

1. Motorist is served with the white copy with gold stripe which shall have the address of City Court clearly indicated as well as a return date of 10 to 14 days from the date of issue (no weekends or holidays) at 9:30 am.
2. The white copies with red, blue and green stripes remain intact and are turned in to desk personnel at the end of each tour of duty and processed accordingly;
3. The yellow copy becomes the District copy;
4. The white (Officer's copy) is retained by the issuing Officer.

D. Copies Retained at Issuing Officer's Command

1. The Command shall designate an envelope for each traffic ticket book, with the beginning and ending numbers inscribed thereon. The remaining copy (golden stripe or yellow) shall be filed in numerical order in the appropriate envelope. The envelope shall be retained until all the summonses in the corresponding summons book have been issued.
2. Once a traffic summons book has been completed, the Command's copy of all the summonses shall be forwarded to the Traffic Records Office (refer M.O.P. Chapter 7).

5.12 DAILY REPORT OF SUMMONSES ISSUED (P-54)

The Erie County CHARMS System will act as the Department system of accountability for all traffic summonses.

5.13 DAILY TRAFFIC SUMMONS AND ARREST REPORT (FORM P-1231)

Every day, in addition to the Daily Report of Summons Issued (P-54), the Traffic and MRU Division shall prepare the Daily Traffic Summons/Arrest and Tag Report (Form P-1231) for the twenty-four (24) hours period ending at 0001hrs. This report must accurately reflect the number of summonses issued in each category for the previous 24 hour period, as well as the cumulative total from the first of the year.

5.14 MEMBER'S APPEARANCE IN COURT

Members of the Department shall not appear in court or at any administrative agency in connection with a traffic summons that the member issued, without first having obtained the authorization of the Court Liaison Unit (refer M.O.P. Chapter 6).

5.15 LOST, MUTILATED, VOID TICKETS OR SUMMONS BOOKS

- A. If a summons ticket book is lost, the member to whom it was assigned shall forward through the chain of command to the Inspector in charge of the Division of Administration and Communication, an Intra-Departmental Memorandum explaining the circumstances.

If the traffic summons book is subsequently located, it shall not be used unless first cleared through the Traffic Record and Control Office.

- B. If a single summons is lost, mutilated, damaged, or voided, the member who is responsible, shall forward through the chain of command to the Inspector in charge of the Division of Administration and Communication, an Intra-Departmental Memorandum explaining the circumstances. Intermediate members of the chain of command shall review and sign all such reports and take appropriate action. If the summons is mutilated, damaged or voided, all six copies must be attached to the Intra-Departmental Memorandum. A copy of the memorandum will be returned to the command after review and approval by the Inspector in charge of the Division of Administration and Communication and will be placed in the filing control envelope for accountability purposes.

5.16 RESPONSIBILITY OF THE TRAFFIC RECORDS OFFICE

The Traffic Records Office shall be responsible for:

- A. Acting as liaison between TSLED in Albany and the Police Department;
- B. Obtaining summons inventory and shipments from Albany;
- C. Distribution of the Traffic Summons Books to the various Departmental units (refer M.O.P. Chapter 7).
- D. The receipt, checking and forwarding of completed traffic summons to the appropriate administrative body.
- E. The preparation of such reports as may be required by City Court, the Traffic Violations Bureau and by Departmental orders;
- F. The systematic filing and retention of reports and forms in compliance with the directives of the Commissioner of Motor Vehicles and Departmental orders.

6.0 PARKING VIOLATIONS BUREAU SUMMONS (PARKING TAGS)

6.1 POLICY

It is the policy of the Buffalo Police Department to use Parking Violations Bureau (PVB) parking tags to enforce violations of laws, ordinances and statutes, that regulate the parking, standing, and stopping of vehicles.

6.2 TRAFFIC RECORDS OFFICE RESPONSIBILITY

The duties of the Traffic Records Office shall be as follows:

- A. To act as the liaison between the Parking Violations Bureau and the Police Department;
- B. To receive shipments of PVB parking tags from the Parking Violations Bureau and to keep necessary records of such parking tags;
- C. To distribute PVB parking tag books to the various Departmental units;
- D. To accept Daily Reports and sets of completed parking tags from the various Departmental units and to certify them as correct;
- E. To deliver completed PVB parking tags that have been received from the various Departmental units to the Parking Violations Bureau;
- F. To carry out any other orders and directives that may be necessary for the proper

handling of PVB parking tags.

6.3 DISTRIBUTION OF PVB PARKING TAG BOOKS

- A. PVB Parking Tag Books shall be distributed by the Traffic Records Office to the various Departmental units, as needed.
- B. All PVB Parking Tag Books shall be charged to the Commanding Officer of the unit receiving them and shall be signed for by an authorized member of that command.

6.4 COMMANDING OFFICER'S RESPONSIBILITY

- A. Commanding Officers shall be responsible for all PVB Parking Tag Books issued to their command.
- B. Commanding Officers shall maintain at all times a sufficient supply of PVB Parking Tag Books and Record Books.
- C. Commanding Officers shall distribute PVB Parking Tag Books, in numerical order, to members of their command. A log indicating the first and last number in each tag book and the name of the Officer to whom the book is assigned must be kept at each location.
- D. If at a later date, the Parking Tag Book is transferred to another member, the name of the member to whom it was transferred, shall be recorded on said log.
- E. When a member is transferred or otherwise leaves his/her command, the Commanding Officer shall recall the PVB Parking Tag Book that was assigned to that member.
- F. When a member has had a PVB Parking Tag Book for six (6) months or longer and has not issued any parking tags, the Commanding Officer shall recall such book and reassign it to a more active member.

6.5 CARE OF PVB PARKING TAG BOOKS BY INDIVIDUAL MEMBERS

- A. Members to whom PVB Parking Tag Books are issued shall be strictly responsible for their care and use.
- B. Upon receipt of a PVB Parking Tag Book, the member shall carefully check it for completeness. If any deficiencies are found, they shall return the book to their Commanding Officer with an Intra-Departmental Memorandum particularly describing the deficiencies. The Memorandum shall be forwarded to the Traffic Records Office who shall determine if the parking tags are useable.
- C. PVB Parking Tag Books shall be maintained in a secure place when not in use and

they shall not be taken home nor left in any private vehicles.

D. Members having PVB Parking Tag Books shall use care so that the book does not become mutilated, lost, etc.

6.6 PVB PARKING TAGS - WHEN ISSUED

A. A Police Officer may issue a PVB parking tag to the owner/operator of a vehicle when that vehicle is standing, stopped or parked illegally on a highway, or when the vehicle is in a private/public lot or private/public garage which is properly posted.

B. Generally, a PVB parking tag is issued by affixing it to the vehicle which is the subject of the violation.

6.7 EXEMPT VEHICLES

Members shall not issue PVB parking tag in the following circumstances:

A. The vehicle is illegally parked on the Niagara Section of the New York State Thruway.

B. The vehicle is owned by the US Military or US Post Office.

C. The vehicle is a service/utility vehicle being used in emergency repair work.

D. The vehicle's owner is entitled to diplomatic immunity (refer M.O.P. Chapter 3).

E. The vehicle is bearing a special parking permit, placard, or NYS handicapped license plates and is parked in a permissive parking zone. This does not allow the driver of such a vehicle to violate other more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles.

F. The vehicle has been reported stolen.

6.8 PREPARING THE PVB PARKING TAG

A. Examine the vehicle before writing the PVB parking tag to be sure it is not a stolen or exempt vehicle (refer M.O.P. Chapter 7 - above).

B. Use PVB parking tags in numerical order using the lowest numbered summons first.

C. Use black or blue ink ballpoint pen.

D. Print all entries except the signature.

E. Use the approved style of letters and numbers

- F. Darken all appropriate boxes to indicate the correct information.
- G. Use numerals for the date (e.g. 12/25/85).
- H. Use the VIOLATION NUMBER listed on the PVB parking tag to indicate the specific violation. Do not use the VTL section number.
- I. Enter the issuing Officer's full name, or first initials and last name, followed by the D.I.D. number and unit they are assigned to.
- J. Carefully separate the violator's copy from the parking tag book.
- K. Securely attach the violator's copy to either the windshield wiper blade or front outside antenna.
- L. At the expiration of the tour of duty, turn in the completed PVB parking tags at the member's command.

6.9 TAGGING PRIVATE PARKING AREAS

- A. PVB parking tags may be issued for vehicles parked on private property but only if the property is posted in compliance with the requirements of the City Ordinances.
- B. The person in control of the premises must sign the parking tag in the comments box before the PVB parking tag is issued. The P-1349 form is no longer required.

6.10 FORWARDING COMPLETED PVB PARKING TAGS TO THE TRAFFIC RECORD OFFICE

- A. PVB parking tags shall be arranged in numerical order beginning with the lowest numbered parking tag.
- B. The Daily Report of PVB Parking Tags (Form P-188) shall be prepared daily, listing all PVB parking tags issued in the previous twenty-four hour period.
- C. PVB Summonses shall be listed in numerical sequence.

For example: G671421
 22
 23

671608
 09

681591

692568

Double space to denote a break in sequence or the start of a new series.

Note: Disregard the separated check digit at the end of the summons number (e.g. 771421 0). The "0" is the check digit and it is not used as part of the serial number but it must be included if reporting a parking tag loss or requesting that it be voided.

6.11 LOST, MUTILATED, VOIDED PVB PARKING TAGS

Whenever a PVB Parking Tag Book or PVB Parking Tag is lost, mutilated or voided, the member to whom the book or parking tag was assigned shall forward an Intra-Departmental Memorandum through the chain of command to the Traffic Records Office, explaining all the circumstances. In the event that the PVB parking tag was voided, the word "Void" shall be written on the PVB parking tag, along with the date, and the member's employee number and initials. The Intra-Departmental Memorandum shall explain in detail the reason the PVB Parking tag was voided. Intermediate members of the chain of command shall review and sign the Memorandum and shall take appropriate action. All available copies of the parking tag shall be forwarded in conjunction with the Intra-Departmental Memorandum. One copy of the Memorandum shall be retained in the command's file. Said memorandum must be addressed to the Director of Parking Enforcement, Attn: Inspector of Administration and Communications.

6.12 SCOFFLAWS

Refer to M.O.P. Chapter 2.

7.0 CIVILIAN SCHOOL CROSSING GUARDS (CSCG)

7.1 POLICY

It is the policy of the Buffalo Police Department to use Civilian School Crossing Guards at busy intersections near grammar schools during the school year to assist young children to cross the street safely.

7.2 COMMAND

A. The Inspector of Administration and Communication shall be in overall command of the Civilian School Crossing Guards. (S)he shall be responsible for:

1. establishing qualifications and employment criteria in conjunction with the Buffalo Municipal Civil Service Commission;
2. designating the type of uniforms to be worn;
3. establishing criteria for determining the locations that require the presence of a Civilian School Crossing Guard;
4. conducting an annual review of locations that require the presence of a Civilian School Crossing Guard;
5. keeping accurate time records of all guards;
6. replacing absent guards

B. The Inspector of Administration and Communication shall exercise supervisory

authority over the Civilian School Crossing Guards. The Inspector shall be directly responsible for the efficiency, good conduct and effectiveness of the Civilian School Crossing Guards.

C. The Inspector of Administration and Communication shall:

1. when a vacancy occurs, process and appoint a CSCG according to the rules and regulations set forth by the Commissioner of Police and the Buffalo Municipal Civil Service Commission;
2. arrange for the CSCG to obtain a uniform and to have uniforms repaired when necessary;
3. fully inform the CSCG of his/her duties and any other pertinent information and assign him/her to a school crossing;
4. spot check all CSCG locations to ensure compliance with current directives;
5. investigate all complaints against a CSCG and make a full report thereon to the Inspector of Administration and Communication;
6. conduct follow-up investigations of accidents and injuries of school children occurring at locations where a CSCG is assigned at the time of the incident (refer M.O.P. Chapter 2).

D. District Commanding Officers shall:

1. keep an accurate roster of all guards assigned to his/her command;
2. frequently have the guards in his/her District evaluated for ability and for their attention to duty.

7.3 AUTHORITY OF CIVILIAN SCHOOL CROSSING GUARDS

Civilian School Crossing Guards have the power and authority to control and stop the flow of traffic on the highway to which they are assigned, for the purpose of protecting school children going to and from school. They have no other police authority.

7.4 ARRESTS BY CIVILIAN SCHOOL CROSSING GUARDS

- A. Civilian School Crossing Guards have no power of arrest other than that which is permitted to every other citizen.
- B. Members of the Force who are requested by a CSCG to enforce any law, ordinance, or to effect an arrest shall promptly do so if in fact, an offense has occurred.
- C. When it is necessary that a Traffic Summons be issued, or an arrest be made, the CSCG shall be the complainant. The CSCG will swear to the information and will testify in all court cases and administrative hearings.
- D. The CSCG shall be rendered all necessary assistance in preparing required documents.

7.5 ROSTER OF GUARDS

Each District shall keep a roster of Civilian School Crossing Guards assigned to that command and the location to which each CSCG is assigned. The office of Administration and Communication shall maintain accurate and up to date records of each period that each CSCG is on duty.

7.6 WORKING PERIODS OF CIVILIAN SCHOOL CROSSING GUARDS

- A. Due to the variations of time in the convening and recessing of classes in the various schools, the working periods of the guards are not uniform and must remain flexible.
- B. Civilian School Crossing Guards shall obtain from the principal of the school nearest to the location to which they are assigned, the opening and closing times of that school. This information shall be forwarded to the office of Administration and Communication.
- C. Civilian School Crossing Guards shall be required to be on duty during the following times:
 - 1. when children are arriving at school;
 - 2. during noon recess, if any;
 - 3. when children are leaving from school.
- D. Civilian School Crossing Guards shall not leave their post during the noon recess unless the children are dismissed by the school for the day.
- E. When a school is dismissed for the day and all pupils have left, the guard may leave the crossing.

7.7 CIVILIAN SCHOOL CROSSING GUARDS ABSENCES

- A. When a CSCG is unable to report for duty for any reason, (s)he shall notify the office of Administration and Communication. Such notice shall be made at least twenty-four (24) hours before the time (s)he is to report for duty except that, in the case of an emergency, such notice shall be given as soon as possible. The CSCG shall give his/her name, the location of the school crossing to which (s)he is assigned, and the reason for the absence.
- B. If a CSCG who has served for at least one (1) year in the City service and who is not otherwise eligible for leave under the City's policy regarding the Family Medical Leave Act may be granted a medical leave of absence without pay for a period not exceeding one (1) year. A CSCG requesting a medical leave of absence shall be required to submit competent medical proof of illness or injury along with a completed P-12e (Leave of Absence Request Form) to Administration and Communication for approval. If a CSCG is eligible for leave pursuant to the Family Medical Leave Act (FMLA) shall first be required to apply for and utilize such leave

prior to requesting a medical leave of absence without pay.

7.8 CIVILIAN SCHOOL CROSSING GUARD INJURED ON DUTY

A. A CSCG injured while on duty must immediately report the injury to the office of Administration and Communication. The CSCG must prepare form GU- 77 explaining in detail the nature of the injury and the manner in which it was incurred. If the CSCG is incapacitated and unable to prepare the report himself/herself, the Supervisor will direct that it be prepared on the CSCG's behalf.

B. Copies of the report shall be forwarded to:

1. The office of Administration and Communication
2. Medical Records
3. Division of Labor Relations

7.9 REPLACING ABSENT CIVILIAN SCHOOL CROSSING GUARDS

A. In the event that a Civilian School Crossing Guard is absent, the office of Administration and Communication shall contact the extra guards assigned to the same District and direct them to fill the absence.

B. If no extra guard is available, the office of Administration and Communication shall direct that a member of the Traffic Bureau be assigned to that crossing. If no member of the Traffic Bureau is available, a Police Officer from the District shall be assigned.

7.10 DISTRICT SUPERVISORS TO CHECK CIVILIAN SCHOOL CROSSING GUARDS

The Supervisor on duty in each District shall frequently check the Civilian School Crossing Guards on duty in his/her command and shall report any infraction or dereliction, to the Inspector of Administration and Communication.

7.11 ACCIDENTS AT CROSSING PROTECTED BY CIVILIAN SCHOOL CROSSING GUARDS

Refer to M.O.P. Chapter 2.

7.12 REASSIGNMENT OF CIVILIAN SCHOOL CROSSING GUARDS

Civilian School Crossing Guards shall not be moved from their assigned locations to other locations without the approval of the member of the office of Administration and Communication having supervisory authority over the guards.

7.13 COOPERATION WITH CIVILIAN SCHOOL CROSSING GUARDS

All members of the Department shall at all times be polite and cooperative toward the Civilian School Crossing Guards.