

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 28
TRAFFIC ENFORCEMENT

Effective date of outline: February 15, 2017

I. LEARNING NEED

Peace officers must know the principles of traffic law set forth in the California Vehicle Code to carry out their responsibilities in traffic enforcement.

LEARNING OBJECTIVES

- A. Explain the relevance of traffic enforcement to:
 - 1. Public safety and quality of life within a community
 - 2. Legally establish probable cause for accomplishing general law enforcement objectives.
- B. Explain the organization of information within the Vehicle Code
 - 1. Statutes in the vehicle code fall within four categories according to their content. Each section (i.e., statute must be carefully read as it may fall within one or more of the categories. Only punitive sections are citable.

II. LEARNING NEED

Peace officers need to recognize their authority under the law to manage traffic effectively.

LEARNING OBJECTIVES

- A. Discuss the elements and Vehicle Code section(s) governing arrest
 - 1. A peace officer may, without a warrant, arrest a person when the officer has reasonable cause to believe the person had been driving under the influence. The Vehicle Code Section 40300.5 gives a peace officer the authority to take a person into custody without an arrest warrant if the person.
 - a. Is involved in a traffic accident
 - b. Is observed in or about a vehicle that is obstructing a roadway
 - c. Will not be apprehended unless immediately arrested
 - d. May cause injury to himself or herself or damage property unless immediately arrested.
 - e. May destroy or conceal evidence of the crime unless immediately arrested.
- B. Differentiate between mandatory and optional appearances before a magistrate
 - 1. Mandatory: When fails to present a driver's license or evidence of identity.
 - a. Refuses to give a written promise to appear in court
 - b. Refuses to give a written promise to appear in court
 - c. Demands an immediate appearance before a magistrate.
 - d. Is charged with violating Vehicle Section 23152 V.C. (DUI).

2. Optional: Inuring or tampering with vehicle
 - a. Reckless driving
 - b. Failure to perform duties in the event of a vehicle collision
 - c. Participation of: speed contests, exhibition of speed
 - d. Aiding and abetting same
 - e. Driving while license is suspended or revoked
 - f. Riding a bicycle while under the influence
 - g. Riding a motorized scooter while under the influence
 - h. Attempting to evade arrest
 - i. Disobedience to traffic officers

C. Recognize the elements and common names for violations involving failure to obey the lawful orders of a peace officer or designated employee

1. Vehicle Code Section 2800 states that is unlawful to:
 - a. Willfully fail or refuse to comply with any lawful order, signal, or direction of any peace officer who is in uniform and performing duties under a provision of the Vehicle Code.

Demonstrate effective use of hand signals, flashlights and other warning devices to control traffic

1. A peace officer may encounter situation where he or she is called upon to control or manage traffic using what is readily available. In these situations, an officer may use:
 - a. hand signals
 - b. Whistles
 - c. Voice commands
 - d. Flashlight
 - e. Flares
 - f. Cones
 - g. Barricades or signs or
 - h. Emergency lights from patrol car or other warning devices.

III. LEARNING NEED

Peace officers must know the elements of the laws governing motor vehicles, bicycles and pedestrians.

LEARNING OBJECTIVES

- A. Recognize the elements and common names for traffic control signal and device violations involving:
 1. Red signal lights
 2. Stop signs
 3. Other traffic control signals and devices
- B. Recognize the elements and common names right away violations involving:
 1. Failure to yield the right-of-way
 2. Failure to yield to an emergency vehicle

- C. Recognize the elements and common names for rights and provisions involving bicyclists
 - 1. Required equipment
 - 2. Rules of the road
- D. Recognize the elements and common names for violations involving pedestrians
 - 1. Any person who is afoot, using means of conveyance other than a bicycle due to a physical disability.
- E. Recognize the elements and common names for violations involving turning and signaling
 - 1. Right and left turns, turning at an intersection or onto a highway
 - 2. U-turns at controlled intersection and business districts
- F. Recognize the elements and common names for speed violations involving:
 - 1. Basic speed laws
 - 2. Maximum speed
- G. Recognize the elements and common names for driving and passing violations involving:
 - 1. Following too closely
 - 2. Unsafe lane change
 - 3. Passing on the right/left
 - 4. Passing a stopped school bus
- H. Recognize the elements and common names for public offense violations involving:
 - 1. Reckless driving
 - 2. Speed contests
 - 3. Hand-held wireless telephone
 - 4. Electronic wireless communication device
- I. Recognize the elements and common names for hit and run violations
- J. Recognize the elements and common names for basic motor vehicle licensing requirements
 - 1. Driving on California highways is a privilege not a right. That privilege may be refused, restricted, suspended or revoked by the department of Motor Vehicles (DMV) or the courts
 - 2. A drivers license is a valid or combination of vehicle for which a person is licensed under this code or by a foreign jurisdiction (Vehicle Code section 310).
- K. Recognize the elements and common names for violations when driving with a suspended or revoked license
 - 1. Vehicle code section 14601 states that no person shall drive at any time when that person's privilege to drive is suspended or revoked for reckless driving (Vehicle Code section 23103). The person so driving has been notified of the suspension or revocation by a registered letter from the DMV.

- L. Recognize the elements and common names for basic motor vehicle registration requirements
 - 1. Registration provides access to identification for vehicles and their ownership. The fees generated through annual registration provide resource supporting the Department of Motor Vehicles and the California Highway Patrol.
 - 2. Under Vehicle Section 4000 (a) No person shall drive, move leave standing upon a highway of off street public parking facility
 - 3. Unless it is registered, and fees paid or registered.

- M. Recognize the elements and common names for basic vehicle equipment requirements for motor vehicles driven upon highways
 - 1. To help keep vehicles safe, peace officers must be aware of statutory vehicle equipment requirements and cite for violation of those laws.

IV. LEARNING NEED

Peace Officers must know the legal authorities to impound and store vehicles as authorized in the Vehicle Code.

LEARNING OBJECTIVES

- A. Recognize a peace officer's legal authority to remove vehicles.
 - 1. Under certain circumstances, peace officers have the legal authority to remove unattended vehicle from a highway to a garage or any other place. They also may remove such vehicle from public or private property.
 - 2. Removal authority is given when a vehicle is
 - 3. a traffic hazard
 - 4. Abandoned
 - 5. Under registration/licensing violations
 - 6. Associated with criminal activity.

V. LEARNING NEED

Peace officers must know the laws to detect and apprehend drivers whose behavior indicates that they may be driving under the influence of alcohol and/or drugs.

LEARNING OBJECTIVES

- A. Recognize the elements and common names for violations involving the possession of alcoholic beverages in a motor vehicle
 - 1. An alcoholic beverage is any liquid or solid material intended to be ingested which contains alcohol, ethyl alcohol or drinking alcohol. (Vehicle code Section 109)

- B. Explain the meaning of the phrase "under the influence"
 - 1. Even if alcohol consumption has no reached the level that would constitute driving under the influence, and individual may still be guilty of an infraction when drinking while driving.
 - 2. A person is under the influence of alcohol, drugs or a combination of alcohol and drug when:
 - a. Using alcohol or drugs
 - b. That person's physical and /or mental abilities are impacted to such a degree that the person no longer had the ability to drive a vehicle with the caution

characteristic of a sober person of ordinary prudence under the same or similar circumstances

- C. Recognize the elements and common names for violations involving Driving Under the Influence (DUI)
1. Driving under the influence (DUI) 23152 (a) V.C.
 2. Driving under the influence over at 0.08% or over 23152 (b) V.C.
 3. Driving under the influence of a narcotic 23152 (c) V.C.
 4. (DUI) over 0.04% and driving a commercial vehicle. 23152 (d) V.C.
 5. (DUI) of 0.08% and being under the age of 21 23136 V.C.
 6. (DUI) and involved in a traffic collision with injuries 23153 (F) V.C.
- D. Recognize driving that might indicate a driver of a vehicle may be under the influence of alcohol and/or drugs
1. Swerving, drifting and turning
 2. Turning with wide radius, turning abruptly or illegally striking object/vehicle.
 3. Driving into opposing or crossing traffic, slow speed (more than 10 mph below), stopping (without cause) in traffic lane, braking erratically.
 4. Appearing to be drunk (drooping eyes, slurred speech, odor of alcoholic beverage omitting from his/her breath).
- E. Recognize the indications of driving under the influence of alcohol or drugs a peace officer may observe upon making contact with a driver
1. General appearance: drooping eyelids, red watery eyes, relaxed facial muscles
 2. Eyes: Difficulty focusing eyes upon an object. Refusing to look at officer.
 3. Speech: Odor of intoxicants on breath, slurred speech.
 4. Attitude: Signs of nervousness, cockiness, very cheerful or agitated.
 5. Actions: Impaired motor skills, difficulty in comprehending and manner of getting out of the car
- F. Discuss medical conditions that may cause a person to appear under the influence
1. Stroke
 2. Diabetes
 3. Head injuries
 4. Cerebral palsy
- G. Recognize appropriate peace officer actions if a subject refuses to cooperate in performing a Field Sobriety Test (FST)
1. A refusal to take a chemical sobriety test can be any:
 - a. Statement, act, or conduct by the driver which: directly refuses, qualifies compliance by imposing conditions prior to submitting or makes compliance unreasonably difficult or impossible.
 - b. Failure to satisfactorily complete the chosen test or its alternative.
 - c. Delay in offering to provide a sample.
- H. Demonstrate FSTs that may be used to determine impairment, to include:
1. Horizontal Gaze Nystagmus (HGN)

2. One-Leg Stand (OLS)
3. Walk & Turn (WAT)

I. Discuss the primary elements included in the statutory admonition read to drivers who refuse to submit to chemical sobriety test

1. The only method for giving this admonition is to read the complete statutory admonition directly from the backside of the current DMV DS-367 form? No additional language or admonitions are necessary.

VI. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 3.

VII. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will reinforce the student's understanding of definitions, laws and procedures related to DUI arrests, including:

1. Legal definitions and terminology
2. Vehicle Code sections and related statutes
3. Detention and arrest procedures, the development of probable cause, reasonable suspicion, and field tests
4. Evidence recognition, collection and preservation procedures
5. Report writing requirements

B. The student will participate in a learning activity that will reinforce the student's understanding of techniques to effectively direct and control traffic using hand signals, flashlights and warning devices, including:

1. The procedures related to the use of hand signals and flashlights to safely control the stopping, starting or turning of vehicular and pedestrian traffic
2. Other traffic control devices, vehicles, or other available equipment to safely control traffic movement

C. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding traffic enforcement. At a minimum, each activity, or a combination of activities must address the following topics:

1. Application of a problem-solving strategy to assess the underlying conditions and develop resolutions to community traffic safety issues
2. Professional demeanor, fairness and effective communication during a traffic enforcement contact
3. Initiative, discretion and decision-making when issuing citations and considering spirit versus letter of the law

D. Given one or more video re-enactments depicting alcohol or drug impairment, or an equivalent number of simulations, scenarios, or role play exercises provided by the presenter, the student will participate in a learning activity that addresses:

1. The ability to recognize valid indicators of impairment that establish probable cause for arrest

2. The ability to describe and document the observed behaviors of the person impaired by alcohol or drugs.
 3. The ability to present or critique testimony in court related to observation and documentation of impairment.
- E. The student will participate in a learning activity that requires the student to conduct a FST that shall minimally test the student's ability to:
1. Articulate a proper location for the test and why that location is appropriate
 2. Articulate the objective observations of signs or symptoms of intoxication or drug use
 3. Explain and demonstrate a series of FSTs that may include a minimum of three of the following tests:
 - a. Proper techniques of balance
 - b. Divided attention
 - c. Memory
 - d. Coordination
 - e. Horizontal Gaze Nystagmus test(s)
 4. Document verbally or in writing the general observations and test observations that would support the reasonable belief that a person is under the influence of alcohol or drugs
- F. The student will participate in a learning activity that requires the student to utilize the California Vehicle Code to identify traffic violations from presenter provided depictions of traffic violations. The student will at a minimum identify:
1. The specific violation by common name and Vehicle code sections(s)
 2. The crime classification
 3. Options for resolution

VIII. HOURLY REQUIREMENTS

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>16</u>
Agency Specific Hours	<u> </u>
Total Instructional Hours	<u>16</u>