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# SELECTIVE TRAFFIC ENFORCEMENT MANUAL

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## CHAPTER 1

### INTRODUCTION

#### Selective Enforcement Defined

Selective enforcement is that part of a traffic safety program which involves the planning, directing, implementing and evaluating of traffic law enforcement activity. The ultimate goal of selective enforcement is to reduce traffic accidents by systematically improving the manner in which available police manpower and equipment resources are used.

Maximization of resources is achieved through the scientific, geographical/chronological assignment of personnel and equipment and the establishment of preventive patrol to deal with specific categories of unlawful driving behavior, according to needs which are based on accident statistics, enforcement activity records, traffic volumes, and other local traffic conditions.

Although selective enforcement schemes and rationales are sometimes complex and controversial, the classic definition applied to traffic law enforcement is concise and to the point:

Selective enforcement is enforcement which is proportional to traffic accidents with respect to time, place, and type of violation.<sup>1</sup>

#### Selective Enforcement Rationale

It is obvious that the complete elimination of traffic accidents is an unrealistic objective. The massive application of traffic law enforcement measures cannot prevent vehicle component failures, animals from running in front of autos, road washouts, and many forms of driver behavior resulting from inadequate training or a lack of intelligence. On the other hand, it is possible for police officials who are responsible for traffic

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<sup>1</sup> International City Management Association, Municipal Police Administration, 6th ed. (Washington: International City Management Association, 1969), p. 115.

The most visible result of quantitative, revenue-oriented, nonselective traffic law enforcement policies is the persistent use of "sitting-in" enforcement techniques. Sitting-in usually occurs at locations which, in police jargon, are referred to as "duck ponds" or "cherry patches." The sitting-in practices are particularly objectionable when two or more enforcement units group together to work an intersection which generates frequent driver violations. Usually, where this situation occurs, the officers are doing nothing more than reaping the harvest of inadequate or poor traffic engineering. These locations frequently encourage noncompliance by the motorist to traffic signals or turning regulations. Very often, however, the real culprit is faulty traffic engineering rather than the driver. Poor positioning of signals and channelization deficiencies are characteristically present at the "duck ponds."

Frequently, quantitative traffic law enforcement is the object of contemptuous ridicule at the patrol operating level. This attitude is well illustrated by the pragmatic phrase, often heard in locker rooms, "A citation a day keeps the sergeant away."

Malpractice in traffic law enforcement is, happily, diminishing, and the intelligent application of selective enforcement is upgrading the quality of traffic law enforcement generally by providing sound motivation and guidance to the uniformed officers.

Notwithstanding occasional invidious comments from the public about "quotas" and the "numbers game," the quantitative measurement of traffic citation activity is properly a concern of traffic officer supervisors. Both quantitative and qualitative emphasis are integral parts of selective enforcement.

After allowances are made for collateral police tasks, it is reasonable and necessary to look at each officer's productivity and to make comparisons with norms. What may be normal will vary, of course, according to season, time of day, traffic density, and a host of other factors. Nevertheless, the establishment of minimum quantitative performance standards is a thoroughly defensible supervisory function. Cynicism at the operating level will be minimized wherever administrative traffic law enforcement policies are oriented towards safety and service to the public.

The reduction of traffic accidents is perhaps a too generalized statement of the objective of selective enforcement to be meaningful, and it may be helpful in understanding the selective enforcement rationale if the technique is considered in another frame of reference.

Traffic accidents are most often the result of aberrant driving behavior, and it follows that a most desirable goal for all police jurisdictions would be to create a "climate of compliance" by motorists to all laws governing the operation of a vehicle. Our culture is based upon a system of reward and punishment. Relationships between a child and parent, student and teacher, employee and employer are all founded on an understanding that good performance merits a reward, while bad behavior will result in punishment. The structure of American society as well as our police and judicial systems rests on this cultural constraint. In the simplest terms, it is axiomatic that intentional unlawful acts by drivers can be discouraged by fair, consistent enforcement.

law enforcement to reduce traffic accident rates through the judicious use of selective enforcement techniques applied by adequate manpower resources, properly deployed.

The standard definition of selective enforcement is phrased in easy-to-understand language. However, when too literally interpreted, it has frequently led to an over-zealous, self-defeating application of the principle. Traffic law enforcement depends upon public as well as judicial acceptance and, as a consequence, it must be fairly applied. The spectacle of uniformed motorcycle officers hiding around corners or behind signboards cannot be justified under the guise of selective enforcement.

The selective enforcement principle must also be examined and interpreted within the total context of today's environmental problems. The use of generalists, specialists or teams is an increasingly critical decision bearing on the effectiveness of selective enforcement programs.

A burgeoning new crop of electronic gadgets ranging from speed measuring devices to traffic surveillance television cameras should be evaluated and given a role in appropriate traffic safety programs. It is also important that the selective enforcement principle not be indiscriminately applied so as to pervert the traffic law enforcement purpose and create public doubts concerning the credibility of the enforcement rationale.

Traffic laws, as well as the penal statutes, permit wide discretion in their application by police officers. The failure of police management to establish guidelines for the exercise of enforcement discretion has been justifiably criticized by a variety of critics including the President's Commission on Law Enforcement and Administration of Justice. Accordingly, the uniform interpretation and application of traffic laws is an extremely vital element of a selective enforcement program.

Many state police agencies have developed excellent policy manuals which interpret the law and provide guidelines on traffic enforcement tolerances.<sup>2</sup> Unfortunately, there are too many examples of urban, suburban and rural police departments (both large and small) which tend to overlook this important form of management guidance. Agencies which lack the resources necessary to develop their own documentation of policy should take advantage of the many well-written enforcement guidelines which are available.

It is clear to even a casual observer of traffic law enforcement practices that there is occasionally some validity to a complaint about "ticket quotas." Too often an agency's concern over revenue from traffic law violators results in excessive emphasis on quantitative enforcement. This misguided approach, coupled with the failure of many police administrators to recognize the need for management direction and special training in traffic matters, are responsible for a number of bad enforcement practices which continue to exist in some police jurisdictions.

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<sup>2</sup> Wisconsin, California, Kansas, North Dakota, etc.

Most states have recognized the importance of identifying problem drivers, and towards this end have created point systems. The value of a point system is directly proportional to the quality of each agency's traffic law enforcement program. Accordingly, one of the more important objectives of enforcement attention to accident-causing driver behavior is the identification of these problem drivers. Although the threat of apprehension with punishment will inhibit most drivers from indulging in unlawful acts, there will always be a significant number of emotionally inadequate or improperly trained drivers who should have their driving privilege curtailed.

The selective enforcement program should cause the motorist to believe that traffic officers are everywhere and that if he violates a law he will be caught. Such a program, operating in concert with an enlightened traffic court, will most certainly encourage the development of a "climate of compliance" by causing drivers who are traffic-violation prone to anticipate apprehension and the application of judicial sanctions.

#### Highway Safety Program Standards

Included in the appendix to this manual are Highway Safety Program Standards 4.4.1 through 4.4.16. The National Highway Traffic Safety Administration is currently revising and consolidating the Highway Safety Program Standards.

accepted by the motoring public. In some states distinctively marked patrol cars are required by law. The "fair play" concept was the initial reason state legislatures passed statutory requirements that traffic enforcement vehicles bear prominent markings.

Visible patrol is a proven deterrent to the potential accident-causing violator. It also makes the officer accessible to motorists who need assistance.

### Electro/Mechanical Speed Measuring Devices

Radar and other electronic or mechanical speed measuring devices have been a boon to law enforcement. Their relative infallibility has led to both public and judicial acceptance insofar as accuracy is concerned. Agencies using modern equipment to apprehend speeding drivers have benefited greatly by a reduction in the number of court appearances by officers.

There are, however, pitfalls to be avoided by agencies using these devices. Improper and overzealous speed law enforcement has kept alive the specter of speed traps in the minds of the public and legislators. If this concern over the manner in which technological aids to enforcement are used by the police is to be laid to rest, all agencies must operate within the following constraints.

First, an understanding of the traffic engineering method by which speed limits are established is a prerequisite to a reasonable and fair speed enforcement program. This knowledge is necessary because posted speed limits are often set at unrealistic levels (either too high or too low).

Prima facie posted speed limits are ordinarily set according to the "85th percentile" technique. Table 2.1 illustrates a mathematical formula for deriving the 85th percentile from speed measurement studies. The engineering philosophy behind this approach is that 85 percent of all drivers will travel at safe speeds considering the road environment (surface, lane widths, cross traffic and weather). A large majority of the remaining 15 percent will exceed the posted prima facie limits by tolerable limits (5 to 8 MPH), leaving only a relatively small number of drivers traveling at truly dangerous speeds.

In metropolitan areas composed of many police jurisdictions, uniform policies in regard to the actual speed which should trigger enforcement action are also of prime importance. A study of radar speed enforcement in a group of cities comprising a large metropolitan area revealed a gross differential in tolerance policies or enforcement latitudes.<sup>8</sup> A hapless motorist, conditioned to certain enforcement practices in his home town could, under the circumstances existing in the metropolitan area, travel a short distance into a neighboring city and be penalized for driving behavior which was acceptable in the jurisdiction he had just left. Coordinated enforcement policies are an important consideration when setting up programs in population centers policed by multiple agencies.

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<sup>8</sup> Bay Area Traffic Executives Committee (BATEC), California, 1962.

TABLE 2.1  
 FREQUENCY TABLE  
 FOR GRADE PERCENTILE DETERMINATION

<u>Classes*</u> <u>(Intervals)</u>	<u>Frequency</u>	<u>Cumulative</u> <u>Frequency</u>
96-100	3	30
91-95	7	27
86-90	6	20
81-85	3	14
76-80	3	11
71-75	2	8
66-70	3	6
61-65	3	3

30(N)

To obtain the 85th percentile, multiply as follows:

$$.85 \times N = 25.5 \dots 25.5 \text{ equals } 93.93 \text{ MPH (by interpolation)}$$

The median, or average speed, is the figure above which half of the classes appear and half below. It is obtained by dividing the total frequency (N) by 2. The median also equals the 50 percentile and can be obtained by multiplication (.50xN).

\* Each class consists of speed measurements in increments of 5 MPH

\*\* In this frequency table the median is the lowest grade in the 86-90 class interval (86 MPH).

Enforcement units with speed measuring devices should primarily be assigned as follows: (1) to routes where the rising accident trend is accompanied by a persistent pattern of speed violations; and (2) to neighborhoods where a citizen complaint of speed has been received. If sustained radar enforcement (one to two weeks on a citizen complaint and one to two months on a high accident route) fails to markedly reduce the number of violations, the help of a traffic engineer should be obtained. Some officers assigned to radar enforcement without explicit assignment directions will maintain their productivity levels by "milking" locations (i. e., radar enforcement for brief periods in areas which generate moderately high speed patterns for many years). This technique is not selective enforcement and it should be discouraged by traffic supervisors.

#### Special Vehicle Enforcement

Motorcycle. The solo motorcycle is uniquely suited to enforcement on multilane roadways carrying high density traffic. They are also especially useful in