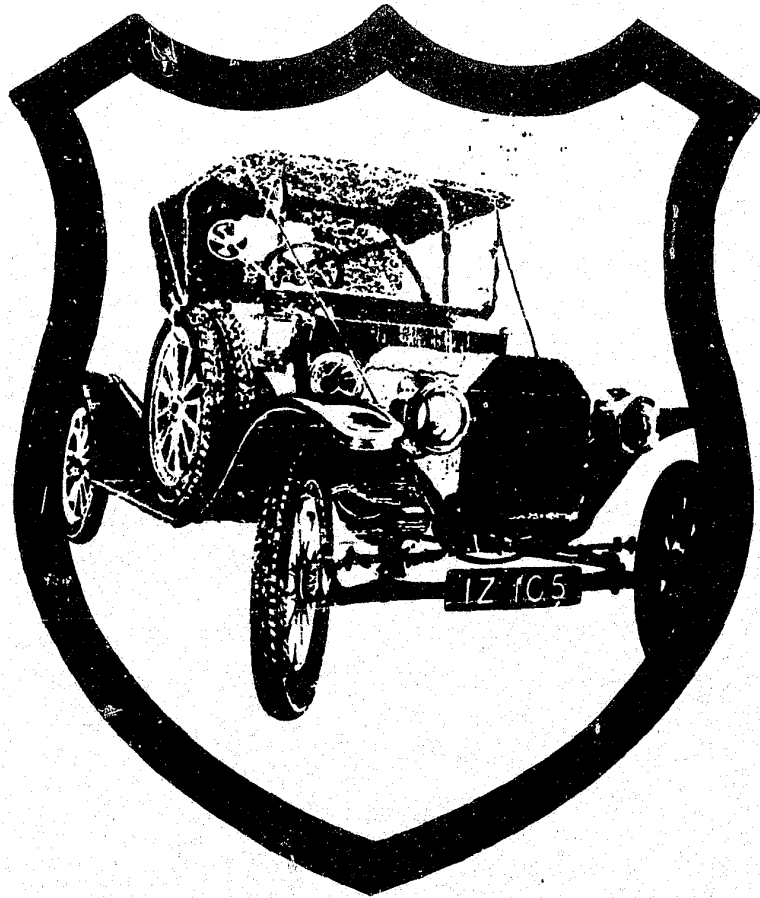


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INTRODUCTION TO TRAFFIC LAW ENFORCEMENT



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INTRODUCTION TO TRAFFIC LAW ENFORCEMENT

ABSTRACT

This self-instructional unit is designed to provide a basic definition of traffic law enforcement; its goals and the means of realizing those goals; the characteristics of various traffic offenses; and the functions of the traffic law enforcement system.

BEHAVIORAL OBJECTIVES

Upon completion of this self-instructional unit the student will be able to:

- Define the phrase "traffic law enforcement" (TLE)
- Identify the two primary goals of TLE
- Define the phrase "traffic offense"
- Identify the varieties and characteristics of traffic offenses
- Describe the functions of the three subsystems comprising the TLE system.

INTRODUCTION TO TRAFFIC LAW ENFORCEMENT

Definition of Traffic Law Enforcement

Traffic Law Enforcement (TLE) may be broadly defined as the total law enforcement effort directed toward obtaining compliance with traffic regulations, when traffic safety education and driver training efforts have failed to accomplish this end. Effective TLE depends upon

- Detecting and apprehending as many traffic law violators as possible as well as
- Imposing (by the courts) appropriate penalties upon those judged guilty of committing traffic offenses.

Goals of Traffic Law Enforcement

The two primary goals of traffic law enforcement are to:

- Promote sustained compliance with traffic laws through deterrence
- Prevent hazardous traffic situations from occurring and thus prevent or reduce the number of traffic accidents.

GOAL: Promote sustained compliance with traffic laws through deterrence.

Although traffic laws are enacted to constrain behavior, there is a natural tendency, at times, for motor vehicle operators and pedestrians to ignore traffic regulations. Enforcement action by police personnel,

besides stopping a violation, tends to develop avoidance behavior (that is, the avoidance of doing certain things for which punishment will be received) on the part of drivers and pedestrians. The results of rigorous enforcement are reflected in the reduction of the number of traffic fatalities in Maryland for 1972 through 1975.

The association of a potentially unpleasant experience, such as receiving a warning, a citation, a Safety Equipment Repair Order (SERO), or being arrested, with the act of committing a traffic violation, can successfully deter the would-be traffic violator.

Deterrence may result in sustained compliance if potential violators develop strong avoidance reactions in anticipation of the consequences of their actions. This sustained compliance is achieved through a fear of such punishments as:

- Imprisonment and/or fine
- Increased insurance premiums
- Loss or restriction of driving privileges
- Loss of prestige, embarrassment
- An accident and/or bodily harm.

Eventually, the fear of punishment as a motivation for obeying traffic laws may be replaced by the unconscious habit of sustained compliance for all but habitual violators.

A vigorous and impartial program of TLE can instill in certain motorist and pedestrian beliefs that will also foster an attitude of sustained compliance. These beliefs are that:

- Traffic laws are equitable and fair.
- Traffic laws are intended to ensure safe and expeditious highway travel.
- Law enforcement officers, through patrol activity, are omnipresent.
- Police action is certain when offenses are committed, especially when citations rather than warnings are issued for violations.
- Appropriate penalties will be levied by the courts for traffic offenses. (It is not the severity of punishment, but the certainty of punishment that is effective.)

A TLE program can create the beliefs necessary for sustained compliance in the following ways:

- Direct effect. The fact that a violator is promptly apprehended and appropriately punished can have a direct effect on the development of an attitude of sustained compliance.
- Observational/symbolic effect. The fact that an individual may witness the apprehension of a traffic violator (or read or hear about the apprehension and punishment of a violator) serves as a reminder of the possible consequences of violating traffic laws.

Thereafter, the observation of a police car or police officer will symbolize the expectation of enforcement action for a traffic violation. How long this symbolic effect persists after police contact is broken will depend upon the strength or effectiveness of the jurisdictional TLE program and the frequency of contact with representatives of the law enforcement agency.

Reputational effect. If, over a period of time, the TLE program attains a high degree of effectiveness, a community-wide, general belief may be fostered (through word of mouth or publicity) that the commission of a traffic violation is a risky action. Thus the program establishes a desirable reputation for its TLE efforts. It is this reputational effect of discouraging traffic violations and obtaining sustained compliance that law enforcement agencies strive to achieve. (This general belief, or reputation, for TLE effectiveness should not, however, be dependent solely upon citizen observation of law enforcement officers.)

GOAL: Prevent hazardous traffic situations from occurring and thus prevent or reduce traffic accidents.

Since traffic laws and regulations have been developed to promote the safe and expeditious flow of traffic, TLE and resultant compliance with traffic laws will prevent the following types of hazardous situations from occurring.

- Unsafe condition. This refers to an unlawful or unsafe condition of the vehicle (for example, defective brakes or tail lamps); the driver (for example, under the influence of alcohol or drugs, which may result in unsafe behavior); or the roadway (for example, misplaced, obscured or damaged traffic control devices).
- Unsafe behavior. The actual performance of a driver, as reflected in the control of the vehicle, or the performance of a pedestrian, may be hazardous and unlawful. Unsafe driver behavior would include, for example, exceeding the posted speed limit or disregarding a stop sign. Unsafe pedestrian behavior could be the disregard of a traffic control device or police officer, or crossing between intersections in an unsafe situation.

TO CHECK YOUR PROGRESS

PLEASE RESPOND TO THE FOLLOWING QUESTIONS.

Directions:

Using your response sheet, circle the letters TLE if those factors listed below are essential to ensure an effective traffic law enforcement program. Circle NE if the factors are not essential.

1. The imposing of appropriate penalties upon individuals judged guilty of committing traffic offenses.
 2. The development of positive attitudes among motorists toward traffic regulations through a program of traffic safety education.
 3. The detection and apprehension of as many traffic law violators as possible.
 4. The visible presence of law enforcement officers issuing warnings to traffic law violators.
5. On your response sheet, circle the letter that indicates which of the following is a primary goal of traffic law enforcement:
- a. Develop an avoidance behavior among motorists regarding traffic violations.
 - b. Prevent hazardous traffic situations from occurring, thereby preventing or reducing traffic accidents.
 - c. Eliminate the unsafe roadway conditions contributing to traffic accidents.
 - d. Establish the belief among motorists that traffic laws are equitable and fair.

PLEASE CHECK YOUR RESPONSES AGAINST THOSE FOUND ON THE ANSWER KEY ON PAGE XIX - 15.

TRAFFIC OFFENSES

Definition

A traffic offense, or violation, is the term used to describe a group of ELEMENTS that constitute a violation of a particular section of the motor vehicle (traffic) laws.

Elements of a Traffic Offense

The elements of a traffic offense are the OBSERVABLE CONDITIONS OR BEHAVIORS that must be present or must have occurred in order for a traffic offense to have been committed. The elements of each offense are found in the motor vehicle laws and the police officer must account for all the elements before the violation can be charged. This is necessary since the elements of a traffic offense must be proved by the prosecution in court.

It is essential that the police officer have a clear working knowledge of the motor vehicle laws (the classes of offenses and their elements) as well as the department's enforcement policy in order to be effective in the field in detecting traffic offenses.

Varieties of Offenses

There are two major varieties, or classes, of offenses, which can be labelled

- "Shall do," which applies to those offenses characterized by a person's failure to perform required acts under the conditions specified by the motor vehicle laws (for example: Stop, Yield, or Keep Right).
- "Shall not do," which applies to offenses characterized by the commission of an act that is prohibited by the motor vehicle laws (for example: No Passing, No "U" Turn, exceeding the speed limit).

Momentary or Continuous Offenses

- Momentary offenses are those that last for a relatively short period of time (for example: running a stop sign or failing to signal properly for a turn).
- Continuous offenses are those that specifically relate to persistent behavior (driving with excessive speed) or persistent conditions (driving while intoxicated).

Hazardous and Nonhazardous Offenses

The judgment of hazardous or nonhazardous refers specifically to those motor vehicle laws enacted to regulate the safe movement of vehicles and pedestrians, and, therefore, to protect those who use the

streets and highways. Most are "moving" violations, or unsafe motorist behavior, and include unsafe pedestrian behavior. Unsafe conditions which usually result in unsafe behavior, such as driving while intoxicated, and some instances of defective vehicle equipment (for example, defective brakes) are also classed as hazardous.

There are three major groupings of traffic offenses or violations, two of which represent combinations of these characteristics described above, and one of which includes a variety of nonhazardous offenses, that is, illegal, unsafe conditions that do not ordinarily result in personal injury or fatal accidents. The aggressiveness with which a police officer pursues a particular motorist or pedestrian observed committing a violation must depend upon a judgment as to the seriousness of the violation in terms of the three groupings described below. These three are:

- Continuing hazardous offenses, for example, driving while intoxicated (DWI), excessive speed, driving at night without headlamps, driving the wrong way on a divided highway
- Momentary hazardous offenses, for example, failure to stop at a "Stop" sign, failure to yield right-of-way, improper passing, changing lanes when unsafe, failure to signal for a turn
- Nonhazardous offenses, for example, no driver's permit in motorist's possession, driving with revoked permit, inadequate exhaust system, defective or missing windshield wipers.

Those hazardous violations most frequently associated with traffic accidents are

- Following too closely
- Failure to yield right-of-way
- Speed too fast for conditions
- Driving under the influence of alcohol or drugs
- Inadequate brakes.

FUNCTIONS OF THE TRAFFIC LAW ENFORCEMENT SYSTEM

The TLE system consists of three major subsystems: the law enforcement or police agency; the District Court; and the State Motor Vehicle Administration.

Law Enforcement Agency

The basic TLE functions of the state, county, or municipal law enforcement agencies are

- Surveillance/patrol
- Detection of offenses
- Apprehension and charging.

District Court of Maryland

The major functions of the judicial system are

- Prosecution
- Adjudication
- Penalization.

Motor Vehicle Administration

The major enforcement functions of this agency are

- Traffic violation recordkeeping
 - point system
 - "Federal driver register" and other attempts to centralize the records of drivers' traffic violations
- Driver license suspension
- Driver license revocation
- Rehabilitation (driver's clinic).

TO CHECK YOUR PROGRESS PLEASE RESPOND TO THE FOLLOWING QUESTIONS.

Directions:

6. On your response sheet, circle the letter that correctly completes the following statement: A group of elements that constitute a violation of a particular section of motor vehicle (traffic) laws is a definition of _____.

- a. Traffic offense
- b. Selective enforcement
- c. Enforcement Index (EI)
- d. Adjudication

Directions: There are three major groupings of traffic offenses: continuing hazardous offenses (CH), momentary hazardous offenses (MH), and nonhazardous offenses (NH). Using your response sheet, circle the appropriate letter that describes the type of offense for each offense listed below:

- 7. Driving the wrong way on a divided highway
- 8. Driving with an inadequate exhaust system
- 9. Driving through a red light
- 10. Driving while under the influence of drugs
- 11. Failing to signal properly while making a turn
- 12. Driving without a driver's permit in the motorist's possession

PLEASE CHECK YOUR RESPONSES WITH THE KEY ON PAGE XIX - 15. REVIEW ANY ITEMS YOU MISSED. PROCEED TO THE POSTTEST. THIS IS THE END OF SELF-INSTRUCTIONAL UNIT XIX.

XIX

KEY TO EMBEDDED QUESTIONS

	Refer to Page XIX -
1. TLE	2
2. NE	2
3. TLE	2
4. TLE	3
5. b. Prevent hazardous traffic situations from occurring, thereby preventing or reducing traffic accidents.	5
6. a. Traffic offense	8
7. CH	9-11
8. NH	9-11
9. MH	9-11
10. CH	9-11
11. MH	9-11
12. NH	9-11