

# HONOLULU POLICE DEPARTMENT

## POLICY TRAFFIC OPERATIONS

September 10, 2019

Policy Number 6.01

### TRAFFIC CONTROL AND ENFORCEMENT

#### POLICY

Officers shall provide direction for the safe movement of vehicular and pedestrian traffic and take actions to enforce traffic law violations. Special procedures are required at times for nonresidents, juveniles, legislators, foreign diplomats/consular officials, and military personnel.

#### PROCEDURE

##### I. TRAFFIC CONTROL

- A. Traffic direction and control functions may be performed by unmanned mechanical devices, signals, and signs or by police officers manually operating traffic control devices.
- B. Police officers shall direct traffic at times and places where police intervention is required, such as traffic collisions, fires, power outages, and adverse weather and road conditions. They shall continue until the traffic problem is solved or until a temporary traffic control device can be set up or installed.
- C. Officers may be assigned to perform specific traffic control functions at special events, such as parades or athletic contests.
- D. While engaged in traffic control, officers are prohibited from using cellular telephones or other electronic audio devices, except for authorized equipment.

II. MANUAL DIRECTION OF TRAFFIC

9-2-2020

A. Personnel assigned or authorized to direct traffic shall wear police-issued reflective outerwear, as well as white gloves, issued police hat or optional police baseball cap, and/or equipment as required by the Occupational Safety and Health Administration (OSHA) standards. Certain emergency situations may prevent the full use of this equipment.

B. Uniform signals and directions shall be used in accordance with the attachment to this policy.

C. Traffic Direction at Fire Scenes

Officers will coordinate their efforts with the fire department to provide crowd control and adequate safety measures for vehicular and pedestrian traffic. They will maintain access to and from the scene of the fire for emergency vehicles and ensure that vehicles do not obstruct emergency operations.

D. Traffic Direction for Adverse Road and Weather Conditions

1. Adverse road conditions may include, but are not limited to, objects that have fallen onto the roadway and engineering hazards, such as exposed ends of guardrails or downed power lines. Weather conditions include, for example, flooding, fog, and heavy rain.

2. Upon discovering an adverse road or weather-related condition, officers shall take appropriate action, which might include the following:

a. If feasible, immediately rectifying the situation;

b. Notifying dispatch of the condition and requesting that the appropriate agency be contacted to assist or correct the hazard; or

c. Providing traffic control.

E. Traffic Direction at Motor Vehicle Collisions

The responding officer must assess the hazards present at the scene of a motor vehicle collision to prevent further damage to life or property. Officers should consider the present traffic conditions and the road and weather conditions.

F. Major Traffic Tie-Ups

1. A major traffic tie-up is a roadway closure or traffic restriction that causes significant traffic congestion. It does not include congestion occurring as a result of typical peak-hour traffic.
2. Components of the incident command system shall be implemented during major traffic tie-ups.
3. The field lieutenant for the district in which the incident occurs shall inform his or her bureau chief as soon as practicable. Information should include the following:
  - a. The date, time, and location of the incident;
  - b. The time of the road closure and reopening;
  - c. The number of closed and opened lanes and if traffic was rerouted;
  - d. If the media was notified and present at the scene;
  - e. The number of officers assigned and present at the scene by element; and
  - f. The synopsis of the incident (including the reason for closure, type of incident, and report number).

III. TRAFFIC ENFORCEMENT

- A. Traffic enforcement is to encourage voluntary compliance with traffic laws. The ultimate purpose of the stop is to favorably alter the violator's future driving habits.
- B. For the safe movement of vehicles and pedestrians, the emphasis should be placed on the quality rather than the quantity of citations.
- C. Actions should be commensurate with laws and take into account the severity of the violation(s) committed. Warnings or other nonpunitive measures should be substituted for arrests or citations when circumstances warrant.
- D. The officer's attitude should help minimize conflict and facilitate a professional interaction.

E. Speed Violations

Officers may use discretion when deciding whether a warning or citation is appropriate. To promote collision reduction programs and gain the highest possible level of voluntary compliance with speed limits, officers should take enforcement action whenever possible.

- 1. It is important to consider the weather conditions, traffic volume, pedestrian traffic, and location.
- 2. Officers must remember that there is a direct correlation between speeding and motor vehicle collisions, which result in injuries and fatalities.

F. Hazardous Moving and Equipment Violations

Violations of traffic laws or regulations affect the safe use of streets or highways. Officers may cite or arrest as authorized by law for hazardous moving violations and for operating unsafe or improperly equipped vehicles.

G. Off-Road Recreational Vehicles

Officers shall enforce appropriate traffic or criminal laws that involve off-road or recreational vehicles.

H. Other Violations

1. Officers shall enforce laws in the same manner for public carriers and commercial vehicles as for the general motoring public.
2. Officers may cite or issue a warning for nonhazardous violations and minor traffic infractions.
3. Multiple violations shall follow the same arrest and warning tolerance as single violations. Officers may issue citations for any additional violations.
4. For violations resulting in motor vehicle collisions, refer to Policy 6.08, MOTOR VEHICLE COLLISIONS.
5. Officers shall take appropriate enforcement action when they observe traffic violations by pedestrians or bicyclists.

I. Enforcement of newly enacted laws or regulations shall be consistent with this policy.

J. Special Processing

1. Diplomatic and Consular Officials

- a. Duly accredited agents or members of the administrative and technical staff of a foreign mission shall be accorded privileges, rights, and immunities as directed by international law and federal statute. These officials shall be treated with the courtesy and respect befitting their distinguished positions. Without prejudice to their privileges and immunities, such persons also have a duty to respect local laws and regulations.

Levels of diplomatic immunity include the following:

- (1) Diplomatic agents (ambassadors, designated ministers, counselors, etc., and members of their families who are not nationals of the United States) have full immunity from arrest, detention, or prosecution for any criminal offense.

They also have immunity from civil process unless the action involves certain private activities outside of their official functions;

- (2) If they are not nationals or permanent residents of the United States, members of the administrative and technical staff of diplomatic missions (administrators, security, communications personnel, clerks, etc., and members of their families) have full immunity from arrest, detention, or prosecution for any criminal offense and immunity from civil process if the actions were carried out in their official capacity. Family members are not immune from civil actions;
- (3) Members of the service staff of diplomatic missions (guards, drivers, messengers, etc.) do not have immunity from detention or arrest. However, they may assert immunity for actions carried out in the course of their official duties within any judicial or administrative process. Family members have no jurisdictional immunity;
- (4) Private servants of embassy personnel have no immunity;

- (5) Diplomatic and official documents, records, and archives are inviolable wherever located and may not be searched. This also applies to papers and correspondence of persons entitled to immunity; and
  - (6) Honorary consuls are not immune from arrest or detention and are not entitled to personal immunity from civil and criminal jurisdiction except regarding official acts performed in the exercise of their consular functions. Appropriate steps must be provided to accord such officers the protection required by virtue of their official position.
- b. Determination of the scope of "official acts" or functional immunity may ultimately be determined by a court having appropriate jurisdiction. The assertion by the individual at the scene of an incident does not establish a barrier to the arrest or other appropriate handling of the person by law enforcement authorities.
- c. Handling Violations or Minor Offenses
- (1) Moving Traffic Violations: Stopping a diplomatic or consular officer to issue a traffic citation or warning does not constitute an arrest or detention and is permissible. Officers should not hesitate to follow normal procedures and intervene when they observe traffic violations, even if immunity ultimately bars any further action at the scene.

- (2) Driving Under the Influence of Alcohol:  
The primary consideration is to insure that the official is not a danger to his or her self or others. After verifying the official status and immunity of the individual, there are several options available:
- a) Take the official to the district station or a location where the person can recover sufficiently to drive safely;
  - b) Take the official to a telephone where a friend or relative can be called to come and pick up the official, and wait for their arrival; or
  - c) Arrange for a taxi or transport the official to his or her destination.
- (3) The official, if entitled to criminal immunity, should not be subjected to any sobriety or other mandatory tests. Except in extreme cases, the official should not be restrained.
- (4) The property, including the vehicle, of the person who has full immunity may not be searched or seized. Vehicles may not be impounded but may be towed the distance necessary to remove it from obstructing traffic or endangering public safety.



- (5) Officers stopping diplomatic or consular officers shall fully document the facts of the incident and the identity of the individual. A written report of the incident shall be forwarded through the chain of command to the Chief of Police, who will have a copy forwarded to the Office of Foreign Missions, United States Department of State, 3507 International Place, NW, Washington, DC 20522-3302. For serious cases, the Department of State may be called at (202) 895-3522.
- (6) The Department of State has a policy of suspending the operator's license of foreign mission personnel not considered to be responsible. All driving-related infractions should be fully reported to them.

2. Legislators

Constitutional immunity extends only to situations in which there is an actual physical detention of a legislator en route to, during, or returning from a legislative session, unless a felony crime or "breach of the peace" is committed.

- a. This immunity is a privilege from the process of arrest, not from prosecution. A warrant of arrest can be sworn after the legislative session is over, when the legislator can be arrested for any criminal offense committed during the legislative session.
- b. Legislators may be arrested and detained for felony crimes or "breach of the peace." They are not immune from receipt of a parking ticket (which is not an arrest) nor a moving traffic violation citation.

3. Military Personnel

Military personnel are not exempt from arrest for criminal offenses or traffic violations. However, police officers shall use their discretion when dealing with members of the armed forces.

Military personnel are exempt from having a valid state driver's license when operating any military, government, or government-leased vehicle. However, they should have a valid government driver's license.

4. Juveniles

- a. A juvenile charged with minor traffic violations will be handled the same as an adult violator. However, the officer will designate the proper juvenile court appearance date, time, and procedure.
- b. A juvenile charged with a criminal offense or major traffic offense (e.g., no driver's license or Operating a Vehicle Under the Influence of an Intoxicant) shall be taken into custody by the officer.
  - (1) If circumstances permit the release of the juvenile at the scene, a parent or guardian should be contacted and arrangements made to place the arrested juvenile in their custody.
  - (2) If circumstances do not permit the release of the juvenile at the scene, the juvenile will be transported to the district station for processing in accordance with procedures.

5. Nonresidents

- a. When a resident of another state is issued a traffic citation, the violator will be instructed to clear the citation in the same manner as a resident.

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- b. If the violator is arrested for a criminal or traffic offense and charged, bail will be set in accordance with the established guidelines.



SUSAN BALLARD  
Chief of Police

Attachment

Post on bulletin  
board for one week

Policy first issued  
May 21, 2001

TRAFFIC SIGNALS AND DIRECTIONS

To Stop Traffic by Hand

Simultaneously blow one long whistle blast and extend one arm and index finger toward the person to be stopped, while looking directly at that person until they are aware or it can be reasonably assumed that they are aware of the gesture. Then raise the pointing hand at the wrist with the palm held toward the person to stop. Hold the palm in this position until the person stops.

To stop traffic from both directions on a two-way street, repeat the procedure for traffic coming from the opposite direction, while continuing to maintain the raised arm and palm toward the traffic previously stopped.

To Start Traffic by Hand

Stand with shoulder and side toward the traffic to be started. Extend one arm and index finger toward the person to be started, while looking directly at that person until they are aware or it can be reasonably assumed that they are aware of the gesture. Then simultaneously sound two short whistle blasts while bending the arm at the elbow in a vertical semicircle until the hand is adjacent to the chin. If necessary, repeat this gesture until traffic begins to move.

To start traffic from both directions on a two-way street, repeat the procedure for traffic coming from the other direction.

Turning Right

Drivers making right turns can usually do so without being directed by the officer. However, if the driver is approaching from the right side, extend the right arm and index finger toward the driver while looking at the person. Then swing the extended arm and index finger in the direction of the driver's intended turn.

If the driver is approaching from the left side, follow the same procedure with the left arm extended.

Turning Left

Do not allow drivers to turn left until oncoming traffic has been stopped. With shoulder and side toward the driver wishing to turn left, let the hand used to stop the oncoming traffic remain in the halt gesture. Direct the other arm and index finger and gaze toward the driver. When the driver's attention has been gained, swing the extended arm and index finger to point in the direction the driver wishes to travel while simultaneously sounding two short whistle blasts.

Use of Flashlight

A flashlight may be used to halt traffic. Slowly swing the beam of light across the path of oncoming traffic with the beam striking the pavement as an elongated spot of light. When the driver has stopped, give hand and arm signals as usual with vehicle headlights, providing illumination.