



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 203	TRAFFIC ENFORCEMENT	
	Effective: 9/5/2024	Commissioner Approval: 
	<b>Authorities:</b> <a href="#">AS 12.25.190; AS 28.35.035; AS 28.35.031; AS 28.35.080; AS 28.35.030; 13 AAC 04.223</a>	
	<b>Applicability:</b> OFFICERS – Excluding VPSOs without written approval of the Commissioner	
	<b>Special Instructions:</b>	

### 203.100 INTRODUCTION

The safe and orderly movement of vehicles on the highways of the State of Alaska is a prime concern of the Department of Public Safety. Each year Alaska's highways are the scene of too many serious injury and fatal collisions. Enforcement of the traffic laws is not only a valuable tool in providing for the safety of the motoring public and in reducing the number of those collisions, but it also assists in identifying other public safety and criminal conduct on Alaska's highways.

### 203.300 ADMINISTRATION OF TRAFFIC ENFORCEMENT

- A. *AST Commanders to manage traffic enforcement.*** AST Commanders will analyze accident trends and traffic enforcement efforts in their detachment, and based upon this analysis they will develop enforcement plans designed to increase traffic safety on the highways in their detachments.
- B. *Detachment Radar Coordinator.*** Commanders will appoint an employee, commissioned or non-commissioned, to be the Detachment Radar Coordinator. Commanders may also appoint an alternate if they feel such a person is needed. The Detachment Radar Coordinator is responsible for coordinating the certification and repair of the radar units assigned to the Detachment with the certification and repair agency. The Detachment Radar Coordinator will maintain the certification and repair files of the radar units assigned to the Detachment. Detachment Radar Coordinator will also coordinate the certification and re-certification of the Detachment's employees with the Training Academy.

### 203.310 ISSUING WARNINGS

Verbal warnings play an important role in the Departments overall traffic management plan. When it is deemed appropriate, a verbal warning may be given in lieu of a formal citation.

### 203.320 ALASKA UNIFORM CITATION (AUC)

An Alaska Uniform Citation may be used to cite for a misdemeanor, minor offense, or minor consuming. For service to be valid, the time specified in the notice to appear shall be at least five working days but not more than thirty days of the date of the offense. The person cited

shall accept at least one copy of the written citation prepared by the Trooper. [Ref AS 12.25.180-190] (See OPM 223)

### 203.330 TRAFFIC STOPS

- A. *Traffic stops will be made safely.*** All traffic stops will be made in a manner that minimizes traffic disruption and avoids creating dangers for other traffic. Emergency vehicle operation will be conducted within compliance of Chapter 104.
- B. *Troopers to make appropriate driver and vehicle checks.*** As appropriate to the circumstances of the traffic contact, Troopers are responsible for checking drivers for warrants and license status, vehicles for proper registration, VIN, and stolen status. When practical, these checks shall include both APSIN and NCIC.
- C. *Troopers will not advise violators how to plea to the citation.*** Violators shall be advised that they must respond to the citation and what their options are. Violators will not be coerced, threatened, intimidated, encouraged or discouraged to take a particular option. This includes suggesting that if the violator contests the citation the citation will be amended to another violation.
- D. *Troopers will not accept fines for violations.*** Under no circumstances will Troopers accept payment of bail by violators cited for traffic infractions. This includes offers to mail or otherwise convey the bail to the court. (See OPM Chapter 204.320 regarding accepting traffic warrant bail.)

### 203.340 TRAFFIC RADAR OPERATION

- A. *Troopers must be certified prior to issuing citations based on radar.*** Prior to using traffic radar for enforcement a Trooper shall complete the prescribed training course, complete a practical examination, and pass a written test to obtain a radar certification. Without current certification, a Trooper may not issue a radar supported AUC. Radar certifications are non-expiring; however, a Trooper who has not used radar/lidar for regular traffic enforcement for more than one year shall complete re-certification training.
- B. *Radar/Lidar units and tuning forks to be certified.*** Radar tuning forks must be certified annually by the SOA DOT [Metrology lab](#) to verify their working condition. Radar units are factory certified at the time of purchase. Radar units do not require further certification unless the unit appears to be malfunctioning. Lidar units must be certified annually by the SOA DOT Metrology lab to verify their working condition. All elements of a Lidar unit must be submitted, including the head unit, batteries, charger and/or A/C power cord. The Detachment Radar Coordinator is responsible for seeing that annual tuning fork and Lidar certification is accomplished. The SOA DOT Metrology lab recommends tuning forks be shipped to the lab via USPS in a small flat rate box to protect the forks during transportation. **Address:** *State of Alaska Metrology Lab, 12050 Industry Way, Suite 0-6, Anchorage AK 99515.*
- C. *Troopers must review the instruction manual.*** Prior to use, Troopers must review the instruction manual for the model radar/lidar unit assigned to them or that they are using.

- D. *Positioning of radar antenna.*** Radar antennas shall be mounted and positioned as directed by the manufacturer, and as directed in DPS radar training.
- E. *Operation of traffic radar.*** Traffic citations supported by radar will not be issued except when the auto-lock function is disengaged; any alarm is disabled (or speed set to 99 mph); visual speed estimation and identification of the violator was made prior to verification of speed by the radar unit; the operator was able to recognize a valid Doppler tone from the radar; and, if the radar is being operated in moving mode, that the patrol speed indicated by the radar was verified against the vehicle speedometer.
- F. *Malfunctioning radar/lidar will be taken out of service.*** Any radar/lidar found to be responding improperly must be immediately taken out of service and written notification made to the Detachment Radar Supervisor detailing the specifics of the malfunction.
- G. *Malfunctioning speedometer will be repaired.*** When operating radar in moving mode, Troopers shall compare the speed shown by the radar unit with the speedometer. If a deviation greater than +/- 3 mph is observed the Trooper shall arrange for the speedometer to be checked against another radar unit and for its repair if the deviation is confirmed. No citations will be issued based upon radar in moving mode when in a vehicle with a faulty speedometer.

#### 203.350 DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT

- A. *Field sobriety tests must always be offered to DUI suspects.*** Whenever practical, Troopers will offer field sobriety tests to DUI suspects. However, Troopers will consider the location; the suspect's condition; and the safety of the Trooper, the suspect, and passing traffic when deciding when and where to conduct field sobriety tests.
- B. *Troopers will be certified prior to conducting breath testing.*** Only Troopers currently certified in the operation of the breath-testing instrument being used will conduct the breath testing of a DUI suspect.
- C. *Attorney's contact with the suspect.*** If during the observation period prior to administering the breath test the suspect requests to contact an attorney, reasonable efforts will be made to contact the attorney. All recording devices will be turned off during their conversation. If the suspect cannot be observed and be given privacy—e.g. a room with a large window—the attorney will be advised of that fact prior to giving the phone to the suspect. Any conversation between the attorney and the suspect that is overheard cannot be used against the suspect.
- D. *Administration of a chemical test of blood or breath without consent.*** AS 28.35.035 authorizes a Trooper to administer a chemical test of blood or breath to determine blood alcohol content, without the person's consent, under specific circumstances. Arrangements shall be made with a local medical facility establishing procedures and paperwork requirements for taking a sample of blood, prior to the need for such a procedure. Procedures shall also be established regarding where the sample will be tested. A second tube of the blood sample,

drawn at the same time, shall be maintained as evidence to allow the defendant to have the sample independently tested at a later date.

#### 203.360 PORTABLE BREATH TESTS (PBT)

- A. *Offering test.*** PBT to be offered only after field sobriety tests are completed. In those locations where the PBT is used it will be the last test offered to the driver in the field. Troopers will not offer the suspect a PBT and make the decision to arrest or not to arrest the suspect absent other evidence of intoxication.
- B. *Prerequisites for requiring a driver to take a PBT.*** Upon probable cause a person's ability to operate a motor vehicle is impaired by alcohol, a driver contacted for a moving violation, involved in a motor vehicle collision, or operating a motor vehicle with an open alcoholic container is required to give a sample of their breath. In those cases where the driver refuses to give a breath sample, an AUC may be issued for "Failure to take a preliminary breath test". [Ref AS 28.35.031(b)]
- C. *Required advisement.*** Prior to offering the PBT, the driver must be advised that refusal to take the test may be used against them in a civil or criminal action arising out of the incident and that a refusal is an infraction.
- D. *Refusal is not an offense for which an arrest can be made.*** If the driver refuses to give a PBT breath sample, issue an AUC for "failure to take a preliminary breath test." A driver cannot be arrested for refusing this test. [Ref AS 28.35.031(b)]
- E. *Discourage driving.*** Non-arrested drivers who test higher than "0.05" will be discouraged from driving. If a Trooper, after administering field sobriety tests and a PBT, which indicates a breath alcohol level between .05 and .08, determines that a driver will not be arrested shall strongly discourage the driver from operating a motor vehicle. The Trooper may allow the driver to make other transportation arrangements and may facilitate these as appropriate.
- F. *PBT results on citation.*** PBT results will be placed on the citation. If the driver submitted to a PBT but was not arrested, the result will be noted on the copy of any AUC that is issued as a result of the contact.
- G. *PBT results in case report.*** The results of any PBT will be reflected in the case report. Any time a PBT is used in the investigation of an incident for which a case report is completed, the results and the time of the test will be included in the report.

#### 203.370 SEAT BELTS AND CHILD RESTRAINTS

- A. *Seat belt and child restraint citations.*** It is the policy of the Department that unless extenuating circumstances exist, citations for failure to use seat belts or child restraints will be issued whenever Troopers observe violations or determines through investigation that violations occurred.

**B. *Belt and child restraint citations at motor vehicle crashes.*** Motor vehicle crashes qualify as a primary reason for contact and therefore citations for failure to wear seat belts or child restraints may be issued at crashes in compliance with 203.380 A.

#### **203.380 MOTOR VEHICLE CRASH INVESTIGATION**

**A. *Response to reported accidents.*** Whenever possible a DPS Trooper will respond to every motor vehicle crash reported for the purpose of determining whether the crash qualifies for investigation.

**B. *When crash reports are mandatory.*** Troopers will complete a motor vehicle crash report on every crash occurring on public highways where there is an injury or fatality, major damage making any vehicle inoperable, significant damage to buildings or traffic control equipment, or a person is charged with a criminal traffic violation as a result of the crash.

**C.** Nothing in this subsection prohibits the preparation of crash reports in cases not meeting these mandatory-reporting requirements.

**D. *When crash reports will not be prepared.*** Motor vehicle crashes occurring on private property will not be investigated unless they involve a fatality, an injury requiring medical attention, or a criminal traffic offense.

**E. *Participant's crash report.*** Drivers of vehicles involved in crashes reported to the Department in compliance with AS 28.35.080, but not investigated, will be instructed to complete a participant's crash report within 10 days of the accident. Form 12-209 can be found on-line [here](#).

**F. *Fatal crash reports to be sent to FARS within 10 days.*** Copies of fatal crash reports [12-200 Motor Vehicle Collision Report] will be sent to the Fatal Accident Reporting System ([FARS representative](#)) via e-mail at Department of Transportation, Highway Safety Planning Office within 10 days of the crash. If the report is incomplete a partial or draft report may be submitted. This e-mail should CC the employee's sergeant and lieutenant.

#### **203.390 HAZARDOUS MATERIALS SPILL NOTIFICATION**

The following guidelines will be followed while investigating motor vehicle collision and other incidents in which oil, gasoline, or other hazardous materials are spilled.

**A. *Automotive product spills of ten gallons or less.*** Spills of oil, gasoline, anti-freeze, gear lube, diesel, or other fluids normally associated with motor vehicles, in a quantity estimated to be ten (10) gallons or less that have not drained away from the road right-of-way and do not threaten to enter any water or drainage system, should be removed by the responding tow truck operator. If no tow truck is utilized, a person designated by the spiller must remove the material. If the person responsible for the spill is unable or unwilling to remove the material, the Department of Environmental Conservation (DEC) must be contacted for removal. DEC will bill the responsible party.

**B. Notification to DOT if roadway damaged or blocked.** In cases where the roadway needs immediate attention before reopening and other sources are not readily available, the Department of Transportation (DOT) may be notified. If the DOT is utilized, the investigating Trooper must furnish the name and address of the spiller to the Superintendent of the DOT District Maintenance and Operations office responsible for that area.

**C. Notification to DEC of large spills or spills into waters.** The Alaska DEC will be requested to respond to the scene of all major hazardous material spills such as tank truck collision, leaking rail tank cars, etc. When spills of hazardous materials in any amount are estimated to be in excess of ten (10) gallons or in which any water system or drainage is threatened, the investigating Trooper shall immediately furnish AST Dispatch with the following information to be passed onto the DEC:

1. Location, estimated size, and type of material involved in the spill.
2. Information as to type of water system or drain system threatened by spilled material; and,
3. Name, address, and telephone number of individual or company responsible for the spill.

#### 203.400 REIMBURSEMENT FOR DUI INVOLVED CRASH RESPONSE

The Department will seek reimbursement (authorized under AS 28.35.030 (m)) for costs incurred in responding to motor vehicle crashes caused by persons subsequently charged with DUI. Other EMS services may also be authorized to obtain reimbursement; however, DPS will not include their costs in any requests. The other agency is able to request reimbursement as authorized by law.

**A. Crashes to be reported for reimbursement.** For the purposes of this section all crashes reportable under OPM 203.390 B plus similar crashes occurring on private property are to be reported for reimbursement.

**B. Troopers will include cost statement in reports.** If a person is charged with DUI, and their actions contributed to a motor vehicle crash, the investigating Trooper will note in the last paragraph of the synopsis of the investigative report a statement in the following form:

"Based on my investigation, the defendant's actions contributed to a motor vehicle accident. Per AS 28.35.030(m), upon conviction the court shall order the defendant to pay the Department of Public Safety \$ (\*dollar amount) for their emergency response to the scene of the motor vehicle accident. This represents the average cost per incident for response by DPS during the previous year."

\*The Trooper shall modify the sample statement with the annual cost estimate computed by AST as appropriate. See link to [annual cost calculation](#).

**C. Payment to be made through Courts.** Any court ordered payments under this statute shall be made through the Court System. Persons appearing at DPS facilities and wishing to make such payments should be directed to make their payments through the Court.

**D. *Division of AST to compute cost annually.*** The Division of AST shall compute the average cost of response to DUI involved motor vehicle crashes by January 15th of each year and make this information available to all divisions who are responsible for investigating motor vehicle crashes.

#### 203.410 TINTED WINDOWS

**A. *Medical certificates accepted.*** A medical certificate issued by a physician licensed to practice in this state, any other state, or province of Canada will satisfy the requirements of 13 AAC 04.223 (c)(2).

**B. *Vehicles temporarily in state not to be cited.*** Vehicles that are not registered in the State of Alaska and are in Alaska only temporarily will not be cited for violation of 13 AAC 04.223.

**C. *New residents to be advised of law.*** Drivers of vehicles that are not registered in the State of Alaska who indicate that they intend on becoming a resident of the State will be advised of the provisions of 13 AAC 04.223.

#### 203.420 COMMERCIAL VEHICLE ENFORCEMENT (CVE)

**A. *Alaska State Troopers (AST) and Highway Interdiction Team (HIT).*** The AST/HIT can assist the Alaska Department of Transportation & Public Facilities / Measurement Standards and Commercial Vehicle Enforcement (DOT&PF/MSCVE) in conducting or coordinating commercial vehicle inspections, and assist in secondary size and weight enforcement activity statewide, when requested and as resources are available. The AST/HIT will be the secondary agency to DOT&PF/MSCVE regarding these activities.

**B. *DOT&PF Funding for AST & HIT Activities.*** The DOT&PF periodically provides funding to AST/HIT, which may cover overtime hours, lodging, and per diem expenses. Any AST/HIT involvement in commercial vehicle enforcement and/or response to commercial vehicle injury and fatality crashes should be pre-approved by Detachment Command staff, in collaboration with HIT Command, to identify which expenses may be covered under this supplemental funding. HIT should be notified of the ARMS incident number, name of the trooper(s) involved in the investigation, and the date/times worked identifying the overtime hours accrued.

**C. *Assistance in investigating commercial vehicle crashes.*** A DOT&PF CVE inspector may be sent to the scene of a commercial vehicle crash or other location to assist in the technical examination of the commercial vehicle(s) involved in the crash. In the absence of a CVE inspector, a trooper or HIT commissioned member may participate in the investigation, provided involvement is authorized by the Detachment Command and/or HIT Command.

**D. *The Commercial Motor Vehicle Accident Supplement.*** The commercial vehicle crash supplement will be completed by the investigating trooper or CVE inspector, and attached to the incident in ARMS.

**E. *Inspection of commercial vehicles.*** Each detachment should utilize any available DOT&PF CVE inspector to conduct inspections of commercial vehicles. If a CVE inspector is not available,

AST/HIT troopers may be utilized to conduct the inspections, provided the inspecting trooper has been adequately trained in the discipline. Each trooper conducting an inspection will complete an Alaska Commercial Driver/Vehicle Inspection Report and attach it to a dedicated ARMS incident. If the inspection is to occur during the inspecting trooper's overtime hours, notification shall be made to the Detachment Command to seek authorization in collaboration with HIT Command.

**F. *Weighing of commercial vehicles.*** Troopers who weigh commercial vehicles will complete a CVE weigh record, and attach the document(s) to a dedicated ARMS incident.

**G. *Placing a commercial vehicle out of service.*** Troopers who place a commercial vehicle out of service will complete an "Out of Service Sticker" and attach the sticker to the out-of-service vehicle.

**H. *Citing the driver of a commercial vehicle transporting hazardous materials.*** Troopers who cite the driver of a commercial vehicle hauling hazardous materials for a moving violation will specifically note on the citation that the violator was operating a commercial vehicle transporting hazardous materials. The citation will also indicate a mandatory court appearance.

**I. *Notification of Crashes involving commercial vehicles.*** AST/HIT has the primary responsibility to investigate crashes involving commercial vehicles. Detachment Command staff should notify the HIT Command staff as soon as possible of all serious injury or fatality crashes involving commercial vehicles. The Detachment and HIT Command members will develop an appropriate response plan for the incident.

#### **203.430 TRAFFIC ENFORCEMENT BY NON-PATROL OFFICERS**

Aggressive enforcement of traffic regulations is the primary tool of the Department in improving safety on the state's highways. All departmental officers, with the exception of those whose primary duties would be compromised, are expected to engage in traffic enforcement. Non-uniformed Troopers are expected to take traffic enforcement actions while traveling in appropriately equipped vehicles during the course of their duties and shall participate in special patrol efforts when scheduled to do so.

#### **203.440 VEHICLE BASED DIGITAL VIDEO SYSTEMS**

**A. *Vehicle video to be wired to emergency lights.*** Videos mounted in patrol vehicles will be hot-wired to the emergency lights as provided for in the unit assembly.

**B. *Vehicle video to be used for all traffic stops.*** When a video system is installed and operational and the Trooper is properly trained, it will be utilized for all traffic stops. The power switch will be in the "auto" position so as to activate the video when the emergency lights are activated. This does not preclude the Trooper from activating the video prior to the emergency lights should they desire to start the recording earlier.

**C. *Storage and reuse of recordings.*** Recordings shall be removed from the digital hard drive and placed into the DPS storage system where it will be retained in accordance with departmental protocol based on the evidentiary value or other conditions.