

MOTOR VEHICLE STOPS

<i>Effective Date:</i> April 15, 2013	<i>Directive Number:</i> 10-2-6	
<i>Special Instructions:</i>		
<i>Distribution: All Sworn & Civilian Personnel</i>	<i>Last Re-Evaluation Date:</i> August 26, 2020	<i>Total Pages:</i> 5

I. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

II. POLICY

Although stopping motorists on the highway for traffic violations or other purposes is often considered a routine function of patrol officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently "routine" situations. Therefore, it is the policy of this department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the highway.

III. PROCEDURES

A. Stopping and Approaching Traffic Violators

The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions.

1. Officer shall perform vehicle stops only when they have articulable and reasonable suspicion or probable cause to do so.
2. Once an initial decision has been made to stop a motorist, the officer shall select an area that provides reasonable safety, avoiding curves, hills, heavily trafficked and poorly lit areas and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations and areas where a large volume of spectators are likely to gather.

3. When a location has been selected for the stop, the officer shall notify KENTCOM of its nature providing unit location, a description of the vehicle, vehicle tag number and the number of occupants. At the officer's discretion or dispatcher's request, additional information may be exchanged.
4. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or at the safest shoulder by activating the overhead emergency lights and siren as necessary.
 - a. On multi-lane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or location, the officer should instruct them to move by using the appropriate hand signals or by activating the vehicle's public address system.
5. Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the violator's vehicle and at a slight angle, with the front approximately two feet to the traffic side of the violator's vehicle.
 - a. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
6. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers.
7. Approaching from the driver's side, the officer should be observant of the passenger compartment and stop at a point to the rear of the trailing edge of the left front door in order to communicate with the driver.
 - a. Where circumstances dictate, particularly where traffic is close enough to create a potential problem, the officer may choose to approach the violator's vehicle from the right-hand side and stop at the trailing edge of the right front door.
 - b. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.

- c. In two-officer police vehicles, the passenger officer shall be responsible for radio communications, note taking and relaying messages to the communications center. He will also act as an observer and cover for his fellow officer.
8. Non-uniformed officers operating unmarked patrol vehicles with concealed lights or siren shall not normally make vehicle stops for traffic violations. In situations where failure to act would create unreasonable risks of injury, death or significant property damage, such personnel shall contact the communications center to request a marked patrol unit to make the stop and may, depending upon the urgency of the situation, activate emergency lights and siren to make a traffic stop.
9. Non-uniformed officers operating vehicles not equipped with emergency lights or siren shall not make motor vehicles stops unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, officers shall contact the communications center, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.

B. Issuing Citations

1. When issuing citations, conducting roadside sobriety tests or conversing with the violator, the officer and other parties shall be positioned to the side of the road, clear of the motor vehicles. At no time shall the officer or others stand in front of, between or behind the stopped vehicles.
2. During the stop, the violator should remain in his motor vehicle while the officer writes the citation or conducts other business. Violators should not be permitted to sit in patrol vehicles while citations are being prepared or other police business is being conducted.
3. When preparing citations, the officer should position paperwork and related materials in a manner that allows him to maintain vantage over actions of the violator and other occupants.

C. Stopping an Approaching Motorist

In cases where a motorist must be stopped from oncoming traffic, the following actions may be taken:

1. Drive the police vehicle to the extreme right portion of the roadway and, as the violator approaches, signal him to stop by using hand signals and emergency lights.
2. Because of the potential hazard involved, an officer shall not leave the patrol vehicle when attempting to stop oncoming motorists.

3. If the subject motorist complies with the instructions, the police vehicle may then be turned around and appropriately positioned to the rear of the violator's vehicle.
4. Should the motorist fail to comply with the officer's instructions, the officer should turn the patrol vehicle around and pursue, stop and approach the violator in the prescribed manner.

D. Stopping a Following Violator

When stopping a motorist to the rear of the police vehicle, the following procedures may be followed:

1. The officer should drive to the right shoulder of the road and, as the violator approaches, signal him/her to stop.
2. The officer should not exit the patrol vehicle in order to signal the subject motorist.
3. Should the motorist fail to comply, the officer should return to the roadway and stop and approach the motorist in the prescribed manner.

E. Making High-Risk Vehicle Stops

The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupant(s) may be armed and dangerous.

1. When planning to stop the suspect vehicle, the officer shall notify the communications center (KENTCOM); describe the nature or reason for the stop; provide information on the vehicle tag number and number of occupants; and request appropriate assistance to make the stop.
2. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
3. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop.
4. Officers should position their vehicles approximately thirty feet behind the suspect vehicle, in positions that will maximize opportunities for cover and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage.

5. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system, if available. Only one officer shall issue commands.
6. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.
7. The officer in charge shall first identify himself and then notify the occupants that they are considered to be armed and dangerous, that all occupants of the vehicle are under arrest and that all instructions are to be followed without hesitation or suspicious movements.
8. The operator of the suspect vehicle should be ordered in separate commands to do the following: lower his window, remove the ignition keys with his left hand, drop them on the ground, open the door from the outside, step out of the vehicle, turn completely around, face away from the officers, walk backwards until commanded to stop and lie face down on the ground with hands stretched far to the sides. Subsequent occupants should be similarly commanded until all are in position to be handcuffed and searched.
9. With appropriate cover, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

F. Stopping Oversized and Overweight Vehicles

In the event an officer needs to stop commercial and similar oversized or overweight vehicles, the following procedures should be followed:

1. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight, and allow the operator sufficient time and distance to make the stop.
2. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
3. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask the driver to exit the vehicle, if and when necessary.

ORDER EXECUTED and ISSUED this 13th day of April, 2013.

Christopher Workman
Chief of Police