

WEST PALM BEACH POLICE DEPARTMENT

III-24 STOPPING AND APPROACHING VEHICLES

EFFECTIVE: 01/01/2005

CALEA Standards: 61.1.7, 61.1.8

CFA Standards: 2.08, 22.05

I. POLICY: When stopping violators for any reason, officers will take all precautions necessary to provide maximum safety for the officer, the violator and other users of the roadway while maintaining a professional and courteous demeanor. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist.

II. TRAFFIC VIOLATOR STOPS:

A. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. At no time will a West Palm Beach Police Officer use bias based profiling in initiating traffic stops.

B. A police officer making a traffic stop will inform Dispatch Operations of the following information:

1. Location of the stop;
2. Vehicle description;
3. Tag number; and
4. Information about occupants.

C. Signal the violator to stop by use of emergency blue lights and, when necessary, the use of the siren.

1. Emergency vehicle blue lights and vehicle flashers will remain in use until the traffic stop is completed.
2. At night, once the violator is stopped, the spotlight should be used to illuminate the interior of the violator's vehicle.

D. Caution should be exercised when selecting an appropriate place for the violator to stop. Officers will make every effort to direct the violator to a suitable stopping point so normal traffic flow will not be impeded. The violator should be directed to the right side of the roadway, close to the curb, or on the shoulder if possible.

E. Once the violator is stopped; the officer should position the police vehicle approximately eight (8) to ten (10) feet behind and two (2) feet to the left of the violators vehicle to create a safety lane.

F. The officer should be continuously alert for any suspicious movement or actions inside of the passenger compartment of the violator's vehicle. When approaching the violator, the officer should check the trunk lid of a car or bed of a pickup truck to eliminate any potential threats in those areas. The officer will look into the rear seat area and stop at a point to the rear of the front door. From this position the officer may communicate with the violator and keep him or her in a slightly awkward position. This position will also allow the officer to keep all of the occupants in view.

1. The officer will request a back-up unit if he or she feels another officer is needed to maintain safe control of the stop.

G. Identify yourself and the reason for the stop. Invite the driver to offer a reasonable excuse. This approach may reduce tension depending upon the circumstances.

H. Politely ask for the driver's license, registration, and proof of insurance. Have the driver hand the papers outside the car. Do not reach inside and risk being captured or dragged.

I. Take the papers with the non-gun hand and say "thank you" If no driver license, ask for some other form of identification. Be alert for indications of other violations of law and, if so indicated, inquire further.

J. If there are no indications of other infractions or violations, decide the enforcement action you are going to take. Do not issue "attitude" tickets. Base your decision on the action to take on the seriousness of the violation, the conditions present, and the motorist's driving record, if known.

K. Inform the driver of the action you will take before returning to the police vehicle, unless action is dependent on information not yet received (such as license status checks, etc.). Request all occupants to remain in the car for their safety, excuse yourself and return to the police vehicle, being alert to traffic and continuing to observe the vehicle and its occupants.

L. For your own protection, it is necessary to document every stop. *Take appropriate, recorded enforcement action at every stop.* Complete a warning, citation, field interview card, or an arrest.

M. Return to the violator using the same approach and caution as the initial stop. Explain the procedure to the violator for the action taken. Provide a copy of any warning or citation issued and any supplemental items, such as court information sheets. Return the driver's documents.

N. Use an appropriate closing. Thank cooperative people for their cooperation. Encourage them to "please drive safely". Do not use worn sayings such as "have a nice day" that could be misinterpreted.

1. Officers should attempt to calm violators who display signs of emotional distress as a result of the contact before they reenter traffic.

O. If the driver indicates he or she wants to make a complaint about the stop, politely inform them how to do so. Notify your supervisor or the on-duty Shift Commander of this fact as soon as possible after concluding the contact.

III. FELONY VEHICLE STOPS:

A. Felony vehicle stops will be made by officers operating marked patrol vehicles.

B. The officer initially observing the vehicle or suspect is in charge of conducting the stop. An unmarked unit should not be the primary unit in a felony stop unless supported by marked units. The only exception to this would be for narcotic unit vehicles or when exigent circumstances make it necessary for officer or public safety.

C. Secondary units will be called in to assist with the stop by the primary unit or a supervisor. Secondary units may be marked or unmarked units.

D. Before initiating the stop, the primary unit will have completed all essential radio traffic and the secondary units will be assigned and in place.

1. All units involved in the stop will be certain of the reason for the stop and their specific assignment.

2. Any confusion should be clarified prior to the stop being initiated.

E. The primary unit will direct the suspect vehicle to the exact location desired either by voice command or by use of the public address system.

F. The primary unit will position the vehicle behind the suspect's vehicle with due consideration for maximum protection of the officer and maximum visibility of the suspect(s). Exact positioning of the primary unit will be determined by the physical characteristics of the site chosen for the final stop.

G. The primary unit initiating the stop will be the control officer. The control officer will issue the verbal commands to any and all suspects. This will decrease the likelihood of any conflicting commands that may cause confusion or unnecessary movement and will maximize officer, suspect and public safety.

IV. REFERENCE:

- SOP # I-4 Racial and Ethnic Profiling/ Biased Based Policing
- SOP # III-20 Mobile Video/Audio Recording Equipment (MVR)
- SOP # III-29 Traffic Warnings, Citations, and Arrests
- Handout #2: The Best Verbal Approach to Minimize Conflict

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Original issue: 12/30/88
Revised: 01/01/2005
I.D. # 1491

History: SOP # changed to III-24 on 01/01/2005
Old SOP #: 22.05, 6.640.012, 6.620.032
Revision Dates: 07/15/1998, 12/15/1998, 07/11/2002, 01/01/2005

Job Title Task Files: Dispatch Operations

HANDOUT: THE BEST VERBAL APPROACH TO MINIMIZE CONFLICT

1. Give a greeting.
2. Introduce yourself cordially.
3. Tell the person why they are being stopped or detained. Describe what you observed. You can help reduce tension by avoiding finger pointing.
4. Years ago, officers were taught to get the person's documents in hand before telling them why they were stopped. Some courts have now ruled that the person is entitled to know the reason for the stop before producing documents.
5. Invite the driver to offer a reasonable excuse. "Was there some reason, ma'am, why you didn't stop?" Rather than leading to arguments, this approach allows the violator an "escape valve", and may further reduce tension.
6. Politely ask for identification and any required documents. "May I see your license, registration, and proof of insurance, please?" When accepting the papers, have the driver reach outside the car to give them to you - do not reach your hand inside the vehicle and possibly get it trapped.
7. Take the papers with your non-gun hand, and say, "Thank you." Obtain another document of identification if the driver has no license. If you see, hear, or smell anything that leads you to suspect any additional infractions of the law, inquire further.
8. Once satisfied that there are no further violations excuse yourself and request that all persons remain in the vehicle.
9. If you will be issuing a citation, return to your police car, being alert to traffic, while continuing to observe the violator's vehicle, and complete any necessary paperwork. For your own protection, it is important to document every stop. Take appropriate, recorded enforcement action at every stop B a citation, a warning, or an arrest.
10. In determining whether to issue a warning or initiate a court action, weigh the seriousness of the offense, the road, weather, and traffic conditions, and the motorist's driving record.
11. Avoid issuing "attitude tickets", where you cite or arrest a motorist for something you would normally give a warning for, simply because you feel the motorist's behavior toward you was not sufficiently respectful.
12. If at any time during the contact you detect furtive conduct or other danger or feel that you will need assistance on a physical custody arrest or will be requesting a consent search, be cognizant that the danger level has escalated and consider the advisability of backup.
13. If there is no reason to hold the motorist further, return cautiously to the vehicle and inform the driver as to what action you have taken, and anything the driver must do in response to it, such as contacting the court, paying the fine, etc. Explain alternatives, but do not attempt to predict the actions of the court or give legal advice.
14. If the driver indicates he or she wishes to make a complaint against you, politely inform them how to do so, and be sure you notify your supervisor of that fact before the end of your shift.
15. If the driver is upset, give him or her time to calm down before they resume driving. Try to defuse the tension.
16. Return the motorist's documents; give them a copy of the warning or citation, and any public information pamphlets that the department provides.
17. Follow with an appropriate closing. If the driver was cooperative, thank him or her for their cooperation. If the driver is still angry, simply say "please drive safely" NOT "have a nice day"!
18. Make sure the driver is able to safely re-enter the traffic stream, then return to your vehicle and clear the stop with the communications center.