

CAMBRIDGE POLICE DEPARTMENT

Title: *TRAFFIC VIOLATOR CONTACT*

Procedure: 4.613

Date Issued:

Revised:

PURPOSE:

To establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

Provide guidelines for the interaction between motorist and officer.

To establish procedures when stopping traffic violators.

To outline special processing requirements.

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. For violators it is frequently an emotionally traumatic experience. 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.

PROCEDURE:

OFFICER/VIOLATOR CONTACT

1. Officers shall perform vehicle stops only when they have a legal reason 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. 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 the communications center of its nature providing unit location, a description of the vehicle, vehicle license 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.

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.

Should the violator stop abruptly in the wrong lane or location, the officer should instruct him to move using the appropriate hand signals and the vehicle's public address system.

5. Once properly stopped the officer should position the police vehicle about one to one and one half car length behind the violator's vehicle and at an off set, with the front approximately 2 feet to the traffic side of the violator's vehicle.

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.

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 passenger side and stop at the trailing edge of the front door.

When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the driver door, being particularly observant of the occupant's movements and choosing a path that will not allow the occupants to thrust the door open against the officer.

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 emergency lights and 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 vehicle 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.

10. Once the officer has stopped the violator and communications are taking place, officer/violator relations begin. The officer should:

be alert at all times;

present a professional image, physically and emotionally;

base enforcement action on violator's driving behavior;

greet the violator in a courteous manner;

ask the violator for a driver's license, registration, and any other appropriate documents;

inform the driver of the violation and type of enforcement action intended;

complete the forms for the enforcement action taken; and,

explain the citation to the violator.

11. 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. Whenever possible the officer and violator should avoid standing in front of, between or behind the stopped vehicles.

12. During the stop, the officer should instruct the violator to remain in his motor vehicle while the officer writes the citation or conducts other business. Violators shall not be permitted to sit in patrol vehicles while citations are being prepared or other police business is being conducted unless the officer is investigating a traffic crash.

13. When preparing citations, in the patrol vehicle, the officer should position paperwork and related material in a manner that allows him to maintain observation over actions of the violator and other occupants.

14. Officers will provide motorists with information explaining his rights and

responsibilities concerning his arrest or citing for a traffic violation.

15. Officers should advise violators of the procedure pertaining to their court appearance, and whether their appearance is mandatory.

16. Offenses not requiring a mandatory court appearance may be prepaid according to current Court procedure. Officers shall advise violators of this operation and the procedures for prepayment.

MAKING HIGH-RISK VEHICLE STOPS

1. When planning to stop the suspect vehicle, the officer shall notify the communications center, describe the nature or reason for the stop, provide information on the vehicle, license 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 30 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. Once the suspect vehicle has stopped, officers should assume positions of cover.

6. The primary 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. Generally only the primary officer shall issue commands.

7. The primary officer shall first identify himself and then notify the occupants of the

vehicle that they 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 to follow all commands, such as: 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 backward until commanded to stop and lay face down on the ground with hands stretched far to the sides. All other 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.

STOPPING OVERSIZE AND OVERWEIGHT VEHICLES

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 him to exit the vehicle, when necessary.

DIPLOMATIC IMMUNITY

1. Diplomatic immunity is not a right that a foreign official has because of his position, but a privilege given by the President of the United States.

2. Diplomatic officers, their families and servants who are not nationals or permanent residents of the United States are protected by unlimited immunity from arrest, detention or prosecution, with respect to any civil or criminal offense.

3. Persons making such a claim must possess photo identity cards (not diplomatic passports) issued by the State Department and the United Nations.

4. Consuls, vice consuls, deputy consuls and some of their staff hold immunity while specifically engaged in diplomatic work. This immunity depends upon the activity of the person at that particular moment.

5. Officers having contact with a foreign official are empowered to temporarily detain any person claiming diplomatic immunity while official status is verified by the U.S. State Department. All foreign mission members and dependents are accountable for traffic violations. Stopping a foreign mission member or dependent, and issuing a traffic citation, does not constitute an arrest or detention, and is permissible. Normal procedures should be followed in the intervention of a traffic violation, even if immunity ultimately bars prosecution or a serious offense. Levels of immunity vary depending on the individual.

6. The United States Department of State, Office of Foreign Missions can provide detailed driver and vehicle information. They can advise an officer on the scene on handling, documenting, and reporting an incident involving individuals that may have a level of immunity. The officer shall document all information pertaining to the incident. The following phone numbers can be used to obtain information:

Use 202-647-4570/1404/1405 (Duty hours 8-5 eastern time Monday - Friday) to verify if an individual is a foreign mission member with immunity.

Use 202-895-3521 for handling, documenting and reporting procedures.

Use 202-647-7277 for all after hours questions.

JUVENILES

1. Juvenile traffic arrests should be handled in the following manner:

A report will be completed any time a juvenile is taken into custody.

The juvenile's parents will be notified if the juvenile is taken into custody.

If a juvenile is charged with an incarcerable offense or if the juvenile charged is under the age of sixteen, a "JUVENILE MOTOR VEHICLE COMPLAINT FORM" will be completed and forwarded to Juvenile Justice. All charges will be placed on the "JUVENILE MOTOR VEHICLE COMPLAINT FORM". No traffic citations will be issued.

If a juvenile, age 16 or 17, is charged with a traffic violation that is not incarcerable the juvenile will be issued a traffic citation.

NONRESIDENTS

1. The State is a member of the Nonresident Violator Compact (NRVC). These States allow drivers to sign the traffic citation, for minor violations, instead of posting the required bond. This allows a motorist to accept a traffic citation and proceed without delay, and does not burden the officer with a lengthy bonding process.