

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT: TRAFFIC STOPS		NUMBER:	6.2.2
		ISSUED:	10/29/2009
SCOPE:	All Sworn Personnel	EFFECTIVE:	10/29/2009
DISTRIBUTION:	General Orders Manual	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:	<i>Verbal Judo for Law Enforcement:</i>	WILEAG 3 RD EDITION STANDARDS: 6.2.5	

INDEX AS: Approach to Violator's Vehicle
Traffic Stops
Vehicle Contacts

PURPOSE: The purpose of this General Order is to provide guidelines for stopping and approaching traffic law violators.

This General Order consists of the following numbered sections:

- I. POLICY
- II. GENERAL CONSIDERATIONS
- III. REASONS FOR VEHICLE CONTACT
- IV. TYPE OF CONTACT AND THREAT ASSESSMENT
- V. LEVEL/STAGE/DEGREE OF STABILIZATION
- VI. OFFICER SAFETY DURING TRAFFIC STOPS

I. POLICY

- A. The Port Washington Police Department shall maintain a policy calling for enforcement action against violators of the traffic code within jurisdictional boundaries.

II. GENERAL CONSIDERATIONS

- A. The perception of the increased risk of being stopped for a traffic or equipment violation strongly influences a motorist's behavior.
- B. Traffic enforcement by the uniform patrol shifts shall be conspicuous to act as a deterrent to traffic code violations.
- C. The officer shall handle traffic contacts in a professional and courteous manner.
- D. Officers, when stopping moving traffic violators, shall make the vehicle stop in a location that is safe for both the officer and the violator whenever possible. The positioning of the police vehicle should be such so as to provide safety to the officer at the scene of the stop, taking into consideration the time of day, type of violation, and potential hazards known to exist at the time.

III. REASONS FOR VEHICLE CONTACT

- A. Any law enforcement officer may have vehicle contact in the following situations:
 - 1. The officer has reasonable suspicion for a traffic or equipment violation.
 - 2. The officer has probable cause to arrest a driver or passenger for a crime.
 - 3. The officer has reasonable suspicion that a driver or passenger has committed, is committing, or is about to commit a crime.
 - 4. The officer wishes to assist a motorist who is in apparent need of help.

IV. TYPE OF CONTACT AND THREAT ASSESSMENT

A. Types of Contact

1. Approach Contact

- a. Approach contacts are those that do not appear to pose a higher-than-normal risk of danger to the officer. The officer therefore feels relatively safe in approaching the vehicle to speak to the driver. Vehicle contacts for minor violations typically fall into this category.

2. Non-Approach Contact

- a. Non-approach contacts are those in which the officer does not feel safe in approaching the vehicle, but instead chooses to take other action, such as directing the driver to step out of the vehicle and move to a different location for contact. Or the officer may choose

simply to wait until backup has arrived before making contact.

3. High-Risk Contact

- a. High-risk contacts are those in which the apparent level of danger is enough to require extreme caution. These typically involve multiple officers, ordering of vehicle occupants out one at a time, and so on.

B. Threat Assessment

1. Threat assessment decisions are based upon the officer's level of perceived risk. Threat assessment is not a one-time action; it is a continuing activity throughout the contact.

C. Threat Assessment Opportunities

1. Prior Experience

- a. If the officer has dealt with this individual before, he/she will have some basis for predicting how he or she will respond to the officer now.
- b. Bear in mind however, that past behavior is not a guarantee of future behavior.

2. Violation

- a. The nature and severity of the offense that prompted the contact may have implications for the level of threat posed by the suspect.

3. Pre-Signal Behavior

- a. All behaviors that the officer observed prior to the stop should provide some indication of the level of threat presented. These behaviors shall be noted by the officer.

4. Signal Reaction

- a. Any unusual response to the officer's signal or emergency lights should heighten the officer's awareness of the potential threat level.

5. Vehicle

- a. If the vehicle itself poses a danger to the officer or proves to be a disadvantage, the officer shall have a higher threat level awareness i.e.
– tinted windows, large vehicles, or motorcycles.

D. Special Circumstances

1. When the officer chooses to initiate a stop, he/she needs to consider the environment around them before turning on their emergency lights. The three general aspects of a stop location to consider are:
 - a. Traffic hazards - hill crests, curves, construction zones, intersections, and high traffic areas.
 - b. Complications - private property, little or no light, hostile crowds, and pedestrian traffic.
 - c. Escalation or disengagement opportunities - cover and concealment, vehicle escape routes, and on-foot escape routes.

V. LEVEL/STAGE/DEGREE OF STABILIZATION

A. The level/stage/stabilization refers primarily to the type of contact the officer chooses to make.

1. Approach contact – low threat level
 - a. Make the decision to stop the vehicle
 - b. Report the location, vehicle description and your intended action to dispatch
 - c. Conduct a tactical evaluation to help you decide how to handle the stop
 - d. Initiate the contact by signaling the driver to pull over
 - e. Position officer's vehicle properly
 - f. Approach the subject vehicle properly
 - g. Make contact with the subject
 - h. When officers return to their squad, they face two potential hazards: traffic and the subject/s in the stopped vehicle. Officers should not ignore either one. Therefore, depending on conditions, officers should return to their squad one of two ways:
 - 1) Facing the squad and traffic, walking forward but looking back over their shoulder at the stopped vehicle as needed to monitor its occupants
 - 2) Facing the vehicle (or bladed slightly toward the roadway), walking backwards, but looking frequently over their shoulder at traffic.
 - i. Complete forms, record/registration checks, handle radio and laptop traffic/transactions.

- j. Re-contact the driver
 - k. Return safely to the squad and assist the motorist back into traffic
 - l. Complete paperwork
2. Non-Approach Contact - threat assessment suggests that it is unsafe for an approach but the perceived risk does not warrant a high-risk vehicle contact
- a. Make the decision to stop the vehicle
 - b. Report the location of the contact and vehicle description to dispatch
 - c. Initiate the contact by signaling the driver to pull over
 - d. Position officer's vehicle properly
 - e. Remain in the squad and use the PA system to give directions to the occupants of the vehicle
 - f. Have the driver gather their driver's license or identification and have it in hand
 - g. Have the driver exit vehicle and walk towards the front of the officer's squad
 - h. The officer will then position him/herself either by the drivers side or passenger front fender to make personal contact with the driver
 - i. The officer will gather all needed information and have the subject return to their vehicle
 - j. Return to the squad and run record checks, use radio, laptop, etc.
 - k. Re-contact the driver at their vehicle
 - l. Return safely to the squad and assist motorist back into traffic
 - m. Complete paperwork
3. High Risk vehicle contacts - High threat level - the four considerations are nature of the offense, occupants with warrants for violent offenses, pursuits, and occupant with violent history.
- a. Report location and vehicle information to dispatch and request nearest back-up unit
 - b. Coordinate/communicate your actions with those of other responding

officers

- c. When the officers are in position, make the stop
- d. Position law enforcement vehicles properly
- e. Using the PA, order occupants out of vehicle one at a time and secure them
- f. Properly clear the vehicle

VI. OFFICER SAFETY DURING TRAFFIC STOPS

A. Officer safety shall be a primary consideration when taking any traffic enforcement action.

B. Initial stop of a motorist.

- 1. Officers should choose the location for a traffic stop carefully to avoid hills, curves and intersections that may cause danger from other traffic to the officer and person stopped.
- 2. Officers should be aware of their location and immediate surroundings should it be necessary to seek cover during the stop.
- 3. The location of the stop, and the vehicle's registration number and state, or a complete description of the vehicle if the vehicle has no registration plates, shall be called into the dispatch center prior to initiating the traffic stop.
- 4. Authorized emergency lighting (red or red and blue oscillating or flashing lights) shall be used to initiate a stop and until the stop is completed. The use of 4-way flashers or blinking yellow lights on the overhead light bar are not authorized in lieu of the red and blue lights and do not provide the legal protection of Sec. 347.25, Wis. Stats. However, they may be used in addition to the red and blue lights on the police vehicle.
- 5. Officers should position their police vehicle to the rear and slightly off center to protect the officer from other traffic while approaching the stopped vehicle.

C. Initial Contact with a Motorist.

1. Utilizing headlamps and take-down lamps at night, officers should observe the occupants of the vehicle prior to and during the approach to the vehicle for unusual activity. Officers should position themselves behind the driver's door to avoid a sudden opening of the door when making the initial contact with the driver and should continue observation of all occupants of the vehicle, including those in the back seat or back of a van or truck.
 2. Wanted and driver status checks on the operator, and any passengers for which the officer has identifying information, should be made. The officer should maintain frequent visual contact with the vehicle and occupants while completing the warning or citation.
 3. Officers hearing radio traffic of a stop by another officer in the area should drive by that location to ensure the officer's safety or render assistance, as necessary.
 4. Delivery of the warning or citation should be made in the same manner as the initial approach to the vehicle using all precautions. The officer should let the stopped vehicle exit the area first and should not extinguish emergency lighting until the officer intends to re-enter the flow of traffic.
- D. Officers making vehicle contacts should follow the tactical steps for conducting vehicle contacts as set forth in *Verbal Judo for Law Enforcement*:
1. Proper greeting.
 2. Without pausing following the greeting, identify yourself and the agency.
 3. Give the violator the reason for your stop.
 4. Ask the violator if there was any justifiable reason for committing the alleged violation.
 5. Ask for the violator's driver's license.
 6. Ask for further information (address, registration, etc.).
 7. Make decision as to appropriate action.
 8. Close the contact with an appropriate remark in an attempt to harmonize the contact.
 9. When officers return to their squad, they face two potential hazards: traffic and the subject/s in the stopped vehicle. Officers should not

ignore either one. Therefore, depending on conditions, officers should return to their squad one of two ways:

- a) Facing the squad and traffic, walking forward but looking back over their shoulder at the stopped vehicle as needed to monitor its occupants
- b) Facing the vehicle (or bladed slightly toward the roadway), walking backwards, but looking frequently over their shoulder at traffic.

E. Enforcement action is the issuance of a verbal warning, written warning, parking ticket, uniform traffic citation, or in some situations, physical arrest.

F. The type of enforcement action taken shall be at the discretion of the officer taking such action unless otherwise directed by the shift supervisor.

1. Violations that are flagrant, interfere with the flow of other motor vehicle or pedestrian traffic, or result in a motor vehicle accident would normally result in the issuance of a uniform traffic citation.
2. Moving traffic violations that are of major concern, but unintentional on the part of the violator and do not substantially interfere with other motor vehicle or pedestrian traffic may result in a written warning, and shall be entered in the department's records software as a written warning.
3. Moving traffic violations that are of minor concern, not intentional on the part of the violator, and do not interfere with motor vehicle or pedestrian traffic may result in a verbal warning.
4. Parking tickets shall be issued for violations for which the parking ticket is designed and shall be issued with discretion.
5. Physical arrest may result in those cases where the physical arrest of the violator is necessary.

G. When conducting vehicle contacts, officers may request consent to search if there exists a reasonable and articulable suspicion of specific evidence or contraband in the vehicle.

1. If a consent search is conducted during a vehicle contact, the officer must articulate the reason for the search in an incident report.
2. This does not preclude any other legal reason to search a vehicle, including probable cause, search incident to arrest, reasonable suspicion that the vehicle contains a weapon (Terry v. Ohio), or exigent circumstances.

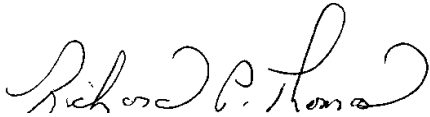
H. At the conclusion of all vehicle contacts when a citation is issued, the officer

shall provide the driver with a Port Washington Police Department brochure entitled "Municipal Court Procedure" or "Important Information" (for Circuit Court) and the "Frequently Asked Questions" brochure. All officers should maintain a supply of these brochures with their name and badge number filled in.

1. Vehicle contacts conducted to assist motorists, provide directions, issue warnings, or similar circumstances do not require providing a brochure.

APPROVED:

DATE:



Chief Richard Thomas

12/11/09

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