

Misdemeanor and Felony Traffic Stops

Objective:

Explorers should be able to conduct a misdemeanor traffic stop and issue a ticket or make a misdemeanor arrest. Explorers should be able to conduct a felony traffic stop and make felony arrests. Explorers should be able to use proper radio communication and properly use the patrol car equipment during the traffic stops. Explorers should have a clear understanding of the dangers and safety concerns of making misdemeanor traffic stops.

Foreword:

Many officers are killed each year and thousands more are injured in traffic related incidences. For example, in 1999, over half of all officer, line-of-duty deaths were related to traffic incidences. In addition, when the use of weapons at the traffic stop are added, the percentage of traffic related deaths is over 55 percent. Every stop for a traffic violation has the potential for danger.

Routine traffic stops, as they are sometimes called, sometimes turn out to be anything but routine. Officers find uninsured drivers, drivers with suspended licenses, impaired drivers, illegal firearms, drugs and fugitives. Discoveries like these are all in a day's work for many officers. It is important that officers place a great deal of emphasis on their safety and take a defensive posture at the stop until the risk of confrontation or injury is diminished.

Misdemeanor Traffic Stops

There are three primary purposes for every traffic stop:

The first purpose is to stop a violation of the law for public safety. Officers will accomplish this purpose merely by stopping the vehicle. The second purpose of the stop is to serve as a general deterrent to other drivers. Officer's visible presence with a vehicle at the roadside has this symbolic effect on other drivers. Finally, the third purpose is to change the driver's future driving behavior. Officers' interaction with drivers during the stop will be a major determining factor in their attitude toward law enforcement in the future. The goal is to achieve voluntary compliance with traffic regulations, but also acceptance of the laws and enforcement. People are more apt to accept a new or modified behavior if they trust and respect the authority. This is why professionalism is so important at the traffic stop

Team Structure:

Explorer #1 = Primary Officer
Explorer #2 = Secondary Officer (rides with the Explorer Driver)
Explorer #3 = Back up unit
Explorer #4 = Back up unit

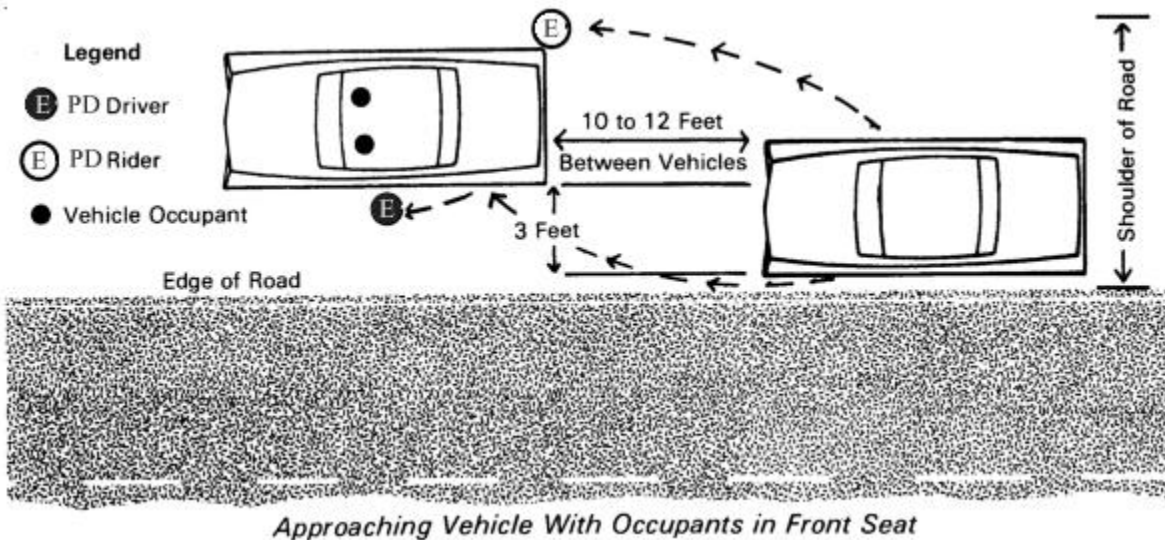
Initiating the traffic stop:

1. Radio communication with dispatch:
 - A. Run the vehicle license plate and give vehicle description, example "license plate check on Texas TPX23L for a brown ford pick-up."
 - B. If possible, wait for dispatch return before making a traffic stop.
 - C. Check out with vehicle, example "I'll be out on traffic with TPX23L, a brown Ford pick-up at 123 Easy Street, vehicle occupied by 2 white males."
 - Always give vehicle description when running a license plate



- Always give location of stop and number and brief description of people in the vehicle.
- Request back up. (normal misdemeanor traffic stops do not require back up, however, for Explorer scenarios back up should be requested.)
- If a two man unit, the passenger should be the radio operator.

2. Activate emergency lights and stop violator in a safe location.
3. Turn vehicle wheels toward the roadway.
4. Always check for traffic in the mirrors and with a quick peek before exiting the patrol car.
5. While advancing to the violator vehicle, check the trunk and make sure it is closed.
6. Look through the windows and do a visual “pat down” of the vehicle and occupants.
7. Make contact with the driver.
8. If necessary, make contact on the passenger side of the vehicle. Don't Get run over!



The seven-step violator contact method

1. Greeting and identification of the police agency:

The greeting may be accomplished in the most natural way for the officers. They may introduce themselves, or use only a "Good Morning," "How do you do?" or other natural greeting. This is a courtesy we owe to every citizen stopped. Regardless of whether the officers are in a marked car and in uniform, they should identify themselves and name the agency. The objectives in the greeting are to employ business courtesy, to help make the subject feel at ease, and to establish a common ground free of unnatural actions, superiority, or deference. Smile and speak in a quiet voice. Remember there are many citizens and a great number may not reside in the locale and therefore do not

recognize the uniforms. A greeting and identification of the agency represented are important, not only to the violator, but to the success of the contact.

2. Identification of driver and check of conditions of violator & vehicle:

The officer should identify every violator stopped by requesting his/her driver's license. If the subject does not have license, the officer should ask for other identification, preferably one that carries the subject's description. If the subject has none, the officer should write down a brief description of the person: age, height, weight, eyes, hair, marks, and address. The officer, after identifying the subject, should call him/her by name during the remainder of the interview. Should a violator hand an operator's license to the officer in a purse or billfold, have him/her remove the license him-/herself so that no accusations can be made about loss of money or important papers. A close comparison should be made between the description of the individual and the description of the subject on the driver's license. Also ask to see the violators insurance.



3. Statement of violation committed:

The officers owe the driver the courtesy of telling him/her at once the reason s/he has been stopped. This step should emphasize the seriousness of the violation and serve to create a proper effect upon the violator. If the case is one of speeding, the officers should ascertain whether attending circumstances might morally justify such speed to a normal, prudent person. After being told of the violation for which s/he has been stopped, the question, "Is there any reason for your excessive rate of speed?", offers the subject an opportunity to justify his/her actions if a reason exists, and if none, places him/her in a position of admitting the violation. However, with the above exception, one should refrain from asking questions concerning the subject's knowledge of the violation committed. Remarks made by the officer should be in the form of a statement rather than a question.

4. Statement of action to be taken:

The officer should make a clear statement, in a firm but calm manner, which will leave no doubt as to the action planned. Example: "You will be charged with the offense of speeding in the Justice of the Peace Court in Austin. You will be given ten (10) days (Specify Procedure) in which to answer this charge. You are going to be charged with the offense of passing with insufficient clearance. You will be warned for the violation that you have committed. A record of this violation has been made and we ask that you cooperate by driving your vehicle in compliance with traffic regulations." Patrol officers should practice the technique of refraining from using the work "I" during the violator interview. Place the emphasis on the violator, and the violation committed, by using the word "you". When the patrol officer states that, "I am going to...", the action shifts from the violation committed to the action to be taken by the officer and affords the violator an opportunity to shift the blame from the offense committed to the action taken by the arresting officer. When the "you" technique is practiced, much unpleasantness is avoided.

5. Take that action:

Write the citation, take the violator into custody, or call his/her attention to the seriousness of the violation and possible consequences (warning), therefore performing the action in the manner the officer has decided.

6. Explain what the violator must do:

Explain to the violator exactly what action s/he must take. That is, s/he must get into the patrol car, follow the patrol car, appear at a certain court by a certain time and before a certain Magistrate, or refrain from repeating the violation. A short explanation serves to dispel much uncertainty in the mind of the violator. Make the explanation clear and be sure the violator understands. Remember, s/he may not be familiar with the courts and the locations involved as you are. A little extra time here may result in more appearances on time and less warrant service.

7. Leave:

Closing the contact with the violator is awkward for many officers. It is an opportunity to create a feeling of friendliness if the proper technique is used. Gloating attitude should be avoided. An expression of real friendliness by the officer and an attitude of helpfulness and service is desired. Do not overdo it, however; the officer should never give the subject any reason to think that s/he is sorry for giving the violator a ticket and that s/he now wishes to "oil the water". The leave taking should be as firm and impersonal as the approach. A "Good Afternoon" or "Be Careful" spoken in a sincere, yet business-like tone is sufficient. When the violator contact has been broken, immediately return to the patrol car.



FILLING OUT THE CITATION

Explorers should stand in a position of safety when filling out the citation. It is a good practice for the primary officer to go back to the patrol car and stand on the passenger side behind the open passenger door. The door will provide protection should an incident occur. As a good rule, Explorers should approach together (one on each side) and leave together when making contact with the violators.

RUNNING DRIVERS LICENSE CHECKS:

Secondary officers should handle all radio traffic. The primary officer should maintain contact with the violator is the violator is outside of the vehicle and the primary officer should write the ticket.

When advising dispatch the license number, also advise them of the name and date of birth. This will ensure dispatch runs the correct number and matches it to the name given.

REMOVING OCCUPANTS FROM THE VEHICLE:

When asking occupants to get out of the vehicle, Explorers should:

- 1) Always be in a position to respond to an aggressive act.
- 2) Walk tactfully; never turn you back on a violator.
- 3) Always have enough Explorers to have at least a one on one contact with a violator.
- 4) Always stand in a safe place. Usually in the grass off the side of the shoulder or on the side of the police car opposite of the traffic.
- 5) Never stand between the violator and the traffic; you may get pushed into traffic!

MISDEMEANOR ARRESTS:

Always confirm warrants before making an arrest. Use standard arrest practices when making a misdemeanor arrest. Do not over react and do a felony take down on someone who did not pay a traffic ticket. Make sure the arrest takes place in a safe area, not close to traffic.

CONDUCTING AN AUTOMOBILE SEARCH

Where there has been a stop of an automobile, the officer stopping the automobile may make a protective search of the passenger compartment of the automobile if the officer possesses reasonable suspicion that the vehicle contains weapons potentially dangerous to the officer. The investigative search extends to those parts of the passenger compartment in which a weapon may be placed or hidden. Just because there is a stop of an automobile does not mean the officer may conduct an investigative search.

An individual may be stopped for a traffic offense, and the officer may see items in plain view such as drugs or drug paraphernalia or evidence of other crime. This would give the officer probable cause to believe that other evidence is located in the vehicle. Thus, the vehicle can be searched there or it can be taken to the police station where a search of the entire vehicle may be made.

An arresting officer may make a warrantless search of the interior of a car at the time and place of arrest if there is probable cause to arrest one of the occupants. The scope of the search can be extended to the entire automobile if there is probable cause to believe there is evidence in the trunk or under the hood. The warrantless search need not take place where the arrest of the occupant took place if there is a valid reason for conducting the search at another place such as at the police station.

When an individual is stopped for a robbery and the driver is arrested and taken to the police station, the car may also be taken to the police station. If the robbery has recently taken place, there may be probable cause to believe the car contains evidence of the robbery, and it may be searched at the police station.

EXPLORERS SHOULD DO THE FOLLOWING WHEN SEARCHING A VEHICLE:

Ensure a safe search

- Do not let the violators near the car when searching
- Always have an Explorer stand with a violator when the search is taking place.
- Pat down the violator before doing a vehicle search.
- Be aware of traffic around you
- Don't leave a vehicle door hanging open.

CONFRONTATIONAL DRIVERS

Handle drivers with negative attitudes appropriately. When the driver or occupants are hostile, minimize the potential for escalation by ignoring their attitudes and concentrate on the driving behavior and getting the violator to respond to your requests. Also, continually reinforce that you are taking this action to correct the driving behavior and not because of other personal reasons.

Use your training in crisis intervention and other intervention techniques to de-escalate the problem. For example, if the violator begins yelling, talk softly so he may quiet down.

Remain polite and professional at these times, even if the incident escalates to an arrest. There will be fewer problems if violators and suspects are treated fairly.

If questioned about a specific procedure or action, you may say, it's a state law or it's an agency policy. This indicates that the officer's action has a legal or procedural basis and that the action is not being taken for some personal reason.

If drivers make claims of unfair treatment, politely inform them how to make a complaint to the agency or your supervisor.

DURING SUSPICIOUS OR FELONIOUS STOPS:

When asking for a consent search, use a tone of voice that suggests this is a request -- not a command. Also, avoid putting undue stress on the driver and occupants prior to the request for a consent to search--such as having a number of officers standing close to the driver that may be intimidating and void the legality of the search. Remember, the driver may withdraw the consent for a search at any time.

Treat drivers under suspicion professionally. It is known that even drivers under suspicion will respond more openly and talk more freely if treated with courtesy. This will also be less stressful for the officer.

If a legal search yields nothing, thank the driver for his or her cooperation. If the search resulted in disruption to the vehicle, such as removal of cover plates, panels, or seats, put the items back the way you found them, unless the driver insists on doing it. It may be appropriate to explain why the search was conducted.

If the incident escalates to a felony stop, continue to treat the driver and passengers professionally.

Felony Traffic Stop

Explorers should follow the same radio procedures as doing a misdemeanor stop and request back-up and a hold on the radio traffic. The stop should be done in a safe location out of traffic and away from pedestrians. Be away that suspects me run, so include that in determining where the stop should be made.

Once the vehicle is stopped Explorers should take the following positions:

Unit #1

Explorer Driver: Uses the public address system and gives commands to the vehicle occupants. This Explorer also assists with the vehicle search at the end of the occupant removal.

Explorer Rider: Arresting Explorer and is the radio operator. This Explorer should also be the Explorer that checks out with dispatch for the traffic stop.

Unit #2

Explorer Driver: Arresting Explorer

Explorer Rider: Vehicle Search Explorer

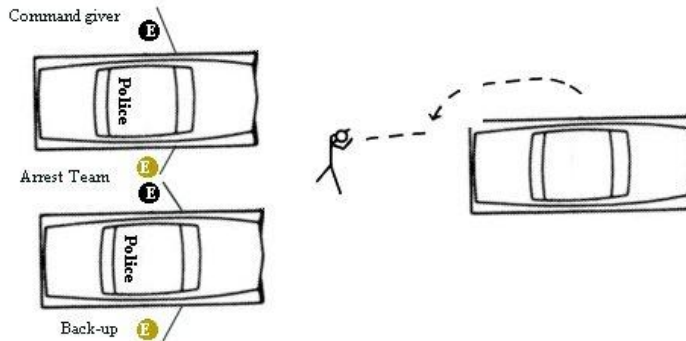
Use your car as cover. Position stoplights on the suspect vehicle to blind the suspects. Use spotlights even during the daytime.



Commands to give suspects:

Announce your self and reason for the stop (example: This is the Houston Police, you are driving a stolen vehicle)

Announce actions to be taken (example: All occupants in the vehicle are under arrest. All occupants of the vehicle place you hands on top of your head)



 Explorer Driver

 Explorer Rider

Felony Arrest Traffic Stop

Direct your commands:

- Driver only, turn off the car and drop the keys on the ground, do it now! (always follow up commands with “do it now”)
- Driver only, take your seat belt off and open the car door, do it now.
- Driver only, get out of the car and face away from us, do it now.
- Driver only, with your left hand, lift your up your shirt, do it now.
- Driver only, turn around in a complete circle, do it now.
- Driver only, take three steps backward, do it now. (Explorer should not say “walk back to the sound of my voice” The suspect may not go in the direction you want them to. Instead, Explorers should order the suspect to “take three steps” back or right etc. This will get the suspect to the location of your choosing.)
- Have the suspect back up to about the front tires or front bumper area of the patrol car. At this point of time the Explorer Rider in Unit #1 will take over the commands using only his voice, not the PA. Explorer Driver in unit #2 will make the first arrest.

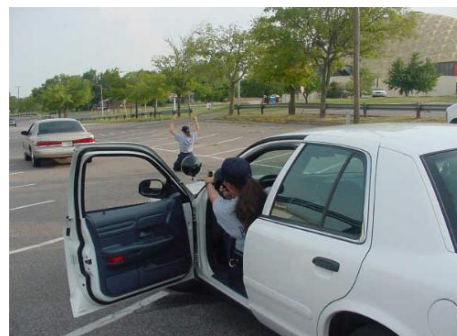
Follow the same procedures in making a felony arrest as written in the Use of Force Concepts chapter of this manual. Do a brief pat down for weapons at the arrest location. Then tactfully walk the arrestee to the rear of the patrol cars and do a thorough search behind the trunk.

ASK QUESTIONS

Ask the arrestee questions like:

- How many people are in the car?
- Are there any weapons?
- Don't forget to read the arrestee their marianda rights.

Once the scene is secure you can investigate the crime or allegations and make confirmation of the stole vehicle of the correct suspects. Don't forget to confirm all warrants and all stolen hits before finalizing the arrest.



Remove all other occupants giving similar commands. Wait until the arrest team is back in place before removing the next suspect.

Advance Team

Explorer Driver Unit #1

Explorer Rider Unit #2

After all of the occupants are out of the vehicle, the advance team should advance on the vehicle tactfully and quickly. If a suspect is found hiding in the vehicle, the advance team should retreat to the cover of their patrol units and start the process over. If the suspect does not respond and all other options have been exhausted, the advance team can advance again on the vehicle and use force to remove the suspect.