
**Section: THREE
Chapter: ELEVEN**

SUBJECT: Traffic Law Enforcement Practices
ISSUE DATE: 03-11-16
REFERENCE: NYSA 8.3, 39.1, 47.1, 47.2, 47.4

I. ENFORCEMENT TYPES

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.
- B. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- C. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- D. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- E. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities that will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

II. OBJECTIVES OF TRAFFIC STOPS

- A. There are two major objectives of a traffic stop:
 - 1. To take proper and appropriate enforcement action.
 - 2. To favorably alter the violator's future driving behavior.

The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict that may develop between the officer and violator and assist in achieving the two major objectives.

III. TRAFFIC VIOLATOR/OFFICER RELATIONS

- A. Procedures to be followed when conducting traffic stops:
 - 1. Always be alert for the unexpected.
 - 2. Be absolutely certain the observations of the traffic violation were accurate.
 - 3. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - 4. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.

5. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude.

B. Procedures prior to stopping a traffic violator should include the following:

1. Maintain a reasonable distance between the violator's vehicle and the police vehicle.
2. Locate a safe spot to stop the vehicle.
3. Activate emergency and other equipment necessary to signal the violator to stop.
4. Advise the dispatcher of the intention to stop the violator. The officer will give the location of the stop, license plate number, and any additional information deemed necessary.
5. The officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position should be a minimum of two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.

C. In addition to the above procedures, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, the officer should:

1. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop unless there is a specific need to stop the vehicle sooner.
2. Train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable.
3. When necessary, use the unit's public address system to give the occupant(s) of the vehicle instructions.

D. Roadway traffic hazards

1. On multi-lane roadways, the officer should ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
2. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him/her to move to a safer location. Officers can use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

E. Approaching the violator

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible.

1. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
2. The officer shall approach from the rear of the violator's car, looking into the rear seat and stop behind the trailing edge of the front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer

can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.

3. In cases where the violator's car has occupants in both the front and rear seats, the officer should approach to the leading edge of the front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
4. If a traffic stop is made by two or more officers, one officer shall make contact with the violator. The second officer will handle all radio communications. This backup officer shall act as an observer and cover the contact officer. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator, and positioning the police vehicle. After the stop, the headlights should be set on low beam (for the safety of oncoming traffic) unless extenuating circumstances exist. Necessary emergency equipment will be used (both day and night).

F. Communicating with the violator

In transacting business with the violator, the officer shall:

1. Greet the violator courteously with an appropriate title.
2. Ask for the violator's driver license, vehicle registration, insurance identification card, etc.
3. Inform the violator what traffic law was violated.
4. Allow the driver to discuss briefly the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
5. If the violator does not have a license, obtain another document of identification if available.
6. Complete the forms required for the enforcement action taken or issue a warning, if appropriate.
7. Explain to the violator exactly what is supposed to be done in response to the action taken.
8. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
9. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

G. Completing the stop

1. Return all the violator's documents.
2. Release the violator after issuing a warning or summons.
3. Assist the violator in safely reentering the traffic flow when necessary.
4. Do not follow the violator.

IV. STOPPING A KNOWN OR SUSPECTED FELON

- A. Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located the officer will notify the dispatcher immediately of the location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request assistance when making the stop.

- B. The officer will keep assisting units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. Unless absolutely necessary, the stop will not take place until adequate support is available and in position. Circumstances may dictate a one-officer felony vehicle stop.
- C. The following procedures will be used in effecting the stop:
1. The officer will plan to stop the vehicle in a location that presents minimal danger to the public.
 2. When conditions are appropriate and assisting units are available, the officer will move into position to the rear of the suspect vehicle and prepare to make the stop.
 3. The officer will signal the violator to stop, using all necessary emergency equipment.
 4. The violator will be stopped on the extreme right side of the road.
 5. If the violator is known to be armed and dangerous, the officer will have his/her weapon easily accessible and ready for immediate use.
 - a) Precautions should be taken to ensure that in effecting the stop that no other traffic travels past the stop that may be placing them in harm's way.
 6. When the suspect vehicle begins to stop, the officer will turn on the public address system.
 7. The officer will position the police vehicle so that it provides maximum protection and cover.
 8. At night, the officer shall focus all lights on the interior of the suspect vehicle.
 9. The officer, where possible, should leave the police vehicle quickly but remain behind the door and accessible to the public address system microphone.
 10. **The officer making the stop is in command and will direct each occupant, using the public address system if necessary, as follows:**
 - a) First, once stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside the door.
 - b) Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle.
 - c) The officers shall then order occupants to exit the vehicle on the driver's side only, one at a time.
 - d) Occupants will then be ordered walk backward to an area near the police vehicle. They may be told to lie face down on the ground.
 11. If a public address system is not available, the officer will give voice commands. If this fails, the officer will cautiously approach the vehicle, keeping all occupants in view, to a point where he/she can be heard.
 12. To reduce confusion, the officer making the stop will instruct assisting officers, as appropriate, and will be the only officer to initially direct the suspects.
 13. As each occupant is placed in the search position a support officer will conduct a search of the occupant and secure the occupant before the next occupant is directed out of the vehicle.
 14. The support officers will cover the arresting officer and remain in a position of advantage until all occupants are in the search position.
 15. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
 16. Officers will exercise extreme caution not to get within each other's line of fire.
 17. Arrestees will be searched and handcuffed before transportation.

V. JUVENILES

Officers have available several alternatives to effectively deal with juveniles who are stopped while operating a motor vehicle. Officers should bear in mind the age of the juvenile and the seriousness of the offense in determining the appropriate response. The methods described below can be used as a guide when dealing with juveniles.

- A. Parent notification and release to a parent at the scene.
- B. Return to parent's residence with notification.
- C. Custody.

VI. OUT OF STATE OPERATORS

- A. Traffic violators from another state will be handled in a way similar to state residents. Exceptions include stopping an out of state driver committing a violation that would not be a violation in his/her state. The officer may then decide to issue a warning rather than a citation.

VII. SPEED MEASUREMENT DEVICES

- A. The following guidelines will govern the operation, care, upkeep, and maintenance of the Department's radar units, and training and operator certification.
 - 1. All officers utilizing Department radar units must be certified by the NYS DCJS Office of Public Safety.
 - 2. Officers will calibrate and utilize department radar units in accordance with established procedures outlined by the NYS DCJS Office of Public Safety.
 - 3. Once the officer has completed his calibrations, he/she will record the results on his/her daily log.
 - 4. Radar units must be turned off in the vehicle when not in use.
 - 5. Tuning forks must be kept in their protective sheaths when not in use.
 - 6. Department radar units will be sent to an outside agency every six months for calibration and maintain a proper file for each unit's calibration history.
 - 7. If during a tour of duty, a unit malfunctions, the officer will return the unit to the station, prepare a memo describing the malfunction, and submit it to the Officer in Charge. The Officer in Charge will then arrange for repair or replacement.
 - 8. All officers are to be aware that studies have indicated that prolonged direct contact with the antenna of the unit may cause cancer. Officers are advised not to direct the antenna at himself or herself or another person.

By the Order of:

David B. Smith
Chief of Police