
 <p>Cambridge Police Department</p>	POLICY & PROCEDURES		No. 610
	Subject/Title: Motor Vehicle Stops		
	Issuing Authority: 	Review Date: May 10, 2010	Issue Date: August 5, 2010
	Robert C. Haas Police Commissioner	Effective Date: September 1, 2010	Rescinds: Policy #2000-1
References/ Attachments:	Accreditation Standards: 61.1.7 & 61.1.8		

I. PURPOSE:

The purpose of this directive is cover the various aspects involved when officers of this department are engaged in motor vehicle stops, to include the following:

- Identify the proper and appropriate criteria to be followed when deciding to engage in a motor vehicle stop.
- Describe the safety precautions an officer is expected to follow when engaging in a motor vehicle stop, including those stops that are considered to be high risk.
- Identify the procedures that officers are to follow when initiating a motor vehicle stop and approaching the motorist.
- Describe the actions to be taken by an officer when issuing a motor vehicle citation.
- Describe the procedures to be followed when stopping an oversize and/or overweight vehicle.

II. POLICY:

It is the policy of the Cambridge Police Department for its officers to always conduct themselves in a professional and courteous fashion when engaged in a motor vehicle stop. Further, officers are expected to only perform a motor vehicle stop when they have an articulable reason for performing this law enforcement function. Racial, age, gender, and any other type of profiling are strictly prohibited as a justification for any police officer to conduct any type of stop or seizure of a person. Traffic enforcement shall be based solely

on the basis of the violation observed and not the profile of the operator and/or occupants.¹

III. GENERAL CONSIDERATIONS AND GUIDELINES:

Traffic enforcement operations pose a number of challenges to officers. One of these is determining the appropriate officer safety precautions that should be taken in circumstances where little, if anything, is known about the operator and/or passengers prior to the stop. Another is determining the appropriate enforcement response necessary to modify driving behavior. Some of these contacts may result in citizen complaints being filed against officers. It is important that officers conduct themselves in a professional manner at all times during traffic stops. Officers should always be certain they have at least a reasonable suspicion of criminal conduct, or a motor vehicle violation, before initiating a motor vehicle stop.

Although stopping motorists for traffic violations is considered a primary function of the police, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently “routine situations.” This is why it is always paramount for officers to exercise good defensive tactics and always remain alert for the unexpected. Officers should never let their guard down and at the same time engage in an interaction with the motorist that is not construed to be rude or discourteous.

Often times, it is assumed by the officer that the motorist knows why he/she is being stopped and why an officer behaves in a certain manner when engaged in a motor vehicle stop. On the contrary, the motorist may not even be aware that he/she has even committed a violation and may become extremely defensive. It is up to the officer to maintain control of the situation and to ensure that neither the officer nor the person being stopped is placed in harm’s way. The officer can often de-escalate a situation by remaining calm and explaining to the motorist why the officer stopped the motorist.

It has been demonstrated that the enforcement action taken by the officer does not cause resentment on the part of the motorist, especially when the officer is conducting him/herself in a professional and confident manner. What tends to create anger on the part of the motorist is how the motorist perceives how he/she is being treated by the officer. If a motorist feels that he/she is being lectured to, demeaned or belittled by the officer’s conduct, or being treated disrespectfully, is when the motorist feels he/she is being treated unfairly and heighten the volatility of the exchange between the officer and the motorist. An officer should never get baited into a debate or showing any anger, rudeness, or discourtesy. It is in these situations when the tables get turned on the officer, and the motorist will use that opportunity of filing a complaint. In order to disarm a motorist, the department has adopted a standard approach whereby the officer is expected

¹ Also refer to the department’s policy entitled, *Policy #230 – Addressing Bias-based Policing*.

to introduce him/herself and explain the reason why the motor vehicle stop was being performed.

IV. PROCEDURE FOR MOTOR VEHICLE STOPS:²

- A. General Precautionary Measures:** If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously or fatally injured making motor vehicle stops. Traffic violators, suspicious vehicles, and criminals present unknown risk to the officer making the stop. Reasonable precautions should always be taken in stopping a motor vehicle, being cautious of traffic and dealing with the occupants.
- B. Initiating the Motor Vehicle Stop:** Prior to stopping the vehicle or immediately upon stopping a motor vehicle, the officer is expected to notify the Emergency Communications Center (ECC) of the following:
1. Prior to initiating the stop or prior to engaging the motorist, the officer should advise ECC of his/her intentions of making a motor vehicle stop.
 2. Provide the location of the anticipated stop.
 3. Provide the registration number and state of the vehicle. If the officer's suspicion is aroused at this point, the officer should provide a description of the vehicle.
 4. If the officer feels that the stop may involve more than the enforcement a traffic violation, the officer should provide information as to the number of occupants in the vehicle, and if deemed prudent, request for a backup unit.
- C. Selecting the Location for the Stop:** As part of making the decision of making a motor vehicle stop, the officer should always try and position the stop in a way that the following factors are taken into consideration:
1. *Lighting:* In low light conditions or at night, the officer should try to make the stop in a well lit area, if possible. Both from the standpoint to allow the officer to adequately see his/her surroundings and to be seen by other passing vehicles.

² CALEA Std. 61.1.7 – A written directive establishes procedures for motorist stops, to include:

- a. Traffic law violators;
- b. Unknown risk stops; and
- c. High risk stops.

2. *Traffic Flow:* If the officer has to be overly concerned about or distracted for his/her own safety in terms of passing traffic, or if the stop is going to interfere with the free flow of traffic, the officer should try to pick a location where he/she is removed from those dangers.
3. *Severity of the Violation:* The driving behavior of the motorist might be an indication of what type of reception an officer might be met with when first being confronted (i.e., if the driver was driving in an aggressive manner, or the evidence of road rage). In this situation, the officer may wish to request a backup unit to start in his/her direction.
4. *Weather Conditions:* Apart from sight restrictions on the part of passing motorists, the officer should also take into considerations stopping distances of approaching motorists, width of the road that might be compromised by encroaching snow banks, just to name a few issues.
5. *Characteristic of the Roadway:* This becomes an issue with respect to effectuating a motor vehicle stop on a sharp curve or just beyond the crest of a hill. Often times, it is worth the added precaution of having a motorist move to a safer location along the road prior to beginning the transaction.

D. Mechanics of Making the Stop: When the officer is ready to effectuate a motor vehicle stop, he/she should employ the following cautionary measures:

1. The officer may elect to follow the vehicle a short distance prior to initiating a stop to make additional observations of the operation of the vehicle or to ensure a safe location for the stop.
2. The officer should then activate the police cruiser's emergency lights to signal for the operator of the vehicle to pull to the right side of the road, preferably out of the traffic lane of travel. If the motorist does not initially seem to take notice, the officer should then use the following signals in attracting the motorist's attention:
 - a. Blow the cruiser's horn once or twice, and that doesn't work; then
 - b. Use the cruiser's siren to attract the motorist's attention.
3. If the operator does not stop in a safe location, the officer should instruct the motorist where to situate the vehicle before engaging in a conversation with the motorist by way of the cruiser's PA system.
4. In stopping the suspect vehicle, guard against any evasive action by its operator.

5. Park the patrol vehicle to the rear of the stopped vehicle with emergency lights on to warn traffic and to assist any backup officers responding to the scene. The police cruiser should ideally be situated as follows:
 - a. One-half car length behind the violator's vehicle;
 - b. At a slight angle to the stopped vehicle, with the front end of the police cruiser offset to the stopped vehicle further out in the traffic lane to create a safe passage lane for the officer; and
 - c. Use of takedown lights and/or spotlights should be used when they would not pose a hazard to oncoming traffic, to enhance occupant and officer safety.
- E. Approaching the Vehicle:** The officer should approach the vehicle with caution, checking the trunk and rear seat, and watching the occupants' movement inside the vehicle.
1. When there is two-person sector car involved in the stop, or a second cruiser involved, it is standard practice for the second officer to take up a tactical position on the passenger side of the stopped vehicle. At no time, should a second officer remain in his/her vehicle while another officer is engaged with the operator and/or occupants of a stopped vehicle.
 2. As a defensive measure, a single officer engaged in a motor vehicle stop may elect to approach the vehicle on the passenger side of the vehicle at the officer's discretion. Sometimes it may just be prudent just to stay out of passing traffic.
- F. Dealing with the Motorist/Violator:**³ Officers are expected to conduct themselves in a professional manner at all times, keeping in mind the use of proper language, bearing, and emotional stability. Officers should:
1. Be certain of their observations of the alleged violation;
 2. Have the necessary forms and equipment to deal with the situation;
 3. Maintain tactical awareness, and be observant for signs of impairment, criminal activity, or criminal intent;

³ CALEA Std. 61.1.8 – A written directive establishes procedures for officers to follow in their contacts with traffic violators.

4. Initiate the conversation with the motorist/violator with a friendly greeting using an appropriate title in a courteous manner. Officers are expected to introduce themselves and identify the agency they represent, whenever practical to so.⁴
5. Request the required documents and identification, etc.
6. When obtaining documents, do not accept wallets, purses, or folders. Have the motorist remove the document from the container before accepting it; and
7. After obtaining the required documents or identification, explain to the motorist the reason for the stop.
8. Keep in mind that some violators encountered will show signs of emotional distress. Officers should deal with these individuals in a calm, courteous manner to help reduce that anxiety.
9. If occupants are removed from the vehicle, they should be directed to a location relatively safe from traffic. Officers and violators should not stand between the stopped and police vehicles.
10. If the operator and/or the occupants get out of the vehicle on his/her own while the officer is otherwise engaged or in the officer's estimation in a manner that creates a potential safety hazard, the officer should politely instruct the person(s) to return back to the vehicle. When appropriate, the officer should explain the reasoning behind the instruction, namely for the safety of the individual(s)
11. Officers should not show the motorist the speed reading on the radar or LIDAR device.
12. Officers should briefly listen to the violator's explanation. However, officers should not become engaged in a debate over the merits of the stop. Motorists who wish to contest a citation should be courteously advised that it is unsafe to do so at the roadside and to request a Clerk Magistrate Appeal.
13. If citing the driver, officers should briefly explain the violator's options and point that those options are printed on the back of the citation.⁵

⁴ Also refer to the department policy entitled, ***Policy #230 – Addressing Bias-based Policing.***

⁵ CALEA Std. **61.1.4** – *At the time a motorist is charged with a violation, the agency provides information relative to the specific charge, to include;*

- a. *Court appearance schedule;*
- b. *Optional or mandatory nature of court appearance by the motorist;*
- c. *Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau; and*
- d. *Other information that must be provided to the motorist prior to release.*

- Written warnings have no fine.
- Civil Citations: The violator may pay by mail or request a hearing.
- Criminal Citations: Mandatory court appearance. Violator will be notified of the court date if no action is taken or may request a show cause hearing within four (4) days.

14. Prior to completion of the stop the officer must complete the Data Collection Form

15. Upon completion of the enforcement action, officers must ensure that the motorist safely re-enters the flow of traffic, prior to notifying ECC of the completion of the stop.

16. If the officer is concerned about any aspect of the stop or the engagement with the motorist, the officer may elect to make appropriate notes to the CAD record, or may elect to request a File Number and complete an incident report. It is generally a good practice to let the sector sergeant know if any issues arose during the course of a motor vehicle stop, and be guided by his/her advice.

H. Non-Uniformed Officers Involved in MV Stops: Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren should not normally make motor vehicle stops for traffic violations.

1. In situations where failure to act would create unreasonable risks of injury, death or significant property damage, such personnel will notify ECC 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.
2. Non-uniformed officers vehicles not equipped with emergency lights or siren should 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 should contact ECC, request a marked patrol vehicle perform the stop and assist in directing the marked unit to the subject vehicle's location.

I. Stopping Oversize and Overweight Vehicles: In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be observed:

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 the 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/her to exit the vehicle, if and when necessary.

V. FELONY/HIGH RISK STOPS:⁶

- A. General Precautionary Measures:** During high risk felony stops, officers must use extreme caution, employing tactics to minimize the exposure of officers, offenders and the public to danger and undue risk.
- B. Preparing for the Stop:** At no time will an officer effectuate a suspected felony/high risk motor vehicle stop without first pre-warning ECC of his/her intention of making the stop. In addition to the normal protocols of furnishing ECC with the location, description of the vehicle, registration number and state, and description of the occupants (refer to Section IV. B. of this policy), the officer will take the following steps:
1. Provide whatever information that may be at the officer's disposal, clearly indicating that the officer believes that the stop may constitute a higher than normal risk;
 2. Request that backup officers be deployed;
 3. If possible, delay initiating the motor vehicle stop until backup units can get into position; and
 4. If practical to do, select a site that is going to give the officer the greatest amount of protection.
- C. Conducting the Stop:** Taking into consideration all of the precautionary measures normally exercised anytime an officer is executing a motor vehicle stop, he/she should attempt to employ those measures if at all possible.

⁶ CALEA Std. 61.1.7 (c)

1. *Positioning the Police Cruiser:* When positioning the cruiser behind the vehicle being stopped, the officer should position his/her vehicle in such a fashion that it provides the officer the greatest degree of protection (usually angling the cruiser so that the engine portion of the vehicle is between the officer and the occupants of the suspect vehicle. The officer should also be mindful of:
 - a. Persons, homes, businesses, and traffic down range of the suspect vehicle; and
 - b. The position of the backup officers to avoid initiating a cross fire in the event that the use of firearms becomes necessary.
2. *Staying with the Police Cruiser:* Unless there is some compelling reason, the officer should remain with his/her police cruiser, using the police cruiser as cover. Prior to engaging with the occupants of the vehicle, the officer who will be directing the occupants on what to do, should first be sure that all the necessary support is in place.
3. *Giving Orders to the Vehicle's Occupants:* Preferably, the officer who will be issuing the directions to the occupants of the vehicle should use the police cruiser's PA system to give orders. This officer should clearly declare themselves as the **contact** while an assisting officer is the **cover** officer. The contact officer should provide the following set of orders in a clear and distinct fashion, ensuring that the occupants comply with the order before giving another order:
 - a. Order the operator to shut off the vehicle.
 - b. Order the operator to turn on the interior lights of the vehicle.
 - c. Order the operator to roll down the operator's window.
 - d. Order the operator to place the keys of the vehicle on the roof of the vehicle.
 - e. Order the occupants of the vehicle to place their hands in plain view.
 - f. Order each occupant, one at a time, to slowly exit the vehicle with their hands in the air.
 - g. Order the occupant exiting the vehicle to slowly make a complete turn with their hands in the air and make a cursory check for weapons.

- h. If a weapon is spotted, tell the backup officer and the offender that it is seen. Do not permit the offender to touch the weapon or make a move toward the weapon.
 - i. Order the offender to walk backwards toward the officers and then to lie down on the ground with his/her feet and arms extended away from his/her body.
 - j. Once all of the occupants have been safely moved from the suspect vehicle, contact/cover tactics should be followed and the contact officer should cautiously move up to the vehicle to check for anyone who may be concealing themselves in the vehicle.
 - k. Once the vehicle is deemed to be safe, the backup officer should then take a cover position on the suspects who are lying in a prone position on the ground.
 - l. Once all of the officers in position to adequately cover the suspects, an officer should then proceed to handcuff each of the suspects.
 - m. Once all of the suspects are properly secured, an officer should then systematically search the suspects for weapons, prior to being assisted off of the ground.
4. *Completion of a Police Report:* Whenever an officer is forced to take the actions described for a felony/high risk stop, the officer will be required to complete an Incident Report, outlining the circumstances that led up to the motor vehicle stop, all of the actions that proceeded from the stop, and the final disposition of the incident. The officer should be sure to include the names of all of the parties involved, including witnesses, other involved parties, and the names of the officers who assisted.

D. Notification & Response of a Supervisor: Whenever it becomes apparent that an officer may be engaging in a felony or high risk motor vehicle stop, there should be notification to a supervisory officer, whether it is the patrol supervisor (patrol lieutenant) or sector sergeant. There should be an affirmative acknowledgment to ECC that a supervisory officer is aware of the situation and actively monitoring taking place. The following steps should take place with regard to the role of the supervisory officer:

1. If a supervisory officer does not make it known that he/she is monitoring the situation, ECC should be making contact with a supervisory officer (either the patrol supervisor or the sector sergeant), and receiving such acknowledgment.

2. Aside from monitoring the situation, the supervisory officer should be making his/her way to the scene of the felony or high risk motor vehicle stop.
3. Based on the information being relayed, the designated supervisory officer should be directing assets as may be deemed to be appropriate.
4. All officers must be cognizant that during these situations, communication particularly from the officer(s) engaged in these kinds of situations is essential. Whenever possible any excess communication on the radio channel be used for this situation should be kept to a minimum.