

# TOWN OF CHEEKTOWAGA POLICE DEPARTMENT

Effective: January 1 <sup>st</sup> , 2016	Subject: <b>STOPPING VIOLATORS</b>
Rescinded:	

## GENERAL ORDER O-5-2

### Purpose:

Vehicle and traffic stops for violations present a special set of circumstances to the police and public. Many times this is one of the few contacts citizens have with the police. It important that officers conduct themselves professionally keeping in mind the concerns and perceptions of the public. Officers shall adhere to safety procedures and policies to ensure officer safety and the safety of the person stopped as well.

### Policy:

It is the policy of the Cheektowaga Police Department that officers will conduct themselves in a professional and courteous manner during traffic stops and follow accepted procedures and practices.

There are two major objectives for traffic stops:

1. To take proper and appropriate enforcement action, and
2. To favorably alter the violators future driving behavior.

The following steps are to be observed when making a vehicle and traffic stop:

### I. **Stopping:**

- a. Locate a safe spot, preferably on the right side of the roadway to stop the vehicle.
- b. Activate the overhead lights as a warning device to other vehicles. Notify the dispatcher of your location and the vehicle registration number when you make the stop and await acknowledgment from the dispatcher before proceeding to the vehicle, when possible.
- c. Stop behind and approximately three (3) feet to the left of the vehicle and at least one car length behind.
- d. When applicable, train the stoplight and takedown light on the occupants of the vehicle.
- e. Do not allow the occupants to leave their vehicle unless so ordered.

**II. Approaching the vehicle:**

- a. Upon leaving the police car, be alert for any unusual and sudden movement.
- b. Approach the vehicle from the left rear looking into the rear seat. Stop slightly behind the front door, keeping occupants in view. Approaching from the right side is permissible when the officer's safety is at risk.
- c. If you are working a two-officer patrol car, the passenger officer will approach the vehicle from the passenger side and keep visual contact with any rear passengers and front seat passengers, especially mindful of the glove box and/or sudden furtive movements that could be indicative of the hiding of evidence or the seizing of weapons.

**III. Communications with Motor Vehicle Operator:**

- a. Be courteous, polite and professional.
- b. Explain to the citizen the reason for the stop as soon as practical, or upon request, unless providing this information will compromise the safety of officers or other persons.
- c. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- d. Answer any questions the citizen may have, including explaining options for disposition of the traffic summons, if relevant.
- e. Provide your name, rank and badge number when requested.
- f. If the officer determines that the reasonable suspicions were unfounded, provide the detained person with an explanation of why they were stopped. (e.g. matched the description of a person wanted for a crime.)
- g. Upon returning the paperwork and summons, explain to the driver what it is they are supposed to do, i.e., when and where to appear for court. Do not predict the action of the court or offer the services of an attorney or other legal assistance.
- h. If the operator is a juvenile, follow guidelines set forth in procedures for juveniles.

**IV. Removal of the Occupants:**

- a. Whenever an occupant(s) is to be removed from the vehicle, his safety and that of the officer will be the foremost concern.
- b. Keep the occupants under control for their safety and that of the officers.
- c. Be cognizant of the area, the terrain and any vehicle and pedestrian traffic that could possibly interfere with your control of the person(s) and/or safety factors.

**V. Field Notification of Possible Warrant Check:**

- a. In order to promote officer safety when a warrant inquiry results in a possible hit on a subject being detained by a unit in the field, the following procedure will be used:
  - 1. As soon as a possible match is made between a detained individual and a wanted subject, the dispatcher will contact the inquiring unit and make sure the officer is away from the suspect before notifying him of the possible warrant. The dispatcher will then contact a back-up unit when deemed necessary and or upon request. Available details of the nature of the crime involved and available descriptive information will be relayed to the back-up unit at this time. An apprehension should be made only after the identifying information has been ~~matched~~ verified with the detained individual, and the warrant has been confirmed with the originator.

**VI. Arrest:**

- a. Many arrests for various charges begin with vehicle and traffic law violation stops. If an arrest is made, officers shall notify headquarters and follow departmental policies on the towing and impoundment of vehicles, the transporting of prisoners and arrest booking.

Refer: General Orders

O-5-1 - Types of Violators

O-5-8 - Towing and Impounding

O-11-1 - Prisoner Transport

O-11-2 - Arrest Booking Procedures and Security

A-1-6 – Preventing Biased Policing

<u>Date:</u>	<u>Chief of Police:</u>
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