

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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STOPPING AND APPROACHING TRAFFIC VIOLATORS

482.00 PURPOSE

The purpose of this General Order is to establish policy and procedure for all encounters between police officers and citizens during traffic stops, arrests and investigative detentions.

482.01 POLICY

The Department respects and protects the rights of every individual and pledges to treat everyone fairly and without favoritism in all enforcement actions. All investigative detentions, traffic stops, arrests, searches and seizures of property by commissioned police officers will be based on a standard “reasonable suspicion” or “probable cause” as required by the Fourth Amendment of the U.S. Constitution and statutory authority.

All investigative detentions, traffic stops, arrests, searches and seizures of property based on race, ethnicity, gender, sexual orientation, religious beliefs, disability, handicap or health-related conditions, or economic level conducted without probable cause or reasonable suspicion, for the arrest, traffic stop or investigative detention are **strictly forbidden**. **Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for the arrest, traffic stop or investigative detention.**

482.02 PROCEDURE

The stopping and approaching of persons observed violating traffic laws is an integral part of the day-to-day operation of the Division of Field Operations personnel. NO vehicle stop should be considered to be routine and there are inherent dangers in every vehicle stop.

A. Vehicle Stop Operations

Departmental personnel stop traffic violators as part of the department's overall traffic enforcement efforts. Nothing in this operational guideline precludes an officer from stopping a vehicle to offer assistance, [e.g. to inform the driver that an item was left on the roof or a substance is leaking from the car]. Violators are stopped and contacted for a number of reasons.

1. The primary purpose for all traffic enforcement activity is to gain voluntary compliance with traffic and other laws.
2. To warn or cite violators when appropriate
3. To locate and apprehend suspects
4. To act as a deterrent to other motorists

B. Location of Violator Stops

Personnel must consider a number of issues concerning the location for making a vehicle stop for traffic violation. Personnel may choose to delay a stop until a more suitable location is found. When stopping a violator personnel should consider:

1. Traffic congestion
2. Availability of a back-up officer, if needed
3. The roadway configuration - hill, curve, width, shoulder size, etc.

C. Radio Traffic

For officer safety reasons, personnel shall provide information to communications about all traffic violator stops. The following information should be relayed **prior** to initiating the stop:

1. Location of the stop
2. License number of violator's vehicle
3. Vehicle description
4. Reason for Stop (when deemed necessary)
5. Number and basic description of occupants (when deemed necessary)

D. Stopping the Violator

Personnel may use a number of techniques to gain the attention of violators and to get them to come to a stop. These include:

1. Activate the police vehicle's emergency lights
2. Sound the Police vehicle's horn
3. Shine the spotlight into violator's vehicle
4. Manually activate the police vehicle's siren
5. Full operation of the siren

E. Positioning of Police Vehicle

Personnel should position their police vehicle behind and in relation to the violator's vehicle in such a manner that affords the greatest amount of safety for the personnel and the violator. The police vehicle should be approximately fifteen feet to the rear

of the violator's vehicle. There are two basic methods of positioning the police vehicle.

1. The offset method has the police vehicle, parallel with the violator's vehicle but offset two to three feet to the left on a traffic stop where the violator has pulled to the right side of the roadway.
2. The angle method has the police vehicle, at an angle with the front of the police protruding out to the left.

F. Approaching the Violator's Vehicle

The approaching of a violator's vehicle can put police personnel at risk. Personnel should develop good, safe habits for this process.

G. Contacting and Conversation with the Violator

1. Precautions should also be taken once personnel have reached the violator
2. The majority of violators contacted by police personnel are ordinary citizens who may form their entire opinion of the police department from one encounter on a traffic stop. Personnel should keep this and all safety precautions in mind during a traffic stop.
3. Explain the reason for the traffic stop to the violator
4. Do not lecture or "talk down" to the violator
5. Do not argue with a violator

H. Action Taken on Violations

In most situations, police personnel may use their discretion to determine the best method to deal with a violator. The goal of "voluntary compliance" should be kept in mind.

1. Personnel may issue verbal warnings to a violator for minor offenses or infractions.
2. Personnel may issue the violator a summons for the offense
3. Personnel may arrest certain violators.

I. Wanted and Driving Record Checks

1. Personnel should use the in car mobile data terminal to determine license information, wanted and/or driving history checks on violators. However, due to a number of situations this is not always practical. Personnel should use their judgment in requesting these checks.

2. Personnel should consider the nature of the violation, actions of violator and the amount of time required to complete these checks when requesting them. These checks must be completed if a violator is arrested.

J. Issuing a Summons

When personnel issue a summons to a violator a number of steps must be completed prior to the release of the violator.

1. Explain the charge for which the summons was issued.
2. Summons the violator to the appropriate court [Municipal or Circuit Court] and explain the court location to the violator.
3. Assign the proper Court appearance date, time and location.
4. Explain to the violator whether the court appearance by the motorist is mandatory.
5. Circuit Court violations should be cited in court for the violation and the officer shall write in the court date section of the citation "To Be Notified".
6. Officers should explain available alternatives to the violator. The Violator should be advised if their appearance is mandatory or they may be allowed to enter a plea/and or pay the fine by mail or otherwise.
7. The violator's copy of the ticket, with envelope and fine/court cost instructions, will be given to the violator.
8. For detailed Traffic Ticket administrative procedures refer to General Order 453.00.

K. Completing a Violator Stop

Once a violator has been warned or a summons has been issued, the officer must continue to be cautious until the violator has left the location.

L. Stops at Night

It is important during all violator stops to be able to see the actions and movements of the occupants of the stopped vehicle. This becomes more difficult during nighttime hours.

M. High Risk Stops

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For a number of reasons, violator stops can become high-risk stops. An impaired driver or vehicle occupants who are wanted for the commission of some crime may pose an elevated threat to the safety of the officer.

N. Felony Vehicle Stops

Officers who have reason to believe a suspect [s] is armed, has committed a violent felony or possesses a significant threat to the officer shall conduct a felony vehicle stop on the suspects.

O. Role of the Backup Officer

The officer initiating a traffic stop may use his / her discretion on requesting a back-up officer.

P. Review of Vehicle Stop Practices

Guidelines for Biased Based/Racial Profiling review, reporting and training are contained in General Order 401.00.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name and title.

COLONEL THOMAS JACKSON
Chief of Police

Distribution
All Department Personnel