



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT:	TRAFFIC STOPS / APPROACH	NUMBER:	3.6
		ISSUED:	05/15/2016
SCOPE:	All Sworn Personnel	REVIEWED:	01/28/17
DISTRIBUTION:	Policy & Procedure Manual		
REFERENCE:	WI DOJ LESB " <i>Vehicle Contacts Training Guide for Law Enforcement Officers</i> "	WILEAG 4 TH EDITION STANDARDS: 14-6.2.5.1, 6.2.5.2, 6.2.5.3	

INDEX AS: Traffic Law Enforcement
Information Provided to Violator
Traffic Stops and Approach to Violator's Vehicle

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for officers of the Holmen Police Department for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. PROCEDURES APPROACH / NON APPROACH CONTACTS
- III. PROCEDURES HIGH RISK CONTACTS
- VI. ENFORCEMENT ACTION / SEARCHES

I. POLICY

It is the policy of the Holmen Police Department that motor vehicle stops shall be performed professionally and courteously. Officers of this department will maintain a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

II. PROCEDURES APPROACH / NON APPROACH CONTACTS

A. Legal Basis for Contact with Motor Vehicles

1. Officers have legal justification to have contact with a motor vehicle based on:
 - a. The officer has probable cause for a traffic or equipment violation.
 - b. The officer has probable cause to arrest a driver or passenger for a crime.
 - c. The officer has reasonable suspicion that a driver or passenger has committed, is committing, or is about to commit a crime.

- d. The officer is assisting a motorist who is in apparent need of help.
2. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.

B. Initiating Contact with Motor Vehicles

1. The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions.
 - a. Officers shall select an area that provides reasonable safety, avoiding curves, hills, intersections, construction zones, heavily trafficked and poorly lit areas and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations and areas where a large volume of spectators are likely to gather.
 - b. When a location has been selected for the stop, the officer shall notify the La Crosse County Emergency Dispatch Center (LCCEDC) of the following information prior to the officer exiting the squad car:
 - 1) Unit location,
 - 2) Registration plate of the violator's vehicle or a description of the vehicle (make, model, color) if the registration plate is not visible or is missing
 - 3) Number of occupants
 - 4) At the officer's discretion or communication center's request, additional information may be exchanged.
 - c. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or at the shoulder by taking full advantage of the warning devices available to officers in the squad car, including emergency lights, headlight and taillight flashers, etc. to warn other drivers of the stop. Officers should be aware that other drivers will tend to look at the lights—and drive toward what they are looking at. Officers should not get so focused on the subject vehicle that you are not aware of other traffic.
 - 1) On multi-lane roads, officers may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.

- 2) If the violator stops abruptly in the wrong lane or location, officers should instruct the driver to move by using the appropriate hand signals or by activating the vehicle's public address system.
- 3) As officer(s) are preparing to stop behind the subject's vehicle, they should unbuckle their safety harness to increase mobility and provide access to their weapon if needed.

C. Positioning of Squad Car

1. Officers should position their squad car between 15'-20' behind the subject vehicle using one of the following positions:
 - a. Off-set
 - b. Angle Left
 - c. In-line (should only be used when conditions make using the offset or Angle-left positions impossible)
2. Officers will choose either the offset or angle position based on the officer's evaluation of the contact. Officers should also turn the front wheels of the squad car to the left.
3. Prior to exiting the squad car officers will make a threat assessment considering:
 - a. Does the officer have prior experience with the person?
 - b. What is the violation/reason for contact?
 - c. What were the driver and/or occupants doing before you signal him/her to stop?
 - d. How did the driver react to your signal?
 - e. What kind of vehicle is involved?

D. Approach Contacts (6.2.5.1)

1. Officers will use an approach contact when their threat assessment suggests that it would be safe to do so. Officers may choose to approach the subject vehicle on either the driver's side or the passenger's side depending on:
 - a. Time of the day
 - b. Location of stop
 - c. Position of the squad car
 - d. Amount of traffic
2. During the approach officers should:
 - a. Avoid being silhouetted by the squad's headlights at night
 - b. Minimize your use of the flashlight at night
 - c. Minimize noise

- d. Check the trunk
 - e. Look inside the vehicle
 - f. Continue to assess threat
3. Officers should position themselves properly and safely at the subject's vehicle to speak with the driver and/or occupants.
 4. Officers will safely return to their squad car to verify all information received during the contact using the squad car MDC or the LCCEDC, before making their decision on the type of enforcement action they will employ.
 5. Officers are reminded they are expected to maintain a courteous and orderly manner when dealing with suspected traffic violators, and to recognize the emotional duress a violator may be under when approached by an officer.
 6. When initiating a motorcycle stop, If at all possible, try to get descriptive characteristics of the driver or passenger before initiating the traffic stop. Once the motorcycle has stopped, instruct the driver to turn off ignition. This will make it easier to hear and prevent driver from leaving.

E. Non – Approach Contacts (6.2.5.2)

1. Officers will use a non-approach contact when their threat assessment suggests that it would be unsafe to approach the vehicle but the perceived threat does not suggest conducting a high risk vehicle contact.
 - a. Officers may position the squad car differently based on the threat assessment.
 - b. Officers may use the squad car PA system to give directions to the driver and/or occupants; or officers may exit the squad car and use voice commands and/or hand signals.
 - c. Officers should consider asking for a back-up officer
2. When the officer is ready to do so, direct the driver and/or occupants to the chosen interview location. This location should be somewhere out of traffic where the officer can maintain a clear view of both subject and vehicle.
3. Officers will speak with the driver and/or occupants. After the initial contact and depending on the threat assessment, officers may have the subject remain at the interview location or have the subject safely return to the subject vehicle.
4. Officers will safely return to their squad car to verify all information received during the contact using the squad car MDC or the LCCEDC, before making

their decision on the type of enforcement action they will employ.

NOTE: An officer can always change to a different type of contact as the situation changes.

F. Night/Low Light situations – Officers will direct all available lighting towards the contact vehicle.

G. Initial Contact with Driver and/or Occupants

1. When officers first make contact with the driver and/or occupants, the officer will follow the Basic Contact Model. The basic contact consists of three phases:

a. Opening - consists of identifying yourself and your agency and explaining the reason for the stop. Officers will keep their tone of voice professional, courteous, and respectful and attempt to make the encounter as positive as possible. Remember that *most* people do not intend you any harm, in fact they may be frightened by you. Be authoritative but never rude or overbearing.

b. Information Gathering: Officers will ask questions to understand the context of the behavior that prompted your stop; to identify the individuals involved, and to fill in any other information you need to get. Officers should give the driver the opportunity to explain his/her actions.

1) Officers should avoid asking if the driver had a “legal justification” for the action. It’s too restrictive. Officers should just ask the driver if he/she has a reason or explanation for the violation. If it turns out that there *is* a reason, you will get that information right away. Even if the behavior is not justified, the driver will feel that the officer has not pre-judged the situation.

2) Officers should not get drawn into an argument. If the driver tries to argue, officers should deflect the argument with neutral phrases such as, “I understand that,” or “I can appreciate that,” then go right on to the next step.

3) Officers should ask the driver for a driver’s license (or other identification if he or she does not have a license) and proof of insurance. Here are some guidelines to follow:

a) Officers should ask the driver to take the license out of any wallet before giving it to you (and remove any proof of insurance from their wallet if necessary).

b) Officers should never take a wallet or purse from a driver.

c) Officers should ask the driver to hand the license and proof of insurance out through the window. Officers should Never reach

- inside the window to avoid being caught and dragged.
- d) Officers should take the license with hand held palm down; it is a stronger position than palm up.
 - e) Officers should hold the license so they can still see the driver and other occupants.
 - f) Officers should always check the picture on the license to make sure it matches the person.
 - g) Officers should confirm the address on the ID is current by having the driver say where they live
- 4) If the driver does not have identification, officers should offer paper and pen and ask him or her to write down the information. Officers should take a step back while the driver is writing to maintain a safe distance. Be sure to clarify anything that is illegible. Having the driver write the information down minimizes the chance for error, and in the case that the driver is giving false information, puts it in the driver's own handwriting.
- 5) Ask any follow-up questions that you need to, such as who owns the car, where the subject was going, whether he or she had been drinking, and so on. Use your conversation with the driver to continue the threat assessment.
- 6) If the vehicle does not have a license plate, officers will check the Vehicle Identification Number (VIN).
- a) If your threat assessment permits, officers should direct the driver to keep his or her hands on the wheel, and the officer should position themselves so that they can read the VIN off the dashboard while still watching the driver.
 - b) If an officer's threat assessment indicates this procedure would be dangerous, officers should wait for back-up, and then order the driver out of the vehicle before checking the VIN.
- c. Resolution - Officers should tell the driver and/or occupant to remain where they are while the officer verifies the information provided. Officers will evaluate all information provided, check the status of the driver's license, the status of the vehicle registration, if there are any prior vehicle contacts through CAD, and any personal information from prior contacts that the officer may be aware of before making a decision on what action to take.

H. Re-Initiating Contact

1. When officers have completed the records check and paperwork, re-approach the subject vehicle and re-contact the driver using the same procedures used to approach the vehicle the first time.
 2. Officers should not become complacent but continue the threat assessment until the contact is completely finished.
 3. Officers should hand the driver's license and other paperwork (registration, citation, etc.) to the driver with their reaction-side hand.
 4. Officers will provide the municipal court handout to the violator with all municipal traffic citations. Officers will explain the information on all traffic citations to the violator relative to the specific charge, court date, and information on how to pay the deposit amount or contest the citation.
 5. Officers should keep the conversation short, professional, and courteous, being careful to avoid common law enforcement jargon. Officers shall not lecture the driver, and avoid getting drawn into an argument. Officers should use tactical communications to deflect any verbal abuse and redirect the driver to the business at hand. Sometimes drivers become very upset at receiving citations and may make offensive or demeaning remarks. Even though these appear to be personally directed at officers, they really are the result of frustration with the situation. Officers should not respond in kind; just let the comments go and finish the contact with as little friction as possible.
 6. Officers should not tell the driver to "have a nice day." Even if meant sincerely, it can come across as sarcastic.
 7. Officers may want to remind the driver to buckle up, if he or she has released the seat belt while stopped.
 8. Officers should explain that the subject can leave at his or her convenience, when it is safe to re-enter traffic. Officers should tell the driver if they plan to assist the driver back into traffic, either by remaining behind with emergency lights on or by some other means.
- I. Officers hearing radio traffic of a stop by another officer in the area should drive by that location to ensure the officer's safety or render assistance, as necessary.

III. PROCEDURES HIGH RISK CONTACTS (6.2.5.3)

- A. Officers will use high risk contact tactics when their threat assessment has indicated the stop should be conducted to minimize the danger to themselves, other officers, and the public.

- B. Four considerations are particularly important in making the decision to handle a stop as a high-risk contact:
 - 1. Nature of the offense
 - 2. Occupants with warrants for violent offenses
 - 3. Recent high speed pursuits of the vehicle
 - 4. Occupant with violent history

- C. Officers who decide to conduct a high-risk vehicle contact will follow the standard procedures contained in the WI DOJ LESB "*Vehicle Contacts Training Guide for Law Enforcement Officers*". Any deviations from established procedures can not only be dangerous, they can be very confusing to other officers involved. Remember, a high risk contact is a team effort. Only in extreme situations should officers consider conducting a high risk contact alone.
 - 1. Officers shall use the same criteria procedures established in Section II.B.1.a. & b. of this policy when initiating a high risk vehicle contact.
 - 2. Officers will request back-up, a clear radio channel for emergency traffic and then coordinate other responding officers
 - a. Not all high-risk stops will have enough available officers to fill all the roles.
 - b. A minimum of three is recommended to conduct a high-risk contact properly:
 - 1) A contact officer,
 - 2) A cover officer,
 - 3) An arrest control officer.
 - c. In some circumstances you may have to make the stop with only two officers. In that case the cover officer will also act as the arrest control officer.
 - 3. Officers should wait for the back-up officers to be in position, before initiating contact/making the stop.
 - a. Officers should also be prepared to take appropriate action if the subject vehicle does *not* stop. Refer to Department 3.2, Vehicle Pursuits.
 - b. Prior to turning on the emergency lights, officers should discuss with back up officers how to handle that possibility.

4. Officers will ensure that back-up officers properly position their vehicles
5. Officers will use the squad car PA to order occupants out of the subject vehicle one person at a time using established high risk vehicle contact procedures. Each occupant will be secured before proceeding to the next one.
6. Officers will ensure that the subject vehicle is properly cleared

D. Special Conditions - Two situations warrant additional attention. These are:

1. Subjects refusing to obey verbal commands.
2. Subjects running from the vehicle.

Both of these situations may pose serious dangers for officers and therefore must be handled carefully.

- a. Subjects refusing to obey. If the subjects in the vehicle do not obey commands to show their hands, exit the vehicle, etc., there could be several reasons:
 - 1) They can't hear officers' commands.
 - 2) They can't understand officers' commands.
 - 3) They are refusing to cooperate.
- b. Subjects running from the vehicle. If when the vehicle stops one or more of the occupant's jumps out and starts running away, officers have a very unstable and dangerous situation. Follow these guidelines:
 - 1) If there is *any* chance that someone is still in the vehicle, officers shall maintain coverage of the vehicle.
 - 2) Officers should never allow anyone to chase a suspect forward of the subject vehicle; the officer may be ambushed by someone still in the vehicle, and fellow officers cannot return fire without endangering the pursuing officer.
 - 3) Officers should always broadcast a description and direction of travel so that other responding officers can set up a perimeter and look for the suspects.
 - 4) If officers lose sight of running suspects, they should guard against an attack from the rear.

If there are sufficient officers on scene some of them may assist by setting up a perimeter and searching for suspects. In general foot pursuits should be avoided as they are dangerous and difficult to coordinate.

IV. ENFORCEMENT ACTION / SEARCHES

A. Enforcement action is the issuance of a verbal warning, written warning, parking ticket, uniform traffic citation, or in some situations custodial arrest.

B. The type of enforcement action taken shall be at the discretion of the officer

unless action is otherwise directed by the police chief or Lieutenant.

1. Violations that are flagrant interfere with the flow of other motor vehicles or pedestrian traffic, or result in a motor vehicle accident would normally result in the issuance of a uniform traffic citation.
 2. Moving traffic violations that are of concern, but unintentional on the part of the violator and do not substantially interfere with other motor vehicle or pedestrian traffic may result in a warning.
 3. Parking tickets shall be issued for violations for which the parking ticket is designed and shall be issued with discretion.
 4. Custodial arrest may be necessary based on the provisions of the statutes or it is discovered that the driver is wanted by court or law enforcement agency.
- C. When conducting vehicle contacts, officers may request consent to search if there exists a reasonable and articulable suspicion of specific evidence or contraband in the vehicle.
1. If a consent search is conducted during a vehicle contact, the officer shall articulate the reason for the search in an incident report.
 2. This does not preclude any other legal reason to search a vehicle, including probable cause, search incident to arrest, reasonable suspicion that the vehicle contains a weapon (warrant might be needed depending on circumstance), or exigent circumstances.
 3. Written consent is preferred otherwise verbal consent should be video/audio recorded, if possible.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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