



# TIVERTON POLICE DEPARTMENT

<b>Subject:</b> Motor Vehicle Stops		<b>General Order Number:</b> 330.01
<b>Section:</b> 300- Law Enforcement Operations		<b>Subsection:</b> 30- Traffic
<b>Amends/Supersedes:</b> 7-2		
<b>Effective Date:</b> 04/22/2019	<b>Revised Date:</b> 04/22/2019	<b>Review Date:</b> 04/22/2022
<b>Per Order Of:</b> Patrick W. Jones, Chief of Police		
<b>RIPAC:</b> 11.3, 11.5		
<b>Distribution:</b> Sworn Department Members, Communication Center Operators		

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

## I. POLICY:

It is the policy of the Tiverton Police Department to establish and enforce guidelines designed to increase the safety of officers during vehicle approaches. Approaching a vehicle contains inherent risks whether approaching a vehicle stopped for a routine traffic violation or conducting a high-risk felony stop. Accordingly, it is incumbent on the Officer to identify safe practices for conducting vehicle approaches, train our employees in these techniques and monitor their application. Officers are authorized to modify the guidelines listed in this section as they feel may be necessary to improve the safety of the officer, the occupants of the contact vehicle and/or the public.

## II. PURPOSE:

To establish and maintain guidelines regarding procedures concerning stopping traffic law violators. Officers shall use uniform standards for safe and efficient handling of motor vehicle stops and whenever possible utilize professional and courteous treatment of motorists. Identify the factors that will be considered by officers when stopping and approaching vehicles.

## III. MOTOR VEHICLE STOP, UNKNOWN RISK PROCEDURES:

The following guidelines should be considered when conducting a vehicle stop of a traffic law violator:

- A. Location of stop- To the extent possible, the officer should control the location of the vehicle stop. Factors to consider would include but are not limited to:
1. Sight lines;
  2. Traffic pattern;
  3. Width of shoulder;
  4. Weather Conditions, and;
  5. Availability of backup.
- B. Communication with Dispatch:
1. The officer will notify dispatch the following information:
    - a. Location of the stop;
    - b. Registration displayed on stopped vehicle;
    - c. Color and make of vehicle stopped if no visible registration;
    - d. Number of occupants in stopped vehicle and whether or not back up is needed;
  2. Unless an emergency situation exists, officers shall relay the above information BEFORE exiting his/her patrol vehicle.
- C. Vehicle positioning:
1. Contact vehicle- To the extent possible, officers should position their vehicle:
    - a. At a Safe Distance - The patrol vehicle should be stopped behind the contact vehicle at a distance that, at a minimum, allows the officer to see the entire rear portion of the contact vehicle. That distance may be increased for any situation in which the officer feels that the added distance is necessary.
    - b. In a Protective Position - The patrol vehicle should be positioned behind the vehicle in a location that provides some protection from oncoming traffic and positioned in a manner which would direct the patrol vehicle away from the officer and the contact vehicle in the event of an impact from the rear.

2. Backup vehicle- The same provisions outlined for the contact vehicle should be followed by backup vehicles except in situations involving felony (high-risk) stops. Felony stops are discussed later in this section.

D. Lighting:

1. Emergency lighting:

- a. Officer Initiated Stop -In stops initiated by the officer, forward- and rear-facing emergency lights should be activated until suspect vehicle comes to a complete stop. Rear-facing emergency lights shall be activated during the entire stop. Forward facing emergency lights may be de activated in order to conduct certain law enforcement functions (i.e. field sobriety tests).
- b. Stops not initiated by officers- In situations such as motorist assists when the officer has not initiated a stop, just the rear-facing lights should be activated. If the rear-only option is not available, forward- and rear-facing lights should be activated.

2. Spotlights, takedowns - To the extent possible, officers should use available vehicle lighting to both limit the ability of the vehicle's occupants to see the officer and to illuminate the interior of the contact vehicle. For example, the patrol vehicle spotlight can be aimed at the contact vehicle's mirrors.

E. Approach to vehicle:

1. Side of Approach- Vehicles may be approached from either the driver's or passenger's side of the contact vehicle.
2. Awareness of Lighting- Officers should be aware of the need to avoid being silhouetted by the patrol vehicle's lights.
3. Trunk- If possible, officers should verify the trunk lid is latched.
4. Position of Officer Relative to Contact Vehicle- While being aware of the actions of rear-seat passengers, if possible officers should position themselves at or behind the rear portion of the front door of the contact vehicle. With most vehicles, this would be slightly behind the doorpost.
5. Cover Officer
  - a. Side of Approach- If a second officer is present, they should approach from the opposite side of the contact vehicle.

- b. Position Relative to Contact Vehicle- The cover officer should position himself or herself so that they can see as much of the contact vehicle as possible.
- c. Responsibilities of the Cover Officer- The cover officer should, to the extent possible, inspect the interior of the vehicle, monitor actions of passengers, and be aware of risks outside of the vehicle such as traffic, people not involved with the stop, etc.

F. Officer-Violator Contact

- 1. Officers shall exhibit professional and courteous treatment of traffic violators.
- 2. Officers shall take proper enforcement action and attempt to alter favorably the violator's future driving habits.
- 3. Officers shall use uniform standards for safe and efficient handling of motor vehicle stops.

The officer will:

- a. Give a greeting;
- b. Identify himself/herself by rank and last name;
- c. Give the reason for the stop (RIGL 31-21.2-5(h));
- d. Request license, registration, and proof of insurance;
  - (1) With the exception of operators who are subject to federal motor carrier regulations, no operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license, motor vehicle registration, and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity or the operator has failed to produce a valid driver's license (RIGL 31-21.2-5(d)).
- e. Give a verbal warning, notice and demand or issue a citation/summons;
- f. Inquire if any further guidance or assistance is required prior to ending the motor vehicle stop.

4. Information for Motorist- Officers shall provide notification to a motorist of specific information relative to the citation, at the time of issuance, which includes the following:
  - a. Court appearance date, time and location;
  - b. Whether court appearance by the motorist is mandatory;
  - c. Whether the motorist may be allowed to enter a plea/and or pay the fine by mail or otherwise.
5. A brief publication explaining motorists' rights and responsibilities and a fine schedule issued with the citation may augment the information provided verbally by the officer. This information is included on the back of the e-citations.
6. A citation report shall be generated through the Tritech Records Management System (RMS) for ALL motor vehicle stops. Citation reports include:
  - a. Municipal or Rhode Island Traffic Tribunal (RITT) citation/summons;
  - b. Verbal Warning (CN);
  - c. Notice and Demand (NDL).

G. R.I.G.L. 31-21.2-5 "Law Enforcement Practices"

1. Officers shall comply with R.I.G.L. 31-21.2-5 "Law Enforcement Practices", which states:
  - a. *Unless reasonable suspicion or probable cause of criminal activity exists, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable period of time for the arrival of a canine unit or subsequent criminal investigation, if there is reasonable suspicion or probable cause of criminal activity.*
  - b. *No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle which is stopped solely for a traffic violation, unless reasonable suspicion or probable cause of criminal activity exists.*

c. *Any evidence obtained as a result of a search prohibited by subsection (a) or (b) shall be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to preclude any search otherwise based upon any legally sufficient cause.*

2. If an officer searches a vehicle and the search NOT result in a criminal charge the officer must complete in a report (Offense Report (OF)). The report must contain the date, time, location, and probable cause or reasonable suspicion that leads to the search. The report must also include the race, age and gender of the individual searched and the result of the search (RIGL 31-21.2-5(c)).

H. Pre-textual Motor Vehicle Stop

1. If a violation of the traffic laws is used to stop a motor vehicle for non-related investigatory reasons, the officer shall document in an offense report (OF) the investigatory basis for the stop (RIGL 31-21.2-5(e)).

**IV. BIAS BASED PROFILING (Also refer to General Order # 620.10 Bias Based Policing)**

A. The Tiverton Police Department prohibits its officers from engaging in bias-based profiling when executing any law enforcement activities, including but not limited to traffic stops/contacts, field contacts, and asset seizure and/or forfeiture efforts.

B. For the purpose of this policy “Bias-Based Profiling” is defined as “*The detention, interdiction, or other disparate treatment of an individual based solely upon a trait common to a group for enforcement action. These traits include, but are not limited to, the individual’s race, nationality, ethnicity, gender, sexual orientation, disability, religion, age, culture group, or association with any other identifiable group, or any combination of such factors.*”

C. This policy shall not prohibit, as part of a criminal investigation, the use of a person’s race, nationality, ethnicity, gender, sexual orientation, disability, religion, age, culture group, or association with any other identifiable group, or any combination of such factors, as a part of a specific description of a suspect, witness, or victim, when such information is relevant, reliable, and credible.

**V. TRAFFIC STOP DATA COLLECTION (Also refer to General Order # 620.10 Bias Based Policing)**

A. Statewide Traffic Stop Data (Race Data) Collection- In an effort to comply with RIGL 31-21.2 “Comprehensive Racial Profiling Prevention Act of 2013”, the Tritech Records Management System (RMS) has developed a Traffic Stop Data Collection Module to compile race data.

- B. Traffic Stop Data is collected for ALL motor vehicle stops. The following guidelines pertain to Traffic Stop Data:
1. Officers shall not ask the motor vehicle operator for their race. Race determination is to be made independently by officers, based upon their individual perceptions.
  2. The “Motorist Assist/Courtesy” option shall be used when an officer’s interaction begins with an assist or collision, where the operator is present and then becomes an enforcement action (i.e. citation, warning, arrest, search)
  3. Responding to a motor vehicle accident is considered a “motorist assist”. A motorist assist does not warrant a Traffic Stop Record, unless it leads to a secondary action, when the operator is present (i.e. citation, warning, arrest, search)
  4. An Inventory/Tow search is not considered a secondary action to a motorist assist/collision, therefore does not require a Traffic Stop Record.
  5. The “Prior Record” option refers to whether or not the motor vehicle operator has been checked for a prior criminal record. This does not include checks for warrants or driving history.
  6. The “Reason for Stop” and “Basis for Stop” are independent from the “Result of Stop”. These fields do not change due to the “Result of Stop”. The “Result of Stop” is entered with the following priority:
    - a. Actions involving the driver.
    - b. Most significant action for the “Result of Stop”.
    - c. An example would be if both the driver and passenger were arrested, “Arrest Driver” would take priority.
  7. Searches conducted on the driver, passengers and vehicle are collected within the Traffic Stop Data Collection Module. This includes the initial reason for the search, what was searched/frisked and the result of the search. These sections must be filled out of a search/frisk is conducted.
  8. Officers will enter the initial reason for the search. The module allows for three choices. However, only one answer will be provided.

9. "Inventory/Tow" will be documented elsewhere and will not be used as the initial reason for the search. If an inventory search reveals contraband officers will use "Plain View".
10. The "Reasonable Articuble Suspicion" option will be used if "Consent Requested" was checked.
11. If a search was conducted and contraband is found, then the input for "Search Results" should be the highest level of contraband found.
12. The "Search/Frisk" entry should correspond, left to right, with the "Result" entry boxes. Meaning, if "Driver" is in one box, driver's search results should be in box one.
13. Officers will not select "Special Detail/Directed Patrol".

## **VI. MOTOR VEHICLE STOP, FELONY/HIGH RISK PROCEDURES:**

The following additional procedures will be followed in the event of felony or high-risk stops.

- A. Location of stop- All of the procedures outlined above with additional consideration given to the availability of back-up prior to making a felony/high-risk stop.
- B. Communication:
  1. Location of the stop;
  2. Nature of the stop;
  3. Registration displayed on stopped vehicle;
  4. Color and make of vehicle stopped;
  5. Number of occupants in stopped vehicle;
  6. All available information prior to making contact.
- C. Vehicle positioning:
  1. Distance- In a felony/high-risk stop, the distance should be increased as much as possible while still allowing the officer to maintain visual and verbal contact with the suspect vehicle. (Verbal contact may be maintained through the use of a public address system.)

2. Position:
    - a. Contact Officer- Other than in terms of distance, vehicle positioning for the contact officer will remain unchanged.
    - b. Cover Officer- In a felony/high-risk stop, the cover officer will position their vehicle even with and to the side of the contact officer and, if possible, at an angle which will provide them with the greatest amount of visual access to the suspect vehicle while maintaining and avoiding crossfire situations.
  3. Commands- Except in exigent circumstances or unless directed otherwise, the officer initiating the stop will give all commands to the occupants of the suspect vehicle.
- D. Multiple Occupants- For suspect vehicles containing two (2) or more people, if possible officers should wait until there are at least two (2) officers on scene before removing occupants from the suspect vehicle.
- E. Keys- The driver should be instructed to turn off the engine and place the keys outside the vehicle.
- F. Removal of occupants from vehicle- When individuals are being removed from a suspect vehicle, the following goals should be kept in mind:
1. Only one occupant should be out of the suspect vehicle at any one time.
  2. The person out of the vehicle should be searched and restrained prior to having another occupant exit the vehicle.
  3. Searches should be conducted and restraints applied in a location that allows the contact and cover officers to maintain clear lines of sight and avoid the possibility of crossfire.
  4. After all known occupants have been removed, officers should inspect the vehicle for any unknown occupants.