

	Operational General Order	12.02 Traffic Stops	PAGE 1 OF 4
	SUBJECT		EFFECTIVE DATE
	<b>Virginia Beach Police Department General Order</b>		<b>09/01/2009</b>
	<b>Chapter 12 - Traffic Operations</b>		ORIGINATOR/REVIEW
DISTRIBUTION		Special Operations	
ALL	CALEA: 61.1.4, 61.1.7		
BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>James A. Coonan</i>	

## Purpose

To specify those guidelines, which should be utilized by, police officers when conducting traffic enforcement activities, implementing traffic stops or stopping vehicles and controlling the occupants.

## Policy

Sworn law enforcement officers are vested by law with the responsibility to prevent the commission of crimes and offenses; to observe and enforce state and local laws, regulations, and ordinances; and to detect and report offenders. The immediate aim of traffic enforcement is the enforcement of City and State laws. However, the ultimate goal of traffic enforcement is the voluntary compliance to all laws. The traffic enforcement function is normally carried out through the following patrol-related functions:

- Apprehension of observed traffic law violators
- Radar operations during directed and non-directed patrols
- Motor vehicle crash investigation(s)
- Selective enforcement actions at high crash or high violation sites

It is the department's responsibility to provide each officer with uniform guidelines to ensure the fair and equitable enforcement of state traffic laws and city traffic ordinances, pursuant to the use of departmental procedures and officer discretion.

Many police officers are injured or killed yearly during vehicle stops. The primary reason for these incidents is that the officer allowed the practice of stopping vehicles to become routine. The police officer must always be suspicious of all occupants in a stopped vehicle. This does not mean that the officer should treat each person as if they were known or dangerous criminals, but that all possible precautions should be taken in order to ensure their own safety within reasonable limits.

There are some basic procedures which, if followed by the patrol officer, will greatly reduce the hazards associated with stopping vehicles. These procedures are usually divided into two parts:

- Unknown Risk vehicle stops
- High Risk vehicle stops

## Procedure

The term "unknown risk" describes the normal technique to be employed in all traffic stops, with the exception of stopping vehicles containing suspected armed or felony suspects. Care must always be employed, regardless of the reason for stopping the vehicle.

To ensure uniform enforcement, the following shall be adhered to:

- All members of this department should, under similar circumstances enforce the same law(s) in the same manner.
- Traffic laws shall be enforced without regard to race, sex, national origin, type of vehicle, location or state of residence of operator, or purpose of the vehicle (whether public, commercial, or privately owned and operated).
- The officer may use discretion in traffic enforcement actions. Officers should take into account the seriousness of the violation and the probability of future violations. Other considerations may be prior publicity on the enactment of a new law, the amount of time between the effective date of any new law(s), and the date of the violation.
- All traffic violations under state and city codes may be enforced in one of the following manners:
  - Issuing Summonses: Summons may be issued for all traffic violations observed by the officer.
  - Physical Arrests: A physical arrest may be necessary when the violation involves driving under the influence, driving with a revoked or suspended operator's license, or felonies involving traffic law violations.
  - Verbal Warnings: A verbal warning shall not be addressed as a department policy, but will, however, remain at the officer's discretion.
- These procedures shall be followed on every traffic stop unless circumstances dictate otherwise

#### **Unknown Risk Vehicle Stops (CALEA 61.1.7 A, B, 61.1.4)**

- Upon the determination to stop a vehicle, the officer's first consideration is to select a location, which would allow them to have command over any unexpected occurrence. "Reason" will encompass the various circumstances justifying the stopping of a vehicle, i.e., traffic violations, observed circumstances related to safety and road blocks, or reasonable and articulable suspicion of criminal activity. The location should:
  - Have as few escape routes as possible
  - Present as little traffic hazard as possible
  - Be as sparsely populated as possible
  - If at night, be as well lighted as possible
- In order to stop the vehicle, officers should follow behind the vehicle at a distance that allows a safe reaction to a sudden stop, or other unexpected maneuvers. Prior to activating emergency lights, officers should call in the following information to E911 Emergency Communications Division:
  - the location of the stop;
  - the tag number, and state of issue;
  - the color, make and model of the vehicle;
  - If there is reason to believe the tags are not registered to the vehicle, give a description of the occupant(s).
- Activate emergency lights (grill, dome, hazardous warning) and headlights. If the vehicle does not immediately reduce speed and pull to the right hand side of the road, activate the siren until the vehicle comes to a stop. When the vehicle comes to a complete stop, park the police vehicle about

[REDACTED]

- Once the vehicle has stopped, officers are to take the following steps:

[REDACTED]

- While approaching the vehicle, be alert for anything of a suspicious nature.
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- When speaking with the operator, and the circumstances of the interaction permits officer's shall do the following:
  - Identify yourself as a Virginia Beach Police Officer and introduce yourself by name
  - Explain to the operator why you have stopped them
  - Request the operator's driver's license and vehicle registration. Be courteous but firm. Your attitude towards the operator must be calm and professional in both manner and appearance.
  - Remain alert for any sudden movements inside the vehicle. If you become suspicious of the operator or any occupant(s), ask the operator or occupant to step from the vehicle and assist them to a safe area and take the appropriate enforcement action.
  - If a two-person unit is involved in the stop, the second officer should stand on the right-hand side of the stopped vehicle, using the same precautions as the interviewing officer.
  - If the vehicle was stopped due to a BOL, and the stopped vehicle is not the one wanted, explain the reason for the stop to the operator and all occupants and request E911 Communications rebroadcast the BOL so that the operator and occupants can hear it.
- Take the appropriate enforcement action(s). If a summons is issued, officers will explain the following to the operator:
  - The charge(s) placed;
  - The court and court date;
  - Whether appearance in court is optional or mandatory;
  - The procedure to contact the court for fine amounts or other information;
  - Ask if the operator has any questions;
  - Disengage from the interaction courteously.

### **High Risk Vehicle Stops (CALEA 61.1.7 C)**

- When a vehicle wanted in connection with a felony or occupied by subjects that are suspected to be armed is observed, maintain a reasonable distance to be inconspicuous but close enough to allow instant action. Have a unit(s) check the crime location and verify the type of crime, or if a crime,

was committed. If a unit is not available, have E911 Emergency Communications Division verify the details of the crime and obtain as thorough a description of the suspects as possible.

- Clear the air for emergency radio traffic only. Minimize radio transmissions to only information needed to make the stop. Broadcast the reason for stopping the vehicle (armed robbery, rape suspect, etc.), the license number and status of registration, description of vehicle and occupant(s), and present location as well as direction of travel.
- The initial officer, or primary unit, should coordinate the activity. The primary unit shall direct the assisting officer(s) to a position that will offer maximum amount of protection. All assisting units shall restrict their radio transmissions, unless giving pertinent information.
- Select a suitable location for stopping the vehicle, which would allow you to have command over any unexpected occurrence. The location should:
  - Have as few escape routes as possible;
  - Present as little traffic hazard as possible. If necessary, request a unit to stop traffic so private vehicles do not stray into the high-risk traffic stop location;
  - Be as sparsely populated as possible;
  - If at night, be as well lighted as possible.
- When the stop is implemented, you should:
  - Activate the emergency lights and siren. If the vehicle refuses to stop, refer to General Order 10.04 (“Vehicle Pursuit Policy and Procedure”);
  - Broadcast the traffic stop location;
  - When the suspect vehicle stops, [REDACTED]  
[REDACTED]  
[REDACTED]
  - Proceed as directed in Training Protocols;
  - If the vehicle was stopped due to a BOL, and the stopped vehicle is not the one wanted, explain the reason for the stop to the operator and all occupants and request E911 Communications Division rebroadcast the BOL so that the operator and occupants can hear it.