



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **TRAFFIC STOPS AND APPROACH
TO VIOLATOR'S VEHICLE**

NUMBER: 6.07
ISSUED: 06/01/2015

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedure Manual

EFFECTIVE: 07/15/2015
 RESCINDS
 AMENDS
WILEAG STANDARDS: 6.2.5

REFERENCE:

INDEX AS: Approach to Violator's Vehicle
Traffic Stops
Vehicle Contacts

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for members of the Elkhart Lake Police Department for stopping and approaching traffic law violators.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. GENERAL CONSIDERATIONS
- III. REASONS FOR VEHICLE CONTACT
- IV. THREAT ASSESSMENT OPPORTUNITY
- V. LEVEL/STAGE/DEGREE OF STABILIZATION
- VI. OFFICER SAFETY DURING TRAFFIC STOPS

I. POLICY

- A. The Elkhart Lake Police Department shall maintain a policy calling for enforcement action against violators of the traffic code within jurisdictional boundaries.

II. GENERAL CONSIDERATIONS

- A. Traffic enforcement patrol by the uniform patrol shifts shall be conspicuous to act as a deterrent to traffic code violations.
- B. The officer shall handle traffic contacts in a professional and courteous manner.
- C. Officers, when stopping moving traffic violators, shall make the vehicle stop in a location that is safe for both the officer and the violator if possible. The positioning of the police vehicle should be such as to provide safety to the officer at the scene of the stop, taking into consideration time of day, type of violation, and potential hazards.
- D. Officers, when stopping moving traffic violators, shall make a reasonable attempt to position the squad car safely in a manner allowing the MVARs to capture the traffic stop/contact.

III. REASONS FOR VEHICLE CONTACT

- A. Any law enforcement officer may have vehicle contact in the following situations:
 - 1. The officer has probable cause for a traffic or equipment violation.
 - 2. The officer has probable cause to arrest a driver or passenger for a crime.
 - 3. The officer has reasonable suspicion that a driver or passenger has committed, is committing, or is about to commit a crime.
 - 4. The officer is assisting a motorist who is in apparent need of help.
- B. Officers shall NOT base any traffic stop based upon racial profiling or any other factor except for lawful reasons as noted above. Also refer to Policy & Procedure 1.14: Biased Based Policing.

IV. THREAT ASSESSMENT OPPORTUNITIES

- A. Prior Experience
 - 1. If the officer has dealt with this individual before, they will have some basis for predicting how he or she will respond to the officer now.
- B. Violation

1. The nature and severity of the offense that prompted the contact may have implications for the level of threat posed by the suspect.

C. Pre-Signal Behavior

1. All behaviors that the officer observed prior to the stop should give some indication of the level of threat presented. These behaviors shall be noted by the officer.

D. Signal Reaction

1. Any unusual response to the officer's signal or emergency lights should heighten the threat level.

E. Vehicle

1. If the vehicle itself poses a danger to the officer or proves to be a disadvantage, the officer shall have a higher threat level i.e. – tinted windows, large vehicles, or motorcycles.

F. Special Circumstances

1. When the officer chooses to initiate a stop, they need to consider the location before turning on their emergency lights. The three general aspects of a location to consider are:
 - a) Traffic hazards - hill crests, curves, construction zones, intersections, and high traffic areas.
 - b) Complications - private property, little or no light, hostile crowds, and pedestrian traffic.
 - c) Escalation or disengagement - cover and concealment, vehicle escape routes, and on-foot escape routes.
 - d) Back up considerations - Officer(s) may always request additional back up if needed.

V. LEVEL/STAGE/DEGREE OF STABILIZATION (WILEAG CORE 14-6.2.5.1)

- A. The level/stage/stabilization refers primarily to the type of contact the officer chooses to make.

1. Approach contact – low threat level

- a) Make the decision to stop the vehicle
- b) Report the location of the contact and vehicle description to dispatch
- c) Initiate the contact by signaling the driver to pull over by utilizing emergency lights and/or siren

- d) Position officer's vehicle properly
 - e) Approach the subject vehicle properly - at times, depending on the circumstances; officers may be better served to approach the vehicle on the passenger side.
 - f) Make contact with the subject
 - g) Return safely to the squad car and handle paperwork, radio, laptop
 - h) Re-contact the driver
 - i) Return safely to the squad and assist vehicle into traffic
 - j) Complete paperwork
2. Non – Approach Contact - threat assessment suggests that it is unsafe for an approach but the perceived risk does not warrant a high-risk vehicle contact. In this instance officers should consider a backup officer respond.

(WILEAG CORE 14-6.2.5.2)

- a) Make the decision to stop the vehicle
- b) Report the location of the contact and vehicle description to dispatch
- c) Initiate the contact by signaling the driver to pull over by utilizing emergency lights and/or siren
- d) Position officer's vehicle properly
- e) Remain in the squad and use the PA system to give directions to the subjects
- f) Have the driver gather their driver's license or identification and have it in hand
- g) Have the driver exit vehicle and walk towards the front of the officer's squad
- h) The officer will then position them self either by the driver's side or passenger front fender to have personal contact
- i) The officer will gather all needed information and have the subject return to their vehicle
- j) Return to the squad and run checks, use radio, laptop
- k) Re-contact the driver at their vehicle
- l) Return safely to the squad and assist motorist into traffic

- m) Complete paperwork
- 3. High Risk vehicle contacts - High threat level with four considerations are nature of the offense, occupants with warrants for violent offenses, pursuits, and occupant with violent history.

(WILEAG CORE 14-6.2.5.3)

- a) Report location and vehicle information to dispatch and request back-up
- b) Coordinate other responding officers
- c) When the officers are in position, make the stop
- d) Position law enforcement vehicles properly
- e) Using the PA, order occupants out one at a time and secure them
- f) Clear the vehicle properly

VI. OFFICER SAFETY DURING TRAFFIC STOPS

- A. Officer safety shall be a primary consideration when taking any traffic enforcement action.
- B. Initial stop of a motorist.
 - 1. Officers should choose the location for a traffic stop carefully to avoid hills, curves and intersections that may cause danger from other traffic to the officer and person stopped.
 - 2. Officers should be aware of their location and immediate surroundings should it be necessary to seek cover during the stop.
 - 3. If practicable the officer should attempt to get vehicle make/model and run the plate number through his/her MDT prior to making the stop.
 - 4. The location of the stop, and the vehicle's registration number and state, or a complete description of the vehicle if the vehicle has no registration plates, shall be called into the dispatch center prior to initiating the traffic stop if possible but must be done prior to initial contact with the driver.
 - 5. Authorized emergency lighting (red or red and blue oscillating or flashing lights) shall be used to initiate a stop and until the stop is completed. The use of 4-way flashers or blinking yellow lights on the overhead light bar are not authorized in lieu of the red and blue lights and do not provide the legal protection of Sec. 347.25, Wis. Stats. However, they may be used in addition to the red and blue lights on the police vehicle.
 - 6. Officers should position their police vehicle to the rear and slightly off center to protect the officer from other traffic while approaching the stopped vehicle.

C. Initial Contact with a Motorist.

1. Utilizing headlamps, spotlight, and/or take-down lamps at night, officers should observe the occupants of the vehicle prior to and during the approach to the vehicle for unusual activity. Officers should position themselves behind the driver's door or passenger door to avoid a sudden opening of the door when making the initial contact with the driver and should continue observation of all occupants of the vehicle, including those in the back seat or back of a van or truck.
2. Wanted and driver status checks on the operator, and any passengers for which the officer has identifying information, should be made. The officer should maintain frequent visual contact with the vehicle and occupants while completing the warning or citation.
3. Officers hearing radio traffic of a stop by another officer in the area should drive by that location to ensure the officer's safety and to make themselves available to render assistance, as necessary.
4. Delivery of the warning or citation should be made in the same manner as the initial approach to the vehicle using all precautions. The officer should let the stopped vehicle exit the area first and should not extinguish emergency lighting until the officer intends to re-enter the flow of traffic.

D. Officers making vehicle contacts should follow the tactical steps for conducting vehicle contacts:

1. Proper greeting.
2. Without pausing following the greeting, identify yourself and the agency.
3. Give the violator the reason for your stop.
4. Ask the violator if there was any justifiable reason for committing the alleged violation.
5. Ask for the violator's driver's license and proof of car insurance.
6. Ask for further information (address, registration, etc.).
7. Make decision as to appropriate action.
8. Close the contact with an appropriate remark in an attempt to harmonize the contact. If applicable, provide the driver with the appropriate court information.

Example: Advise the driver to enter traffic when safe to do so.

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

- F. The type of enforcement action taken shall be at the discretion of the officer taking such action unless otherwise directed by the shift supervisor.
1. Violations that are flagrant, interfere with the flow of other motor vehicle, 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 major 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 written warning, and shall be entered in the Department's records software as a written warning.
 3. Moving traffic violations that are of minor concern, not intentional on the part of the violator, and do not interfere with motor vehicle or pedestrian traffic may result in a verbal warning, and shall be noted in a MIR (CAD incident).
 4. Parking tickets shall be issued for violations for which the parking ticket is designed and shall be issued with discretion.
 5. Physical arrest may result in those cases where the physical arrest of the violator is necessary.
- G. 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 must be prepared to 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 (Terry v. Ohio), or exigent circumstances.
 3. Written consent is preferred otherwise verbal consent should be attained within the range of the MVARs.
- H. At the conclusion of all vehicle contacts when a citation is issued, the officer shall provide the driver with a Elkhart Lake Municipal Court envelope. The envelope provides the defendant with court information. The envelope will contain the Elkhart Lake Police Departments "What should I do if I am stopped by the Police" brochure and the "online payments" brochure. All officers should maintain a supply of these items within their squad cars.
1. Vehicle contacts conducted to assist motorists, provide directions, issue warnings, or similar circumstances do not require providing the Elkhart Lake Municipal Court envelope.

Michael Meeusen
Chief of Police

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

Initial 06/01/2015