

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 409.4</b>
	<b>Subject/Title:</b>  <b>Motor Vehicle Stops</b>	<b>Issue Date:</b> <b>April 24, 2018</b>	
		<b>Effective Date:</b> <b>June 11, 2018</b>	
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments:</b>  <b>Policies and Procedures #: 401</b> <b>Tom R. Tyler and Jeffery Fagan, Urban Institute, 2012</b>		<b>Rescinds:</b> <b>409.3</b>	<b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the making stops of motor vehicles.

## II. POLICY

- A. It is the policy of the East Haven Police Department for officers to have lawful reasons for making motor vehicle stops. Officers are expected to perform any stop of a person or persons only when they have at least a reasonable suspicion for doing so.
- B. It is the policy of the East Haven Police Department to prohibit all police practices involving racial profiling or other bias-based actions. Race, age, gender, and any other type of profiling as justifications for any police officer to conduct any type of stop or detention of a person are prohibited. Violation of this directive shall result in discipline, up to and including dismissal. In addition, violators could be held accountable for civil rights violations in State and/or Federal court.
- C. It is the policy of the Department for officers to conduct motor vehicle stops effectively, justly and safely. Officers shall conduct themselves always as courteously as circumstances allow.
- D. It is the policy of the Department that when making a motor vehicle stop, officers are to identify themselves to the driver, explain why they have made the stop and then ask for identification and license information, unless exigent circumstances make it dangerous to do so.

### **III. BACKGROUND**

- A. Research is very clear in suggesting that the primary issue shaping people’s views about the police is whether they believe that the police are exercising their authority through fair procedures—that is, on procedural justice.
- B. Procedural justice as understood in American communities is defined in terms of four issues. First, people want to have an opportunity to explain their situation or tell their side of the story in a conflict.
- C. Second, people react to evidence that the authorities with whom they are dealing are unbiased. This involves making decisions based upon consistently applied legal principles and the facts of the case, not officers’ personal opinions and biases. Even if officers are acting without bias, they may be perceived as making decisions unfairly by those they are dealing with, and it is important for officers to provide evidence leading the people they are dealing with to understand the basis of their actions. For this reason, transparency or openness about how decisions are being made facilitates the belief that decision-making procedures are neutral when they reveal that decisions are being made in rule-based and unbiased ways. In the case of motor vehicle stops, this involves explaining why people are being stopped: that is, what police policies and goals are involved.
- D. Third, people are sensitive to whether they are treated with dignity and politeness, and to whether their rights as citizens are respected. The issue of interpersonal treatment consistently emerges as a key factor in reactions to dealings with legal authorities. People believe that they are entitled to treatment with respect and react very negatively to dismissive or demeaning interpersonal treatment.
- E. Finally, people focus on cues that communicate information about the intentions and character of the legal authorities with whom they are dealing (“their trustworthiness”). People react favorably (when) the authorities with whom they are interacting are benevolent and caring, and are sincerely trying to do what is best for the people with whom they are dealing. Authorities communicate this type of concern when they listen to people’s accounts and explain their actions in ways that show an awareness of and sensitivity to people’s needs and concerns.
- F. Studies show that when the public believes that the police exercise their authority in procedurally fair ways, they accept the legitimacy of the police and defer to police authority, both in particular situations and through general increased compliance with the law and cooperation with the police. And, of particular importance is that the use of fair procedures encourages voluntary acceptance of police and legal authority.<sup>1</sup>

### **IV. DEFINITIONS**

- A. **Emergency Lights:** One or more visual warning lights fitted to a police vehicle for use when an officer wishes to convey to other road users his/her urgency, to provide additional warning of a hazard when stationary, or as a means of signaling another driver to stop for interaction with the officer.

- B. High-Risk Stop: Refers to any motor vehicle stop that poses a known, significant risk to the officers when encountering the occupants of a motor vehicle.
- C. Probable Cause: The required level of knowledge to make a lawful arrest. This has been defined by courts as “reasonably trustworthy knowledge, based on articulable facts and circumstances, that would lead a reasonable person to believe that a crime has been, is being, or is about to be committed, and that the person to be arrested has committed, is committing, or is about to commit that crime.” Probable cause is determined by the totality of the circumstances and may be established by the collective knowledge of all law enforcement personnel involved.
- D. Reasonable Suspicion: Refers to an officer’s belief, based on specific and articulable facts, and the rational inferences drawn from those facts, that an individual has committed, is committing, or is about to commit a criminal offense. Reasonable suspicion may be based on direct observations or a combination of factors, including, but not limited to, the individual’s prior criminal record, furtive conduct or flight from the police, the giving of evasive or conflicting responses to police questioning, admissions or confessions, the nature of the area, and reliable hearsay.
- E. Siren: A signal device capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the Connecticut Department of Motor Vehicles.

## **V. GENERAL GUIDELINES AND CONSIDERATIONS**

### **A. Traffic Stops**

1. Traffic enforcement operations pose a number of challenges to officers.
  - a. Determining the appropriate officer safety precautions that should be taken in circumstances where little, if anything, is known about the subjects prior to the stop.
  - b. Determining the appropriate enforcement response necessary to modify driving behavior.
  - c. Although stopping motorists for traffic violations is considered a primary function of the police, it is one that has been demonstrated to be potentially dangerous for both officers and motorists. This is why it is always paramount for officers to exercise good defensive tactics and always remain alert for the unexpected. Officers should never let their guard down and at the same time engage the motorist courteously.
2. The officer is responsible for maintaining control of the situation and to ensure that neither the officer nor the person being stopped is at risk.
  - a. Do not assume the motorist knows that he/she has committed a violation. Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, and before asking for license and registration, the officer will explain to the citizen in a professional, courteous manner why he/she was stopped or detained.

- b. The officer may de-escalate a situation by remaining calm, introducing himself/herself by rank and name and explaining to the motorist why he/she stopped the motorist.
  - c. Research indicates that the typical citizen complaints that arise from vehicle stops concern how the subject perceives himself/herself as having been treated by the officer. An officer should never get baited into a debate or showing any anger, rudeness, or discourtesy.
- B. Officers are expected to employ their training and best judgment to conduct stops safely. At all times officers shall protect to the extent possible their safety and the safety of all other persons potentially at risk.

## **VI. PROCEDURES FOR MAKING MOTOR VEHICLE STOPS**

- A. General Precautionary Measures: If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously or fatally injured making motor vehicle stops. Traffic violators, suspicious vehicles, and criminals present unknown risk to the officer making the stop.
- B. Initiating the Motor Vehicle Stop: Prior to stopping the vehicle or immediately upon stopping a motor vehicle, the officer is expected to notify East Haven Public Safety Communication Center (EHPSCC) personnel of the following.
- 1. Prior to initiating the stop or prior to engaging the motorist, the officer should advise EHPSCC personnel of his/her intent to make a motor vehicle stop.
  - 2. Provide the location of the anticipated stop.
  - 3. Provide the registration number and state of the vehicle.
  - 4. Prior to or upon making the stop, officers shall notify EHPSCC personnel about known information; including description of the vehicle, the number of occupants of the vehicle, the perceived race or ethnicity of the occupants, and a description of the basis for the stop.
- C. Selecting the Location for the Stop: As part of making the decision to make a motor vehicle stop, the officer should always try and position the stop in a way that the following factors are taken into consideration:
- 1. Lighting: In low light conditions or at night, the officer should try to make the stop in a well-lit area, if possible to allow the officer to adequately see his/her surroundings and to be seen by other passing vehicles.
  - 2. Traffic Flow: If the officer is overly concerned about or distracted for his/her own safety in terms of passing traffic, or if the stop is going to interfere with the free flow of traffic, the officer should try to pick a location where he/she is removed from those dangers.

3. **Severity of the Violation:** The driving behavior of the motorist might be an indication of what type of reception an officer might be met with when first being confronted (i.e., if the driver was driving in an aggressive manner, or there is evidence of road rage).
  4. **Weather Conditions:** Apart from sight restrictions on the part of passing motorists, the officer should also take into consideration stopping distances of approaching motorists, width of the road that might be compromised by encroaching snow banks or other hazards.
  5. **Characteristics of the Roadway:** This becomes an issue with respect to conducting a motor vehicle stop on a sharp curve or just beyond the crest of a hill. Whenever possible direct the motorist to a safer location along the road prior to beginning the interaction.
- D. **Mechanics of Making the Stop:** When the officer is ready to conduct a motor vehicle stop, he/she should employ the following cautionary measures.
1. The officer may elect to follow the vehicle a short distance prior to initiating a stop to make additional observations of the operation of the vehicle or to ensure a safe location for the stop.
  2. The officer should then activate the police vehicle's emergency lights and siren to signal for the operator of the vehicle to pull to the right side of the road, preferably out of the traffic lane of travel.
  3. If the operator does not stop in a safe location, the officer should instruct the motorist where to situate the vehicle before engaging in a conversation with the motorist by way of the police vehicle's Public Address (PA) system.
  4. Park the patrol vehicle to the rear of the stopped vehicle with emergency lights on to warn traffic and to assist any backup officers responding to the scene. The police vehicle should ideally be situated as follows:
    - a. One-half car length behind the violator's vehicle.
    - b. At a slight angle to the stopped vehicle, with the front end of the police vehicle offset to the stopped vehicle further out in the traffic lane to create a safe passage lane for the officer.
    - c. Use of takedown lights and/or spotlights should be used when they would not pose a hazard to oncoming traffic, and to enhance occupant and officer safety.
    - d. Officers must ensure that video and audio recording equipment is activated in accordance with Policies and Procedures # 401 – AVL and Officer Video Camera Use.

- E. Approaching the Vehicle: The officer should approach the vehicle with caution in accordance with their training, checking the trunk and rear seat, and watching the occupants' movement inside the vehicle.
1. When there is a two-person patrol car involved in the stop, or a second police vehicle involved, it is standard practice for the second officer to take up a tactical position on the passenger side of the stopped vehicle. The second officer should not remain in his/her vehicle while another officer is engaged with the operator and/or occupants of a stopped vehicle.
  2. As a defensive measure, a single officer engaged in a motor vehicle stop may elect to approach the vehicle on the passenger side of the vehicle at the officer's discretion.
- F. Engaging with the Motorist/Violator: Officers are expected to conduct themselves in a professional manner at all times, keeping in mind the use of proper language, bearing, and emotional stability. Officers should:
1. Be certain of their observations of the alleged violation.
  2. Have the necessary forms and equipment to deal with the situation.
  3. Maintain tactical awareness, and be observant for signs of impairment, criminal activity, or criminal intent.
  4. Initiate the conversation with the motorist/violator with a friendly greeting using an appropriate title in a courteous manner. Officers shall introduce themselves by name and rank and identify the agency they represent, unless exigent circumstances make it dangerous to do so.
  5. Request the required documents and identification.
  6. When obtaining documents, do not accept wallets, purses, or folders. Have the motorist remove the document from the container before accepting it.
  7. Keep in mind that some violators encountered will show signs of emotional distress. Officers should deal with these individuals in a calm, courteous manner to help reduce that anxiety.
  8. Officers are authorized to order occupants out of the vehicle for precautionary reasons. If occupants are removed from the vehicle, they should be directed to a location relatively safe from traffic. Officers and violators should not stand between the stopped and police vehicles.
  9. If the operator and/or the occupants get out of the vehicle on their own while the officer is otherwise engaged or in the officer's estimation in a manner that creates a potential safety hazard, the officer should politely instruct the person(s) to return to the vehicle. When appropriate, the officer should explain the reasoning behind the instruction, namely for the safety of the individual(s).

10. Officers should not show the motorist the speed reading on the radar or laser device.
11. Officers should briefly listen to the violator's explanation. However, officers should not become engaged in a debate over the merits of the stop. Motorists who wish to contest a citation should be courteously advised that it is unsafe to do so at the roadside and to plead not guilty on the infraction to obtain a court date.
12. If taking enforcement action, officers should briefly explain to the violator the type of enforcement action that was taken.
  - a. Written warnings carry no fine.
  - b. Infractions: The violator may pay the fine by mail or request a hearing.
    - 1) The options are printed on the back of the citation.
  - c. Summons: Mandatory court appearance. Violator will be given a court date.
  - d. Towing information if applicable.
    - 1) An H-114 Notice of Motor Vehicle Tow form will be provided to the operator/owner of the vehicle.
13. Where an officer seeks consent for a search, the officer shall articulate and document the independent legal justification for the search in an incident report, and document the subject's consent on the officer's body worn camera or on a written form that explains these rights.
14. Upon completion of the enforcement action, a racial profiling card shall be provided to the operator by the officer as mandated by the State of Connecticut. Officers must also ensure that the motorist safely re-enters the flow of traffic prior to notifying EHPSCC personnel of the completion of the stop.
15. Officers shall document all stops that lead to searches and/or seizures in an incident report that records the following.
  - a. The officer's name and badge number.
  - b. Date, time, and location of the stop.
  - c. Duration of the stop.
  - d. The apparent race, color or ethnicity of the individual, based on the officer's reasonable observation and perception.
  - e. The suspected violation that led to the stop.
  - f. Whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence.

- g. The enforcement action taken with regard to the violation (including a warning, a citation, an arrest, or a use of force).
  - h. Whether any search was conducted, the kind of search conducted, the basis for the search, whether the search was consensual or non-consensual, and the outcome of the search.
- G. Non-Uniformed Officers Involved in Motor Vehicle Stops: Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren should not normally make motor vehicle stops for traffic violations.
- 1. Non-uniformed officers shall request a marked patrol unit to make the stop and may, depending upon the urgency of the situation, activate emergency lights and siren to make a traffic stop.
    - a. If issued a body worn camera, non-uniformed officers should activate their assigned body worn camera if conducting a traffic stop prior to a marked unit arriving.
  - 2. Non-uniformed officer vehicles not equipped with emergency lights or siren should not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other, less urgent cases that demand attention, non-uniformed officers shall request a marked patrol vehicle to perform the stop and assist in directing the marked unit to the subject vehicle's location.
- H. Stopping Oversize and Overweight Vehicles: In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be observed.
- 1. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight, and allow the operator sufficient time and distance to make the stop.
  - 2. Approach the cab from the rear, using the driver's outside mirror to observe the driver and the activity in the cab.
  - 3. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask him/her to exit the vehicle, if and when necessary.

## **VII. HIGH RISK STOPS**

### **A. General Precautionary Measures**

- 1. During high risk felony stops, officers must use extreme caution, employing tactics to minimize the exposure of officers, offenders and the public to danger and undue risk.

### **B. Preparing for the Stop**



1. At no time will an officer conduct a suspected felony/high risk motor vehicle stop without first pre-warning EHPSCC personnel of his/her intention to make the stop. In addition to the normal protocols of furnishing the location, description of the vehicle, registration number and state, and description of the occupants, where practicable the officer will take the following steps.
  - a. Provide whatever information may be at the officer's disposal, clearly indicating that the officer believes the stop may constitute a higher than normal risk.
  - b. Request that backup officers be deployed.
  - c. If possible, delay initiating the motor vehicle stop until backup units can get into position.
2. If practical, select a site that is going to give the officer the greatest amount of protection.

### C. Conducting the Stop

1. Taking into consideration all of the precautionary measures normally exercised anytime an officer is executing a motor vehicle stop, he/she should attempt to employ those measures if at all possible.
  - a. Positioning the Police Vehicle: When positioning the vehicle behind the vehicle being stopped, the officer should position his/ her vehicle in such a fashion that it provides the officer the greatest degree of protection (usually angling the police vehicle so that the engine portion of the vehicle is between the officer and the occupants of the suspect vehicle. The officer should also be mindful of:
    - 1) Persons, homes, businesses, and traffic down range of the suspect vehicle.
    - 2) The position of the backup officers to avoid initiating a cross fire in the event that the use of firearms becomes necessary.
2. Staying with the Police Vehicle: Unless there is some compelling reason, the officer should remain with his/her police vehicle, using it as cover. Prior to engaging with the occupants of the vehicle, the officer who will be directing the occupants on what to do should first be sure that all the necessary support is in place.
3. Giving Orders to the Vehicle's Occupants: The officer issuing the directions to the occupants of the suspect vehicle should use the police vehicle's PA system. This officer should clearly declare himself/herself as the contact while an assisting officer is the cover officer. The contact officer should provide the following set of orders in a clear and distinct fashion, ensuring that the occupants comply with the order before giving another order.
  - a. Order the operator to shut off the vehicle.
  - b. Order the operator to turn on the interior lights of the vehicle.
  - c. Order the operator to roll down all windows.

- d. Order the operator to place the keys of the vehicle on the roof of the vehicle.
  - e. Order the occupants of the vehicle to place their hands in plain view.
  - f. Order each occupant, one at a time, to slowly exit the vehicle with his/her hands in the air.
  - g. Order the occupants exiting the vehicle to slowly make a complete turn with their hands in the air and make a cursory check for weapons.
  - h. If a weapon is spotted, tell the backup officer and the offender that it has been. Do not permit the offender to touch the weapon or make a move toward the weapon.
  - i. Order the offender to walk backwards toward the officers and then to lie down on the ground with his/her feet and arms extended away from his/her body.
  - j. Once all occupants have been safely removed from the suspect vehicle, contact/cover tactics should be followed and the contact officer should cautiously move up to the vehicle to check for anyone who may be concealing himself/herself in the vehicle.
  - k. Once the officer considers the vehicle safe, the backup officer should then take a cover position on the suspects who are lying in a prone position on the ground.
  - l. Once all officers are in position to adequately cover the suspects, an officer should proceed to handcuff each of the suspects.
  - m. Once all suspects are properly secured, an officer should systematically search each suspect for weapons prior to assisting occupants off the ground.
4. Completion of an Incident Report: Whenever an officer is forced to take the actions described for a felony/high risk stop, the officer shall complete an Incident Report and Officer Use of Force Report, describing:
- a. The circumstances that led up to the motor vehicles stop.
  - b. All of the actions that proceeded from the stop.
  - c. The final disposition of the incident; which includes the names of all of the parties involved, including witnesses, other involved parties, and the names of the officers who assisted.

D. Notification of and Response by a Supervisor

1. Whenever it becomes apparent that an officer may be engaging in a felony or high risk motor vehicle stop, EHPSCC personnel shall notify a supervisor. The supervisor shall acknowledge to Dispatch that he/she is aware of the situation and is actively monitoring it. The supervisor shall take the following additional steps.

- b. The supervisor shall go to the scene of the felony or high-risk motor vehicle stop.
  - b. Based on the information being relayed, the designated supervisor shall direct assets as may be deemed to be appropriate.
- E. All officers must be cognizant that during these situations, communication particularly from the officer(s) engaged in these kinds of situations is essential. Whenever possible, any excess communication on the radio channel should be kept to a minimum.

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<sup>i</sup> Excerpted from Tom R. Tyler and Jeffery Fagan, Urban Institute, 2012