



CONCORD POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

TRAFFIC ENFORCEMENT AND VEHICLE STOPS

GENERAL ORDER: 05.08

CREATED: December 1, 2000

ISSUE DATE: September 8, 2017

ACTION: Retitles and amends original general order

EFFECTIVE DATE: September 11, 2017

05.08.0 **PURPOSE**

The purpose of this general order is to establish procedures for conducting traffic stops in a manner that promotes public confidence while establishing procedures to facilitate safety for the officer, vehicle operator and passengers.

05.08.1 **CHIEF'S POLICY STATEMENT**

Vehicle stops are vital to law enforcement responsibilities by providing visibility and deterrence. Although stopping motorists on the highway for traffic violations, or other lawful purposes is a common function, it is one that has been demonstrated to be potentially dangerous for both officers and motorists. Therefore, it is the policy of Concord Police Department to safely conduct vehicle stops by taking necessary steps to minimize the dangers to the officer, the vehicle operator and other users of the highway.

I have committed the Concord Police Department to a mission where we work in partnership with the community to reduce the levels of crime, fear, and disorder through evidence-based community policing strategies. We embrace transparency and accountability, provide exceptional service, and are committed to culture of excellence. I have further committed the Department to a policing strategy that emphasizes beat integrity and a highly visible, uniformed presence in public spaces to disrupt criminal marketplaces and reduce fear in the community.

Traffic enforcement will continue to be a key part of our policing strategy. It is well known that traffic enforcement can save lives and reduce injuries by preventing motor vehicle crashes. However, a very important purpose of conducting traffic stops is the potential for preventing street level crime and disorder. Traffic enforcement is crucial in those areas of the city where crime is occurring by reducing victimization, and potentially saving lives and reducing injuries that are the result of crime and vehicle crashes.

Our success will not be measured by the quantity of citations issued, but rather the strategic and purposeful linkage of enforcement attention to areas prone to crime and disorder. Often time's warnings are just as – or even more – effective as citations, and are encouraged where appropriate. We will not, however, sacrifice our values for the sake of targeted or biased enforcement. Traffic stops, just like everything else we do, must be principled by law.

The intelligent, non-biased use of police discretion will be an important part of our efforts to encourage voluntary compliance with the law, reduce fear, and reassure neighborhoods that we are responding to their concerns without alienating those very same neighborhoods through enforcement action experienced as being trivial.

Crime can disproportionately afflict some of our neighborhoods. It is an unfortunate paradox that vulnerable neighborhoods that most need the police are inhabited by citizens who sometimes feel unfairly targeted by police. Yet experience tells us that the intelligent, assertive use of police authority to stop people and vehicles can be an invaluable tool that reduces crime and enhances safety in these same neighborhoods. Our challenge is to balance these very real considerations.

It must be understood that proper police tactics can be experienced by innocent people as frightening and alienating. It must be recognized that many of the people we stop will be released without further action. In this context, how our authority is employed is as important as the results of its use.

The act of stopping an unknown subject frequently occurs under ambiguous and dangerous circumstances. The Concord Police Department is committed to officer safety. One of the strongest guarantees of officer safety is community support and acceptance. The Concord Police Department will continue to work to build effective partnerships with our entire community. We are committed to the development of training, tactics, and timely intelligence that enhances officer effectiveness and increases officer safety.

Our integrity demands of us that we reject expedient tactics. The Concord Police Department will focus its energies on smart policing strategies based on data, accurate and timely intelligence, reasonable suspicion, probable cause, the judicious use of police discretion, and partnerships with the community, while rejecting any tactics even partly based on assumptions about race, ethnicity, gender, or religion.

05.08.2 STRATEGY

There are essentially four categories of traffic stops that must be understood in order to be strategic about our use of traffic stops as an intervention tactic. Officers are expected to use their discretion strategically.

A. TRAFFIC SAFETY

A traffic stop at a time and/or place for the purpose of improving traffic safety. Such stops are typically based upon data and analysis or an officer's knowledge of an area that is disproportionately affected by traffic crashes. Warnings are encouraged, however citations should be considered for violations that contribute to crashes. For example, if an area has a disproportionate rate of crashes that are caused by failing to stop for a red light or speeding, then strong consideration should be given to issue a citation for those very same violations.

B. CRIME & DISORDER

A traffic stop at a time and/or location for the purpose of preventing or deterring crime and disorder. Such stops are typically based upon data and analysis or an officer's knowledge of an area that is disproportionately affected by crime and disorder. Warnings are highly encouraged since the objective is to provide highly visible presence to prevent or deter crime and disorder. It is however understood that certain violations require the issuance of a citation or an arrest, such as driving with a revoked license or driving while intoxicated.

C. CHECKPOINT

A traffic stop at a time and location for the purpose of enforcing specific laws. Such stops are typically based upon data and analysis, the department's knowledge of an area that requires targeted traffic enforcement, or requested assistance from a partnering local or state agency. The issuance of warnings or citations will be based upon the specific objectives outlined in a checkpoint operational plan.

D. COMMUNITY CARETAKER

A traffic stop that occurs and is not directly linked to one of the categories above. Such stops typically occur as a result of being in a location where a violation is observed and an officer has the opportunity and desire to initiate a traffic stop. Given the lack of a specific strategy in such traffic stops, officers are encouraged to use their discretion as to how such stops are handled in terms of warning versus citation or arrest.

05.08.3 OFFICER RESPONSIBILITIES

- A. An officer may stop a motor vehicle upon a reasonable articulable suspicion that the driver or an occupant committed a motor vehicle violation or other offense.
- B. This general order does not prevent an officer from stopping a vehicle to offer assistance (i.e. to inform a driver of an item left on the roof, substance leaking from the car, under inflated tire). Such actions are considered motorist assistance.
- C. Officers are prohibited from stopping, detaining, searching or arresting anyone solely because of the person's race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation – unless they are seeking an individual with one or more of those identified attributes. Officers may consider a person's apparent age when investigating a possible juvenile violation.
- D. The goal of a traffic stop is to take proper enforcement action (e.g. written citation, written or verbal warning) and to alter the violator's future driving behavior. Officers should accomplish these goals with minimal conflict with the violator by conducting the traffic stop in an organized and professional manner. Officers should:
 - 1. Present a confident and professional image;
 - 2. Approach operator of the vehicle and identify themselves by name and rank; inform the operator of the vehicle the purpose for the vehicle stop; request the operator's license and registration card;
 - 3. Professionally discuss the violation and required actions in a civil and courteous manner;
 - 4. Be cognizant for any signs of impairment, emotional distress, or illness;
 - 5. Make a reasonable effort to answer the operator's questions and to assist them with entering back into the flow of traffic.

- E. When issuing a citation, the officer will give the operator of the vehicle a copy of the citation. The officer should make every reasonable effort to explain the charge, court date and time, court appearance or waiver as applicable, court costs, and fine. The officer should make every effort to provide any other information to ensure that information is understood and there are no questions.

05.08.4 RADIO COMMUNICATIONS

- A. Prior to stopping a vehicle, or as soon as practicable thereafter, the officer shall notify the communications center of their intention to stop a vehicle. Such notification can be made either through their MCT or over the radio. The officer shall provide the following information to the dispatcher:
 - 1. Location of the intended stop.
 - 2. License plate number;
 - 3. Color, make and model of the vehicle;
 - 4. Number of occupants.

NOTE: If an officer builds the traffic stop via the MCT then the officer shall, at a minimum, tell the dispatcher via the radio their location of the stop.

05.08.5 INITIATING A VEHICLE STOP

- A. Officers will signal the vehicle they intend to stop by activation of the vehicle's emergency lights. The siren and air horn may be used if necessary, to further alert the driver.
- B. Upon stopping, officers may instruct the operator of the vehicle to move to another location for the safety of the officer and the occupant(s) of the vehicle. If conditions exist that the officer cannot safely exit their vehicle, the officer may instruct the operator of the vehicle via the officer's PA system.
- C. Once the operator of the vehicle has stopped in an appropriate location, the officer will position their vehicle 10-15 feet behind the stopped vehicle, at a slight angle so the left front of the vehicle is off-set the left of the stopped vehicle and the right rear is near the curb to provide maximum protection to the officer and the stopped vehicle.
- D. Prior to exiting their vehicle, the officer should conduct a safety scan of the immediate area for oncoming traffic and other possible hazards. Officers should look into and check for any safety concerns that can be seen in the vehicle's rear view mirror and side mirrors. The officer should look over their left shoulder to check for a safe movement out the patrol vehicle's driver's door.
- E. Officers will exit the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the operator or other occupants of the vehicle.

- F. Should the operator of the stopped vehicle exit the vehicle before the officer has made the approach or while the officer is approaching, the officer will instruct the operator to return to their vehicle. The officer should be prepared to take evasive action should the driver advance on their position.
- G. The officer should approach in a manner that affords occupants of the vehicle as small a target as possible. When the officer passes the trunk area, a check should be made to make sure it is closed. This check can be accomplished by pulling gently up on the edge. The officer should follow this movement by placing his/her right hand flat on the trunk lid in order to leave fingerprints on the vehicle in the event the occupants harm the officer and flee the scene.

The officer should visually scan the rear and front passenger area. The officer should verbally control the movements of all occupants within the vehicle. Special attention should be given to the hands of all occupants. The officer should stop just short of the driver's door and initiate contact with the driver.

- H. When conducting vehicle stops at night, take down lights will be used to illuminate the interior of the stopped vehicle.

05.08.6 UNMARKED / UNDERCOVER VEHICLE STOPS

- A. Uniformed officers operating unmarked police vehicles may conduct traffic stops. Officers initiating traffic stops while operating an unmarked vehicle should take whatever action is reasonably necessary to clearly establish their identity as police officers, including requesting a marked unit to respond to their location, if needed.
- B. Sworn plain clothes officers operating unmarked police vehicles, who find it necessary to conduct a traffic stop, may proceed with a vehicle stop. Such vehicle stops will follow normal procedures. Officers must use extreme caution and must clearly establish their identity as a police officer prior to undertaking any enforcement action. In exigent situations or cases of high risk vehicle stops, the plain clothes officer initiating the stop shall request the presence of a marked patrol vehicle prior to executing the stop, if practical.
- C. Sworn plain clothes officers operating undercover vehicles should not conduct traffic stops unless exigent circumstances exist. Should the need arise for a vehicle to be stopped, plainclothes officers should request the assistance of a marked patrol unit to avoid publicly disclosing their undercover vehicle as a police vehicle.

05.08.7 OFFICER ACTIONS DURING VEHICLE STOP

- A. CONTACT WITH CONCEALED WEAPON PERMITTEES

When in the presence of a law enforcement officer, the permittee is legally bound to disclose to the officer that they have a Concealed Carry Permit and that they are armed (N.C.G.S. 14-415.11(a)). If the permittee informs the officer that they are legally armed, the officer should ask the permittee to keep their hands in plain view and determine the exact location of the weapon. The officer must then decide on an appropriate course of action based on the nature and circumstances of the stop.

B. ROADSIDE INTERVIEWS / FIELD SOBRIETY TESTING

Should it become necessary to remove the driver from the vehicle to conduct interviews or field sobriety testing, officers should avoid standing between both vehicles during contact. Contact with the driver outside the vehicle should take place near the right front of the officer's vehicle and near the shoulder of the roadway if practical.

C. MULTIPLE OCCUPANTS

Vehicles with multiple occupants pose additional risks to officers. Officers should refrain from going forward of the most rear passenger to void placing themselves at a tactical disadvantage. Officers should try to keep all occupants seated inside the vehicle unless the situation dictates otherwise. Officers should always request a second unit on the scene before attempting to direct multiple occupants out of a vehicle or conduct any type of vehicle search.

D. VEHICLE SEARCHES

Vehicle searches pose an additional safety hazard to officers if not conducted in a safe manner. Prior to conducting a vehicle search, the officer should ensure that any arrestees or detainees are properly restrained and that adequate backup is present on the scene. At least one officer should be responsible for the driver and any passenger(s) while the other officer searches the vehicle. Officers should remove ALL occupants of the vehicle before conducting the search. Officers should then systematically search the vehicle within the lawful scope of the search.

05.08.8 TRAFFIC DATA REPORTING

- A. Officers will document and submit accurate information regarding vehicle stops in compliance with N.C.G.S. 143B-903.
- B. Traffic data information shall be submitted on **all** traffic stops, in addition to what is required by state law.
- C. Officers shall use their uniquely assigned traffic stop identification number when completing the traffic data report. The number shall be issued to the coworker by the Public Safety Unit supervisor.
- D. Officers shall submit all traffic data reports by the end of the tour of duty during which the traffic stop was conducted.
- E. Records personnel will be required to submit traffic data reporting data to the North Carolina Department of Public safety within 60 days of the close of each month in compliance with N.C.G.S 143B-903(e).



GARY J. GACEK
CHIEF OF POLICE