



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4052 R-3

VEHICLE STOPS

Effective Date: 12/15/1995

Revision Dates: R-1 07/25/2003; R-2 11/03/2014; **R-3 05/16/2023**

INTRODUCTION

Officers of the Durham Police Department will follow the guidance in this directive and apply the officer survival techniques in a manner that reflects the circumstances and nature surrounding each vehicular stop. Due to the variety of possible circumstances, this General Order cannot be considered to be an absolute rule for operating in every set of circumstances. It should, however, be a general guide as to how to proceed in most normal situations.

RISK ASSESSMENT

When conducting vehicle stops, officers will be vigilant and observant due to the potential danger involved in each stop. Certain factors of a vehicle stop may indicate the need for a tactical response, also known as “felony stop” or “known risk stop” procedures. These factors include (but are not limited to):

- Stolen vehicles;
- Existence of felony warrants on an occupant;
- Occupant is reasonably believed to be armed and dangerous;
- Occupant(s) or vehicle being stopped is reasonably believed to be involved in a violent crime.

Absent any of the above indicators, officers should follow the below procedures for unknown risk vehicle stops. Officers have the discretion to transition between unknown and known risk stops, whenever the above factors are applicable.

UNKNOWN RISK VEHICLE STOPS

Location

The location of the stop should be advantageous for the officer and the general public. The officer will consider the following factors:

- Traffic congestion;
- Pedestrians;
- Road conditions and traffic flow;
- Available light;

- Visibility to oncoming traffic, and
- Escape route for the officer.

Officers may instruct the operator of a vehicle to move their vehicle to increase safety, either via the vehicle's public address (PA) system or during the initial contact, after the stop has been initiated (e.g. move the stop from a narrow road into an adjacent parking lot.)

Radio Traffic Requirements

The officer will give the following information to Communications and receive an acknowledgment before exiting his or her vehicle:

- Location of the stop;
- License plate of the vehicle;
- Description of the vehicle (include make, model, and color), and
- Number of occupants.

Position of the Law Enforcement Vehicle

The patrol vehicle will be positioned in a manner that:

- Allows for the emergency lights to be seen by passing motor vehicles;
- Allows for illumination of the suspect vehicle, and
- Provides concealment for the officer, if the stop transitions into a known risk stop.

The recommended distance between the suspect vehicle and the patrol vehicle shall be approximately 10-15 feet. The suspect vehicle's rear tires should be visible from the officer's seated position.

The recommended offset from the suspect vehicle is approximately 3 feet and the wheels turned sharply in the direction of the patrol vehicle's offset of the suspect vehicle. The offset will depend on the following factors:

- Officer's approach to the suspect vehicle;
- Roadway conditions and traffic flow; or
- Suspect vehicle's position when stopped.

Approaching the Vehicle

During approach it is recommended that the officer complete the following:

- Exit their vehicle with care, while remaining vigilant to sudden changes from the violator;
- Carefully observe occupants;
- Address any threats or suspicious movements directly and professionally;
- Keep their hands free;
- Check the violator's trunk, visually or by touch.

The officer has the discretion to conduct a driver's side or passenger's side approach based on the following factors:

- Roadway conditions and traffic flow;
- Nature of the traffic offense;
- Number of occupants; or
- Environmental safety hazards. (guard rails, embankments, etc.)

All verbal contact will be accomplished in a firm, fair, impartial and courteous manner. The officer can request the following from the driver:

- Turn off the vehicle's ignition;
- Keep both hands visible (this may include all occupants);
- Driver's license, vehicle registration, and proof of insurance.

The officer will inform the driver of the reason for the stop during initial contact. If the officer needs to remove an occupant for any reason, the officer may do so in a manner that maintains both officer safety and the safety of the occupants. Officers will use the same caution and control when returning to their patrol vehicle.

Issuing a Citation

If a citation is to be completed, the officer should maintain visual contact of the occupants from their patrol vehicle. Occupants will not be placed in the patrol vehicle's passenger seat while the officer is completing a citation. The officer will re-approach the suspect vehicle using the same caution and control as during the initial stop. The officer will explain the following to the person being charged by citation:

- Offense charged, explain the fine and whether or not the violator's court appearance is mandatory or if a payment of a fine may be made by mail.
- If court appearance is mandatory the officer will inform the violator of the designated court, court date and time to appear.

Officers will not engage in an argument over the violation with any occupants. The officer should conclude the stop by notifying the driver they are free to leave.

As a reminder, officers shall complete an SBI-122 form as required in General Order (G.O.) 4028 – Report Writing.

Physical Arrests

If the stop results in a physical arrest the officer should have another officer on scene to assist when possible. The officer may then remove the suspect from the vehicle and proceed with searching and handcuffing techniques as prescribed by policy.

KNOWN RISK VEHICLE STOPS

Stops of this nature require a tactical approach and more resources. The officer will notify Communications and when possible notify their supervisor.

Location

The officer initiating the stop will take into consideration the same factors as outlined in unknown risk stops. In addition to those factors, officers should select a location knowing that the stop will not be relocated and that other patrol vehicles will be on scene. Whenever possible, the stop should not be initiated until back-up responds to the location.

Radio Traffic Requirements

Information transmitted to Communications will include everything listed in unknown risk stops and additionally will require the following:

- Reason for the stop;
- Direction of travel;
- Advise backup what direction to respond from;
- Advise as to the need for additional patrol vehicles not used at the stop site (example - traffic control units to divert traffic or secure a perimeter).

Position of the Law Enforcement Vehicle

The rapidly evolving nature of these stops will not allow officers to follow the below recommendations in any exact order, but the following is best practice when possible.

The officer initiating the stop should assume the role of contact officer. Their responsibilities are:

- Position their vehicle at approximately 30 – 40 feet from the suspect vehicle; and
- 45-degree angle to the left on most known risk stops;
- Give commands:
 1. Clear and concise verbal commands to the suspect vehicle and occupants (Example – “Put your hands on top of your head”);
 2. Identify themselves as Durham Police Officers;
 3. Give the reason for the stop (Example – “You’re being stopped as an Armed Robbery Suspect”);
 4. Tell the driver to turn the engine off;
 5. Ensure the driver places the keys in a specific location. (Example – “Place the keys on the roof”)
 6. Identify each occupant when giving commands (Driver, Front Passenger, etc.);
 7. Only remove one occupant at a time and give clear instructions on how to get out;
 8. Instruct each occupant to face away, put their hands on their head, and then using the collar of their shirt, lift their shirt to expose their waist band and turn around slowly;
 9. Conduct a visual inspection for weapons;
 10. Use discretion to leave doors open or closed after occupants exit.

The first backup officer should position their vehicle:

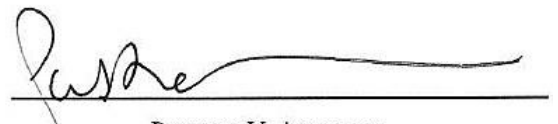
- At the rear of the initial patrol vehicle;
- No angle;
- Essentially, the second vehicle will be in an unknown risk vehicle stop position off set slightly to the right of the suspect vehicle.

The initial officer should utilize their vehicle as cover on the driver's side. The second officer responding should use the rear of the initial officer's patrol vehicle for concealment and be prepared to assume subject control duties when occupants are brought back to the front of the secondary vehicle. Once subjects are brought back, the second officer will begin giving verbal commands to the suspect. There may be instances when a transition of commands occurs. Other officers arriving to assist may also assume this role to ensure constant visual contact is made on the suspect vehicle's driver and passenger sides.

All officers on scene should take tactical positions using cover and concealment available. If they observe any movements or concerns they will alert the contact officer. Each occupant that is removed shall be handcuffed and searched for weapons prior to being placed in a patrol vehicle with a prisoner compartment.

Once all visible occupants are removed and secured, officers will use sound tactical procedures to approach and of the suspect vehicle, including the trunk. Officers will avoid crossfire angles when approaching and searching the vehicle.

At any time during a known risk stop, if suspects are located and will not respond to verbal commands, the Selective Enforcement Team will be contacted for deployment. The team leader will have operational command of the stop.



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