

 Kinston Police Department	<u>POLICY: Vehicle Stops</u>						<u>POLICY #:</u> 400-3
	<u>NCLEA Standards:</u>						
	<u>CALEA Standards: 61.1.7</u>						
	<u>NCLM Standards:</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	04/08/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to provide guidelines for officers conducting stops of traffic law.

II. DEFINITIONS

- A. Vehicle Stop or Traffic Stop: A traffic stop is considered to be a subset of the Terry stop; the standard set by the United States Supreme Court in Terry. Ohio regarding temporary detentions requires only reasonable articulable suspicion that a crime has occurred or is about to occur.

III. POLICY

A. Misdemeanor Vehicle Stops / Unknown Risk Stops (CALEA 61.1.7 a)

1. The officer should carefully choose the location for the vehicle stop. The officer should also consider the following in choosing a location for a vehicle stop: Traffic Congestion; Pedestrians; Road Conditions; Surrounding Terrain; Street Lighting; Available Cover; Visibility to Traffic.
2. The officer shall inform the Communications Center of the traffic stop prior to initiating the first contact with the driver. The stop should be called in the following manner:
 - a. Officer - "K-XX, vehicle stop"
 - b. Communications - "K-XX"
 - c. Officer - License plate number (if out of state, give the state first. Ex: "Ohio plate, ABC123"
 - d. Location
 - e. Year, make, model, and color of vehicle (if known)
 - f. Race, sex, and number of occupants (if known)
3. The officer shall activate the emergency lights to alert the driver to stop. The officer should use the siren, if necessary, to alert the driver. At night the officer should use the patrol car takedown lights and/or spotlight (if available) to illuminate the interior of the stopped vehicle.
5. Before exiting the patrol vehicle, the officer should observe the interior of the stopped

vehicle for unusual movement or activity and be aware of roadway traffic and use caution when exiting the patrol vehicle.

6. While approaching the vehicle the officer should:
 - a. Approach the stopped vehicle's rear bumper, and then walk closely along the side of the vehicle toward the front window.
 - b. Observe the trunk of the stopped vehicle.
 - c. Observe the rear window of the stopped vehicle.
 - d. Stop slightly to the rear of the front door post or rear door post, out of the way of the door should it open.
 - e. Observe the rear seat and floorboard of the stopped vehicle.
 - f. Observe the occupants inside the stopped vehicle, their movements, their hands, and determine if they are empty.
7. The officer has the discretion to approach the vehicle along the right side, and stop slightly to rear of the front door post or rear door post. Should the officer be unable to view the activities of the occupants of the vehicle, the officer may order the occupants to open the doors of the vehicle to get a better view of the activities of the occupants. The officer should not enter the vehicle nor extend any of the officer's limbs or body into the vehicle. For the safety of the officer, it is permissible for the officer to order all occupants of the vehicle out and briefly detain them during the stop. Although permissible, the officer should consider all safety issues arising from removal of the occupants from the confinement of the vehicle.
8. If the driver of the stopped vehicle exits the vehicle before, or while, the officer has made the approach, the officer may instruct the driver to return to the stopped vehicle. The officer should be prepared to take evasive action in case the driver advances upon the officer.

The officer should make contact with the driver and provide their name and Department, explain the purpose for the vehicle stop and take enforcement action as appropriate (example: hello, my name is officer xxxx of the Kinston Police Department, the reason I stopped you is xxxx). The officer shall "clear" the traffic stop in the following manner: "K-XX, Clear Vehicle Stop".

B. Felony Vehicle / High Risk Stops (CALEA 61.1.7 b)

1. This is the most dangerous vehicle stop an officer makes. If handled properly, the felony vehicle stop can be accomplished safely. This kind of stop should always be completed by two or more officers, using at least two patrol cars. The officers should consider the following in choosing a location for a felony vehicle stop: Traffic Congestion; Pedestrians; Road Conditions; Surrounding Terrain; Street Lighting; Available Cover; Visibility to Traffic.

2. Prior to initiating a felony vehicle stop, the officer shall inform the Communications Center of the activity and shall inform the communications Center of the vehicle license plate number, license state, color, year, make, and model of the vehicle. The officer shall transmit to the Communications Center the officer's current location and direction of travel. Prior to initiating a felony vehicle stop, the officer should ensure that backup officers and patrol cars are on the scene. The officer shall wait for an acknowledgment from the Communications Center before proceeding with the felony vehicle stop.
3. Before exiting the patrol vehicle the officer shall attempt to determine and transmit to the Communication Center the number of occupants inside the vehicle. The officer should wait for an acknowledgment from the Communications Center before exiting the patrol vehicle.
4. To initiate the felony vehicle stop, the officer shall activate the emergency lights to alert the driver to stop. The officer should use the siren, if necessary, to alert the driver. The officer should use the patrol car takedown lights and/or spot light at night to illuminate the interior of the vehicle being stopped. The officer shall transmit to the Communications Center the final location of the vehicle stop.
5. The officer should position the patrol car about 20 feet to the rear of the stopped vehicle, at about a 45-degree angle to the left, with the front wheels turned sharply to the left. The officer should occupy a position using the cover provided by the patrol car.
6. The officer initiating the vehicle stop should be the command officer, and the patrol vehicle should be the command vehicle. The backup officer should position the backup patrol car about three feet to the right of the rear of the command vehicle, facing the stopped vehicle, offset slightly toward the right side. The backup officer should occupy a position using the cover provided by the patrol cars. The backup officer should be the cuffing officer.
7. The command officer should control the occupants of the stopped vehicle by issuing commands to the driver of the stopped vehicle using the public address system. The command officer should direct the occupants of the stopped vehicle out of the car and back to the cuffing officer and other backup officers to be searched and secured. The commands should be kept simple, clear, and direct such as: "Driver of the car put your hands on the windshield."; "Driver, with your left hand, turn off the ignition and drop the keys out the window."; "I am a Kinston Police Officer, you are under arrest."
8. Under most circumstances officers should not approach an occupied vehicle during a felony vehicle or known risk stop.
9. At the completion of the felony vehicle stop the command officer shall transmit to the Communications Center the disposition of the stop, and the status of officers involved.
10. Officers should review the different techniques for conducting felony vehicle stops as part of their annual retraining or monthly shift training. Officers should be prepared for circumstances that require different vehicle positions and different officer positions during felony vehicle stops, i.e., night stops, terrain, etc.