
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Traffic Enforcement Activities</b>		
	<b>GENERAL ORDER</b>	<b>619.1</b>	
<b>Effective Date</b>	<b>06/23/2016</b>	1.1.3, 26.1.1, 61.1.4, 61.1.6, 61.1.7, 61.1.8, 81.2.4, 81.2.9.	
<b>Authorized by:</b>	<b>Mark P. Sroka</b> CHIEF OF POLICE	SIGNATURE <i>Mark Sroka</i>	DATE <b>06/23/2016</b>

**I. DEPARTMENT POLICY**

While stopping motorists for traffic violations is often considered a routine function of police officers, it has been demonstrated to be dangerous for both officers and motorists even in the absence of a serious violation of traffic law.

It is the policy of the Gaithersburg Police Department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the roadway.

The Department encourages suggestions and input from citizens regarding traffic problems in their communities and will consider information received in this manner when deploying resources and making specific assignments.

**II. OFFICER CONDUCT WITH TRAFFIC VIOLATORS**

**A. Professional Image**

1. Officers are expected to follow the below listed professional traffic stop guidelines, unless they are involved in a high risk traffic stop:
  - a. Greet the violator in a courteous manner;
  - b. Advise the violator that they are being audibly and visually recorded;
  - c. Inform the violator of the violation and the intended course of action, if appropriate;
  - d. If a citation, warning or Safety Equipment Repair Order is issued, attempt to explain the document by providing information about:
    - i. Requesting a court date, entering a plea, or paying the fine;
    - ii. Any requirement for the violator's appearance in

Court;

- iii. The law requiring the violator's signature on the citation; and
  - iv. Appropriate information regarding a Safety Repair Order.
2. Unless the violator's license and/or registration is held as evidence, it will be returned to the violator after the paperwork is signed.
  3. The officer should assist the violator, as necessary, in safely re-entering the flow of traffic.

### **III. STOPPING/APPROACHING TRAFFIC LAW VIOLATORS**

#### **A. Traffic Stop Objectives**

1. There are three primary purposes for every traffic stop:
  - a. The first purpose is to stop a violation of the law in order to preserve public safety. Officers will accomplish this purpose merely by stopping the vehicle.
  - b. The second purpose of the stop is to serve as a general deterrent to other drivers. An officer's visible presence with a vehicle at the roadside can persuade other drivers to obey traffic laws.
  - c. The third purpose is to change the driver's future driving behavior. An officer's interaction with a traffic violator during the stop can be a determining factor in the driver's attitude toward law enforcement in the future; not just traffic enforcement, but all law enforcement.
2. People are more likely to adopt a new or modified behavior if they trust and respect the authority advocating it. This is why professionalism is so important during the traffic stop.

#### **B. Traffic Stop Procedures for Traffic Law Violators**

1. Officers shall be cognizant of the necessity to be courteous, yet safety-minded during every traffic stop they make.
2. The Department cannot possibly write procedures for every unique situation that an officer could potentially encounter, however,

when an officer intends to initiate a traffic stop, these procedures and guidelines are intended to maximize the safety of the officer, the violator, and other motorists.

3. Occasions may arise where adverse weather and road conditions, engineering conditions, the urgency to stop a particular violator, and traffic congestion in the area of an intended stop, may dictate that some of the steps listed herein may need to be altered to fit the circumstances. However, officers will make every effort to follow these procedures as often as possible:
  - a. In order to alert the dispatcher and other officers to their status, officers will call on the radio, or advise others via MDC of a traffic stop or suspicious situation, by stating or entering their car number and the exact location of their initial contact with the violator.
  - b. Officers will also provide the tag number and/or description of the violator's vehicle if there is no tag visibly displayed.
  - c. If possible, the tag number should be written down by the officer prior to the officer exiting their vehicle.
  - d. Officers should attempt to make the traffic stop in an area familiar to them and should consider a location with ample space and appropriate lighting, avoiding hills, curves, intersections and private driveways.
  - e. The police vehicle's emergency lights shall be used as one signal to stop the violator. The police vehicle's siren, horn, or officer's hand signal is also acceptable.
  - f. The violator should be directed to the side of the roadway, close to the curb, or onto the road shoulder, whenever possible.
  - g. On multi-lane roadways, to enhance safety, the officer should gradually move to the roadside/shoulder with the emergency lights on and turn signal activated to alert other traffic of the gradual lane changes and the officer's intention to stop the violator.
  - h. If the violator stops abruptly, in an unsafe area, or in an area of disadvantage to the officer, the officer shall use the police vehicle's public address system to direct the violator to a safer location.

- i. Whenever possible, the police vehicle shall be positioned in a manner behind the violator's vehicle that maximizes safety.
  - j. The police vehicle's emergency lights shall always be used on all traffic stops. The spotlight shall only be used to illuminate the violator's vehicle's interior and should not be used to signal a violator to stop.
  - k. The "Take-Down" lights can also be activated to assist in illumination of the vehicle to enhance visibility and safety.
  - l. Vehicle and wanted checks will be done through the MDC, unless it is otherwise unavailable.
  - m. Officers will not request criminal history information via radio and will not discuss criminal history information via radio unless in the immediate interest of officer safety.
4. Officers have an affirmative duty to de-escalate traffic stops at the earliest opportunity consistent with their training, good judgment, and the circumstances that exist at the time.

**C. Unknown Risk Traffic Stops**

1. Once an initial decision has been made to stop a motorist and whenever possible, the officer shall select an area that provides reasonable safety, avoiding curves, hills, heavily trafficked and poorly lit areas and roads without shoulders.
2. Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the violator's vehicle and at a slight angle, with the front approximately 2 feet to the traffic side of the violator's vehicle.
3. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
4. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers.
5. When approaching the vehicle, the officer should be observant of the vehicle trunk and passenger compartment and stop at a point to the rear of the trailing edge of the left front door in order to

communicate with the driver.

6. At their discretion, particularly where traffic is close enough to create a potential problem, officers may choose to approach the violator's vehicle from the right hand side and stop at the trailing edge of the right front door.
7. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.
8. In two-officer police vehicles, the passenger officer shall be responsible for radio communications, note taking and relaying messages to the dispatcher and will also act as an observer and cover for the other officer.

**D. High Risk Traffic Stops**

1. The following procedures will be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:
  - a. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action;
  - b. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop;
  - c. Officers should position their vehicles, as they are trained for a high risk traffic stops, at a safe distance behind the suspect vehicle, in positions that will maximize opportunities for cover and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage;
  - d. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover;
  - e. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system, if available. Only one officer shall issue commands;

- f. The officer in charge shall first identify him/herself and then notify the occupants of the vehicle that all instructions are to be followed without hesitation or suspicious movements;
- g. The occupants of the suspect vehicle shall be ordered to exit the vehicle separately and placed in an appropriate position most advantageous to the officer's safety;
- h. With appropriate cover and adequate back-up, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

#### **IV. PATROL TECHNIQUES**

##### **A. Visible Traffic Patrol**

- 1. Visible traffic patrol will involve deploying an officer in-uniform, utilizing a marked police vehicle, to enforce the traffic laws within an assigned area.
- 2. Although patrol officers are assigned to patrol beats, they are always alert for traffic violations or traffic complaints that come to their attention. Officers use their best judgment, training and discretion, in taking appropriate enforcement action. Effective action ranges from a verbal or written warning, to the issuance of a citation or a physical arrest if stricter measures are necessary.
- 3. If deemed appropriate, officers are assigned to patrol a certain stretch of roadway (known as *Line Patrol*) to deter violations and/or to enforce traffic violations.
- 4. Directed patrol efforts are coordinated by Commanders and supervisors and involve the deployment of officers to conduct a specific type of enforcement in an area, on a line patrol, or at a specific location depending on the nature of the hazard or violations occurring.

##### **B. Stationary Observation**

- 1. Stationary observation, either covert or overt, is used as a technique to make observations about traffic flow at a particular location.
- 2. The Department utilizes this technique to, among other things, assist traffic engineering officials and/or other officials with studies or analyses for traffic control.

3. Enforcement by means of *Off-Street Observation* is often necessary in areas that generate a large number of citizen complaints and requests for traffic law enforcement.

**C. Use of Unmarked or Unconventional Vehicles**

1. Unmarked police vehicles are generally issued to supervisors and Command Staff personnel, but they may also be assigned to shift personnel to assist in traffic enforcement or routine patrol.
2. Four wheel-drive vehicles may be used for patrol/traffic law enforcement based upon the assignment of the officer to whom the vehicle is assigned.
  - a. In the event of extreme weather or road conditions, Department four-wheel-drive vehicles issued as PPVs in the possession of off-duty personnel may be recalled by supervisors for use during the extreme conditions by on-duty personnel.

**V. ROADSIDE SAFETY CHECKS**

**A. Procedures and Guidelines**

1. A roadside safety check is a temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or their contents or to interview drivers. Used correctly, roadside safety checkpoints can be valuable investigative tools and can promote positive police-community relations.
2. Roadside safety checks may be authorized by a Bureau Commander in conjunction with a planned activity (i.e., safety seat inspection, sobriety checkpoint) or in conjunction with an on-going investigation. When authorizing the checkpoint the Bureau Commander will approve the general location and allow the on-scene supervisor to establish the specific location in order to maximize safety to the officers and the public. All personnel involved with the checkpoint will wear reflective clothing at all times.
3. When authorizing a checkpoint, the Bureau Commander will ensure that it is approved for a specific duration of time and that motorists who choose not to enter the checkpoint have an avenue to use to avoid the checkpoint. The latter may be accomplished by the use of a sign board placed in an area near the checkpoint to

warn approaching traffic of the checkpoint.

4. Prior to establishing a roadside safety checkpoint, supervisors will ensure that it is established in an area that maximizes officer and motorist safety. Authorizing supervisors also ensure that the checkpoint is properly staffed by officers who wear high visibility clothing (i.e., traffic vest).
5. The checkpoint should only be operated when the traffic volume allows the operation to be conducted safely and without undue delay to motorists. In the event that every vehicle is not stopped, a neutral mathematical formula, such as every third, fifth, or tenth vehicle, should be used in determining which vehicles to stop at the roadblock.
6. The length and nature of detention, if any, should be of the shortest duration to satisfy the purpose of the checkpoint. For instance, for child safety seats and seatbelt enforcement there may be no detention when those in the vehicle are properly restrained. For DWI checkpoints each motorist stopped should be detained only long enough for the officer to question the driver briefly and to look for signs of intoxication, such as alcohol on the breath, slurred speech, and glassy or bloodshot eyes. If the driver does not display signs of impairment, he or she should be permitted to drive on without further delay.
7. In the event that enforcement action or further investigation is warranted, the driver may be directed to a separate area for additional interaction with law enforcement personnel in order to minimize negative effects on the flow of traffic.
8. In order to assure motorists that the checkpoint is bona fide and duly authorized, the checkpoint shall be conducted in a manner that ensures high visibility. At all times the area will be well lighted and there shall be a minimum of one fully marked police vehicle present. All initial contact with motorists shall be conducted by a fully uniformed police officer.
9. At the conclusion of the checkpoint, the supervising officer will complete a report for the authorizing bureau commander indicating the personnel involved, approximate number of vehicles stopped, citations or warnings issued, arrests effected and all other noteworthy information related to the checkpoint.