

Recruit Officer Course



Commonwealth of Massachusetts
Municipal Police Training Committee

Volume II: Investigations

Motor Vehicle Stops

Version: 0118a

The Municipal Police Training Committee (MPTC), an agency of the Executive Office of Public Safety and Security (EOPSS), serves the Commonwealth by establishing training standards, oversight and policy guidance for policing professionals.

INSTRUCTOR LESSON

| | |
|---------------------------------|---|
| Title: | Motor Vehicle Stops |
| Version: | 0108a |
| Course Purpose: | Provide student officers with best practices for conducting motor vehicle stops. |
| Learning Objectives: | <p>During this lesson, student officers will receive information and instruction on how to do the following:</p> <ol style="list-style-type: none">1. Define <i>deterrence</i> and identify common methods used by police to deter motor vehicle violations.2. Demonstrate best practices for conducting <i>unknown risk</i> motor vehicle stops.3. Demonstrate best practices for conducting <i>high risk</i> motor vehicle stops. |
| Classroom Hours: | 6 |
| Skill Development Hours: | 12 |
| Total Hours: | 18 |
| Instructional Methods: | Facilitation / Lecture Open Discussion Practical Exercises |
| Required Materials: | Lesson manuscript & supporting visual aids Desktop or laptop computer with audio LCD projector or TV Adobe Reader Software Marked patrol cars Passenger cars Two-way radios Contraband props (for searches) |

| | |
|-------------------------|---|
| Training Aids: | Flip Chart Dry Erase Board |
| Videos: | None |
| Handouts: | Consent Search Waiver High Risk Stops: Occupant Instructions Performance Assessment: Unknown Vehicle Stops Performance Assessment: High Risk Vehicle Stops |
| Case References: | <i>Arizona v. Gant</i> , 556 U.S. 332 (2009). <i>Berkemer v. McCarty</i> , 468 U.S. 420 (1984). <i>Carroll v. United States</i> , 267 U.S. 132 (1925). <i>Chimel v. California</i> , 395 U.S. 752 (1969). <i>Commonwealth v. Almeida</i> , 373 Mass. 266, 272 (1977). <i>Commonwealth v. Bostock</i> , 450 Mass. 616 (2008). <i>Commonwealth v. Cruz</i> , 945 N.E.2d 899 (2011). <i>Commonwealth v. Douglas</i> , 472 Mass. 439 (2015). <i>Commonwealth v. Goeway</i> , 452 Mass. 399 (2008). <i>Commonwealth v. Johnson</i> , 454 Mass. 159, 162 (2009). <i>Commonwealth v. Pacheco</i> , 464 Mass. 768, 772 (2013). <i>Commonwealth v. Smigliano</i> , 427 Mass. 490 (1998). <i>Commonwealth v. White</i> , 469 Mass. 96 (2014). <i>Maryland v. Wilson</i> , 519 U.S. 408 (1997). <i>Michigan v. Long</i> , 463 U.S. 1032 (1983). <i>Navarette v. California</i> , 134 S. Ct. 1683 (2014). <i>Terry v. Ohio</i> , 392 U.S. 1 (1968). |
| References: | Contacts between Police and the Public: Findings from the 1999 National Survey, Office of Justice Programs, Bureau of Justice Statistics, February 2001, NCJ 184957 “Driving on State Highways, 720 CMR 9.00.” Code of Massachusetts Regulations, Department of Highways. [On-line]. Available at: http://www.mass.gov/courts/docs/lib/700-799cmr/720cmr9.pdf [December 2017]. |

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Instructor Notes

1. Delivering instructors should have proven knowledge and experience conducting traffic enforcement and motor vehicle stops. Instructors must have a MPTC Patrol Procedure Instructor Level 3 Certificate to be a Lead Instructor and a MPTC Patrol Procedure Level 2 Certificate to be an Assistant Instructor.
2. “**Motor Vehicle Stops**” is one of several topics for “Motor Vehicle Investigations.” For best results and seamless delivery of training materials, lessons should be delivered in a specific order (see table below). At a minimum, “Motor Vehicle Law” must be delivered first.

| Order | Topic |
|-------|--------------------------------------|
| 1 | Motor Vehicle Law |
| 2 | Traffic Control & Direction |
| 3 | Crash Investigations |
| 4 | O.U.I. Investigations |
| 5 | Speed Detection & Measurement |
| 6 | Bicycle Safety & Traffic Enforcement |
| 7 | Motor Vehicle Stops |

3. Instructors may use guest speakers and other agency representatives on any topic herein. Guest speaker presentations should not exceed 20 minutes. Time used for guest speakers must be factored into time allotted to deliver content.
4. Instructors are encouraged to be dynamic and creative when teaching adult learners. They may use facilitation methods, games and other training aids (e.g., flip chart, dry erase board, etc.) to enhance the learning environment. Instructors are also encouraged to share *relevant* media articles and work experiences when appropriate.
5. Instructors must use the “Instructor” manuscript. Student officers must be provided with the “Student” manuscript. Both manuscripts contain hyperlinks to internal and external content. Student manuscripts can be distributed in print (hard copy) or electronic .pdf formats for viewing. Electronic formats are recommended and allows student officers to take full advantage of lesson resources.

6. Student officers are tested on lesson manuscript content related to learning objectives. Therefore, supporting visual aids and handouts cannot be used as “stand-alone” materials when delivering this lesson.
7. Instructor **NOTES** are inserted throughout the manuscript. They are used to choreograph delivery and ensure content is presented as intended.
8. “Version” numbers are used to identify the most current ROC lesson manuscripts, visual aids and handout materials. Version numbers are found on document covers and footers. Academy Directors must provide student officers with access to the most current ROC materials. Instructors must also possess the most current ROC materials for delivery.

Confidential Draft

I. Introduction

A. Opening Statement

SLIDE: “Motor Vehicle Stops” (opening)

SLIDE: “Instructor”; introduce self and credentials

SLIDE: “Motor Vehicle Stops”

Motor vehicle stops are the most common reason for contact between police and citizens. “According to the Bureau of Justice Statistics, 42% of all face-to-face contacts between police and citizens occur during motor vehicle stops totaling 26 million interactions each year.”¹

In addition to enforcement of laws, stops are a primary tool used by police to build positive working relationships with the community.

“The officer’s primary responsibility, from a traffic safety point of view, is to help increase voluntary compliance with traffic laws and improve driver judgment.”²

B. [Learning Objectives](#)

SLIDE: “Learning Objectives”; emphasize that topic test questions for this lesson are directly related to learning objectives.

II. Body

A. Motor vehicle stop objectives

SLIDE: “Motor Vehicle Stops”

There are 4 primary objectives for every motor vehicle stop. Officer communication and conduct is a key factor in accomplishing all of them.

1. Enforce violations and protect the public.
2. Serve as a future deterrent to the stopped driver and other drivers.

3. Change the stopped driver's future behavior when operating a motor vehicle.
4. Establish positive driver (or passenger) attitudes toward law enforcement.

Drivers are more likely to change behavior if they trust and respect the police. Therefore, the goals of every motor vehicle stop are to achieve voluntary compliance with traffic regulations, keep the public safe, and enhance police credibility.

B. Deterrence

SLIDE: "Deterrence"

Deterrence is measures taken to discourage conduct, action or behavior by instilling doubt or fear of the consequences. Fear alone does not change a person's belief system or attitude. However, fear of consequences can be enough to deter a person's behavior.

Deterrence is used by police to discourage drivers from committing motor vehicle violations. Deterrence is achieved by enforcing laws and educating the public.

"Deterrence is the most effective when consequences are swift, certain, severe, and well publicized."³

1. Types of deterrence

a) General deterrence

General deterrence relies on the general public's perceived risk or fear of being punished. General deterrence targets drivers who have not been caught before, or those who may be willing to violate motor vehicle laws.

Common fears include any combination of the following:

- (1) fines

- (2) arrest
- (3) loss of license
- (4) increased insurance premiums

“Perceived or actual weaknesses in the criminal justice or administrative systems can undermine the impact general deterrence.”⁴

NOTE: Facilitate discussion about effectiveness of general deterrence for motor vehicle offenses. Is it effective? Is there a specific type of person where it works better?

b) Specific deterrence

Specific deterrence applies to people who have been caught and arrested previously for a motor vehicle violation. Fear of additional or increased punishments (e.g., jail time; larger fines, etc.) is used to deter potential repeat violators.

“Specific deterrence with strong laws and sanctions can create further general deterrence if well publicized.”⁵

NOTE: Facilitate discussion with recruits about effectiveness of specific deterrence for motor vehicle offenses. Is it effective? Is there a specific type of person where it works better?

2. Methods of deterrence

SLIDE: “Methods of Deterrence”

Common methods of deterrence used by police includes observation, selective enforcement, specific enforcement and publicity.

a) Observation

Police prevent and detect traffic violations from stationary positions or while roving. Observation can be *conspicuous* or *concealed*.

- (1) *Conspicuous* means police remain in full and obvious view (i.e., high visibility). The goal is for people to see the police and deter violations. Methods of conspicuous observation include, but are not limited to the following:
 - (a) directed patrols
 - (b) portable radar trailers
 - (c) strategic placement of marked patrol cars
- (2) *Concealed* means police are not immediately seen or obvious to motorists. The goal is to detect and deter future violations by specific drivers.

b) Enforcement

Enforcing motor vehicle laws is key for improving public safety and saving lives. Enforcement can ultimately change future behavior of violator charged and influence others within his or her circle.

Because community perception, expectations and support are key deterrence factors, officers must follow motor vehicle laws being enforced.

NOTE: Facilitate discussion with student officers by asking, “Why it is important for police to follow the laws they enforce?”

NOTE: Facilitate discussion with student officers by asking, “How can community perceptions and expectations can differ when it comes to enforcing motor vehicle laws?” For example, some jurisdictions may emphasize speed enforcement more than others.

(1) Selective (or targeted) enforcement

Selective enforcement targets a geographic location or traffic safety problem identified by data analysis. For example, data shows a 25% increase in traffic crashes at a specific intersection or roadway with low seat belt use rates.

Selective enforcement can include saturation patrols. Saturation patrols blanket a specific location with marked patrol units.

(2) Sustained enforcement

Sustained enforcement is a philosophy or strategy adopted by a police department to prioritize enforcement of specific violations. For example, a standing zero tolerance for seat belt violations committed by drivers under 20-years old because these young adults are more likely to be killed in a motor vehicle crash.

(3) High Visibility Enforcement⁶

High Visibility Enforcement (HVE) is a general deterrence strategy that combines publicity with *selective enforcement*. Any HVE strategy must possess the following 4 elements:

(a) Data

HVE programs use data to target locations and specific offenses. Data is also evaluated during HVE strategy to make needed adjustments and at conclusion to determine overall effectiveness.

(b) Publicity

Police agencies must repeatedly advertise their message and intent to increase enforcement activities.

- i) news media
- ii) social media
- iii) collaboration with other agencies

It is critical for police departments to follow through with any message of increased enforcement.

NOTE: Facilitate discussion with student officers by asking, “Why do police departments have to follow through with any publicized intent to increase enforcement? What are the consequences for not following through?”

(c) High visibility

The public must see a noticeable increase in police presence and enforcement activity. High visibility can be accomplished using the following:

- i) saturation patrols
- ii) conspicuous observation
- iii) increasing the number of hours dedicated to enforcing a specific violation

(d) Collaboration

Collaboration includes partnerships with other law enforcement jurisdictions, fire, EMS, community groups (e.g., SADD) and corporations. Greater collaboration allows for the pulling together of resources and spreading the message in multiple venues.

NOTE: Facilitate discussion with recruits “Why is it important to involve community groups in an overall HVE strategy?”

C. General Officer Safety Strategies

SLIDE: “Officer Safety”

Although most vehicle stops conclude without issue, they are one of the most dangerous tasks performed by police. “Eighty-three (83) officers were feloniously killed between 2006-2015 and 54% of all officers assaulted between 2011-2015 were conducting a motor vehicle stop.”⁷

There is no such thing as a “routine” motor vehicle stop. Every motor vehicle stop presents environment, suspect and other safety risks to officers.

SLIDE: “Officer Safety”

1. Be physically prepared to exert yourself and perform effectively.
2. Be mentally prepared, alert and focused. Preparedness also includes patrol car emergency equipment.
3. Be flexible and ready to adapt to changes as they occur.
4. Use **SCCAN** method to increase officer safety and awareness.

SLIDE: “SCCAN”

- a) **S**eek. Continuously scan exterior and interior of vehicle before and during stop for **C**lues that indicate violations or danger.
- b) **C**lues vary by stop. Some are obvious, and others are not.
 - (1) Exterior vehicle clues include description, number of occupants, witnessed violations and unique identifiers (e.g., bumper stickers).
 - (2) Interior clues include:
 - **C**ontraband (evidence)
 - **A**rms (weapons)
 - **N**arcotics (drugs)

D. Unknown Risk Stops

SLIDE: “Unknown Risk Stops”

During an *unknown risk stop*, officers have limited information about the vehicle and its occupants to include driver and passenger conditions, intentions, and capabilities. Most vehicle stops conducted by police are unknown risk.

The 6 phases for conducting a safe and effective unknown risk vehicle stop are:

PHASE 1: Legal Justification

PHASE 2: Gather Exterior Vehicle **C**lues

PHASE 3: Stop Vehicle & Position Patrol Car

PHASE 4: Approach Vehicle (Gather Interior Vehicle **C**lues)

PHASE 5: Communication with occupants

PHASE 6: Take Action

1. PHASE 1: Legal justification

SLIDE: “Phase 1”

NOTE: Legal content herein only serves as a reminder of search and seizure legal standards previously covered in [Constitutional Law](#) and [Motor Vehicle Law](#) lessons. Review as needed.

Never stop a motor vehicle without legal justification.

Never base a stop or enforcement actions according to driver race, gender, religion, sexual orientation, social economic status, disability, or national or ethnic origin.

To ensure procedural justice, officers must have legal justification to conduct a vehicle stop to include key elements of...

- a) ...a motor vehicle
- b) being operated
- c) on a public way or public access.

Because motor vehicle stops are temporary seizures or stops, officers need a minimum of *reasonable suspicion* to make the stop.

SLIDE: “Phase 1 – Reasonable Suspicion”

Reasonable suspicion is less than probable cause, but more than a hunch. It is “specific and articulable facts” which, when taken together, would convince a person of reasonable caution to believe that a person has committed, is committing, or is about to commit a crime. [Terry v. Ohio](#), 392 U.S. 1 (1968)

A seizure occurs when police issue a show of authority, including activating a patrol car’s blue light and siren. This means that police must have reasonable suspicion to support the stop before signaling for a motorist to stop. [Commonwealth v. Smigliano](#), 427 Mass. 490 (1998)

Review [Constitutional Law](#) for legal standards.

2. PHASE 2: Gather exterior vehicle Clues**SLIDE: “Phase 2 – Exterior Clues”**

Follow suspect vehicle at a safe distance according to conditions (e.g., weather, speed, traffic, etc.). “In general, remain 1 car length behind the suspect vehicle for every 10 MPH of speed. For example, when following a suspect vehicle at 40 MPH, remain at least 4 car lengths back.”⁸

Scan for exterior vehicle Clues before turning on emergency equipment to initiate stop.

- a) make / model / year
- b) color
- c) registration plate number
- d) unique features (e.g., vehicle damage; custom wheels; etc.)
- e) driver conduct and operation
- f) number of passengers and passenger conduct

NOTE: Provide recruits with real-life experiences of suspect driver and passenger reactions to the mere presence of a patrol car. For example, Officer Jones was simply driving behind a Honda Accord. Officer Jones had no reason or intention of stopping of Honda, that is until a passenger suddenly threw a beer bottle out the window.

3. PHASE 3: Stop Vehicle & Position Patrol Car

SLIDE: “Phase 3 – Conduct Stop”; this slide provides overview of all content in this section; additional slides are used for each item listed

Conducting the stop involves choosing a safe location, using emergency equipment, and patrol car positioning.

- a) Choose a safe stop location

SLIDE: “Choose Safe Stop Location”

Vehicle stop location is determined by the officer, not the suspect driver.

Be patient when selecting a safe location to reduce risks for officer, vehicle driver, passengers and other motorists.

NOTE: Emphasize importance of being patient when selecting stop location.

- (1) Factors

Factors that impact stop location include, but are not limited to the following:

- (a) weather
- (b) time of day
- (c) traffic conditions
- (d) reason for stop (e.g., O.U.I., moving violation, equipment violation, etc.); officers can follow a suspect vehicle and wait for back-up to arrive before initiating a stop
- (e) patrol car equipment (marked vs. unmarked patrol car)

NOTE: Discuss importance of conducting patrol car vehicle inspections prior to tour of duty and previously covered in [Emergency Vehicle Operations](#).

- (f) availability and location of back-up units

NOTE: Emphasize importance of knowing your jurisdiction and how that impacts stop location.

- (2) Characteristics of a safe vehicle stop location.

SLIDE: “Safe Stop Locations”

- (a) outside and as far away from travel lanes as possible
- (b) visible to traffic approaching from all directions
- (c) level road surface
- (d) offers escape route for officers (on foot) away from moving traffic
- (e) ample overhead lighting during nighttime stops
- (f) under an overpass or bridge during inclement weather

SLIDES (2): “[Images of safe stop locations]”

- (3) Characteristics of an unsafe vehicle stop location.

SLIDE: “UNSAFE Stop Locations”

- (a) locations that may be hidden or otherwise difficult for approaching traffic to see (e.g., in a curve; hill crest; etc.)
- (b) in or near traffic rotaries and circles
- (c) immediately before or in roadway intersections
- (d) overpasses and bridges with limited escape options for officers
- (e) any location where weather, lighting or other road condition may increase risk of

other drivers crashing into police car or vehicle stopped

- (f) on an upgrade where suspect vehicle can roll backwards into patrol car

SLIDES (2): “[Images of unsafe stop locations]

- b) Announce traffic stop details

SLIDE: “Announce Stop Details”

Announce vehicle stop details to dispatchers by radio before turning on emergency equipment.

- (1) anticipated or precise stop location; communicate any change in location immediately
- (2) full vehicle description (e.g., plate, make, model, color, etc.); use a phonetic alphabet for the registration plate.

| Phonetic Alphabet | | | |
|-------------------|---------|----------|----------|
| A | Alpha | N | November |
| B | Bravo | O | Oscar |
| C | Charlie | P | Papa |
| D | Delta | Q | Quebec |
| E | Echo | R | Romeo |
| F | Foxtrot | S | Sierra |
| G | Golf | T | Tango |
| H | Hotel | U | Uniform |
| I | India | V | Victor |
| J | Juliet | W | Whiskey |
| K | Kilo | X | X-Ray |
| L | Lima | Y | Yankee |
| M | Mike | Z | Zebra |

- (3) number and description of occupants; include conduct when relevant
- (4) reason for stop if needed to alert other officers or dispatchers; officers may follow vehicle until back-up arrives and is in position

- (5) any other relevant information
- c) Turn on emergency equipment.

SLIDE: “Turn on Equipment”

As a rule, identify stop location, wait for back-up to arrive when needed and communicate vehicle stop details to dispatchers before turning on emergency equipment.

A well-executed motor vehicle stop has minimal impact to normal traffic flow.

- (1) Turn on patrol car emergency lights to alert suspect driver and other motorists. The siren can be turned on briefly (e.g., 1-2 seconds) to attract suspect driver’s attention if needed.
- (2) Reactions by suspect driver and other nearby motorists or pedestrians to police car emergency lights and siren is varied and unpredictable. The suspect driver (and other nearby drivers) may suddenly brake and stop in travel lane or make an unsafe movement.
- (3) Low-light or nighttime stops

SLIDE: “Night Time Stops”

- (a) Turn on patrol car high beams and adjust emergency equipment (e.g., take down lights, spot-light, etc.) to illuminate as much of the suspect vehicle as possible.

Reflections caused by patrol car high beams and other lights may impact vision. Adjust or turn off as needed.

- (b) Shine patrol car spotlight on suspect vehicle’s side or rearview mirror.

Some drivers may adjust mirrors down or out to avoid glare. This is acceptable because the driver still cannot see the officer.

- (4) If suspect vehicle stops in an unsafe location, use patrol car PA system to direct driver to move.

SLIDE: “Turn on Equipment – PA System”

- *“Driver, please pull your car farther to the right.”*
- *“Sir, please drive into the parking lot ahead on your right.”*

Immediately notify dispatchers of any change in stop location. Vehicle stop location is determined by the officer, not the suspect driver.

- (5) If the suspect driver does not stop and attempts to escape, officers must evaluate authority and need to conduct a pursuit. See [Emergency Vehicle Operations](#) lesson and refer to employing agency policy.
- (a) If an arrestable offense is committed in the officer’s presence and within his or her jurisdiction, the officer may conduct a fresh and continuous pursuit of the suspect outside their jurisdiction.
- (b) If police have *reasonable suspicion* that an arrestable offense was committed within their jurisdiction, the police may pursue to attempt a stop outside their jurisdiction.
- (c) If police initiate a vehicle pursuit within their jurisdiction for what was originally a non-arrestable offense, and the driver fails to stop, officers may continue pursuing outside their jurisdiction to charge the

operator with, at a minimum, Refusal to Submit to Police ([M.G.L. 90 §25](#)).

- d) Stop and position patrol car behind suspect vehicle.

SLIDE: “Patrol Car Position”

- (1) When confident the driver is going to stop, unfasten seat belt while pulling in behind the suspect vehicle.
- (2) Be prepared to get out of the patrol car, take evasive action to avoid a collision or retreat quickly by backing up the patrol car.
- (3) Decide on an evasive tactic according to suspect actions before initiating the stop. For example, an officer may decide in advance to put the patrol car in reverse if the driver or passenger suddenly exits the suspect vehicle.
- (4) Stop patrol car 15-25 feet behind suspect vehicle, or far enough back to see suspect vehicle’s rear tires touching the pavement and registration plate while still seated in patrol car.

Stopping distance behind suspect vehicle applies to multi-lanes or single lanes. If there is no breakdown lane or shoulder, direct vehicle to a parking lot, or safe location for the stop.

In some circumstances (e.g., high potential for danger), patrol car position may need to be more than 25 feet behind suspect vehicle.

- (a) Offset Position

SLIDE: “Offset Position”

Align center of patrol car’s hood with left taillight of suspect’s vehicle (if driver stops

on the right side of the road) and turn patrol car front wheels left.

Turning patrol car front wheels left or toward moving traffic can help direct car away from officer if struck from behind during the stop.

If the suspect vehicle is not far enough to the right, do not stop patrol car in the travel lane to create an offset position.

(b) Angle Position

SLIDE: “Angle Position”

Patrol car is at a 45-degree angle behind suspect vehicle. Patrol car passenger side headlight will align with the suspect vehicle driver’s side rear taillight.

(c) Inside Position

SLIDE: “Inside Position”

Patrol car head lights align directly behind and with suspect vehicle tail lights.

4. PHASE 4: Approach vehicle

SLIDE: “Phase 4”

When a police officer exits the patrol car, he or she immediately becomes more exposed to potential threats posed by moving traffic and stopped vehicle occupants. Therefore, officers must use caution and tactics that reduce safety risks to themselves, suspects and other nearby motorists.

- a) Engage patrol car emergency parking brake and leave engine running.

b) Officers may write down the suspect vehicle's registration plate number on a note pad in patrol car. If something happens to the officer, the plate number will be documented.

c) Check for oncoming traffic in rear and side-view mirrors before opening patrol car door. Use caution when opening patrol car door and stepping out.

"Distracted oncoming motorists are a primary cause of officer injuries and patrol car damage."⁹

d) Use silence to enhance element of surprise by lowering portable radio volume and gently closing the patrol car door. Ensure patrol car door is closed enough so it does not blow open and get struck by a passing vehicle.

"During night time stops, a lone officer can close patrol car driver door twice loudly to suggest two officers are present."¹⁰

e) Walk toward suspect vehicle using a side-step method to minimize target area.

f) Driver side approach vs. passenger side approach

Officers should avoid telegraphing their approach to potential offenders. Stop location, traffic conditions, weather, number of occupants, suspect vehicle size, and other circumstances may determine which approach is more effective and safe.

(1) Passenger-side approach

SLIDE: "Passenger Side Approach"; review advantages and disadvantages for each

Passenger side approach is preferred and generally offers more safety for officers.

(a) Advantages

- i) element of surprise; most occupants do not expect a passenger side approach
- ii) officer has less exposure to oncoming traffic
- iii) officer escape routes are away from moving traffic
- iv) additional room for right-handed officers to draw weapons if needed
- v) view of driver's right side, glove box, front passenger seat area and center console is greater
- vi) additional reaction time if suspect vehicle operator employs a weapon
- vii) exchanging of license and other papers requires drivers to stretch and become less balanced

(b) Disadvantages

- i) walking around and behind patrol car to approach may be against traffic flow
- ii) walking around and behind patrol car can cause officer to briefly lose sight of suspect vehicle and occupants

(2) Driver-side approach

SLIDE: "Driver Side Approach"; review advantages and disadvantages for each

(a) Advantages

- i) close contact with suspect driver to communicate and watch conduct
 - ii) close access to suspect driver if arrest is required
 - iii) additional room for left-handed officers to draw weapons if needed
- (b) Disadvantages
- i) limited ability to surprise suspect vehicle occupants expecting a driver side approach
 - ii) officer is more exposed to moving traffic
 - iii) limited escape routes for officer, often into moving traffic
 - iv) view of driver right side, front passenger seat area and center console is limited
 - v) limited reaction time if right-handed suspect employs a weapon

SLIDE: "Phase 4"

- g) Use **SCCAN** and keep weapon (firearm) hand free.

Firearms and other weapons should remain holstered unless there is a specific and articulable threat to officer safety.

- h) During night-time stops, use non-firearm hand to hold flashlight and wait until reaching the rear passenger area before turning on.

- i) Pause at specific locations during approach to look and listen for **C**lues.

SLIDE: “Phase 4: Pause at...”; slide provides an overview of all pause locations; additional slides provide further details for each location

- (1) Pause / Stop behind patrol car headlights (i.e., at front quarter panels) and use **SCCAN**.

SLIDE: “Phase 4: behind patrol car headlights....”

- (a) Registration plate to include how it is attached, general appearance, and expiration date.
- (b) Stickers, decals or emblems on rear bumper or rear window that may indicate risk (e.g., NRA sticker).
- (c) Uneven vehicle weight distribution may indicate location of heavy objects or hidden passengers.
- (d) Brake and back-up lights that indicate suspect vehicle is still in “drive” or transmission is being shifted.
- (2) Pause / Stop at suspect vehicle’s trunk or rear bumper and use **SCCAN**.

SLIDE: “Phase 4: trunk”

- (a) **Never** walk or stand between the patrol car and an occupied or unsecure suspect vehicle.

When approaching during low-light or night time vehicle stops, do not walk in front of patrol car headlights.

- (b) Check for open trunks, rear hatches or doors. Determine if access is possible from inside the passenger compartment.

Press down on trunk lid/hatch to ensure it is closed.

- (c) Listen for noises (e.g., vehicle engine revving; transmission being engaged, etc.) and occupant dialogue.
 - (d) Vehicle movement that suggests occupants are moving inside.
 - (e) Flashlight beam can be aimed at stopped vehicle's side mirrors to restrict driver and passenger sight.
- (3) Pause / Stop and look through rear windshield or rear most passenger door window and **SCCAN**.

SLIDES (2): "Phase 4: rear windshield"

- (a) Stand back far enough to avoid being struck by rear passenger door if opened.
- (b) Total number of occupants, seatbelt use, and positions inside vehicle.
- (c) Position of fold down rear seats; may be hiding evidence of crime or people
- (d) Loose items (e.g., clothing) that may be covering, firearms, **C**ontraband and **N**arcotics.
- (e) Low-light or nighttime stops
 - i) Pretend to talk with a partner or back-up officer.

- ii) Use flashlight to illuminate stopped vehicle interior, passengers, floor boards, and other darkened areas. Officers can also ask driver (or passengers) to turn on interior overhead lights.
 - (f) If occupants are in the back seat, be aware of their hands. Officers may instruct rear seat occupants to put their hands on front seat head rests.
 - (g) Officer may use rear seat passengers to exchange documents with driver.
 - (h) If specific dangers are seen (e.g., a firearm), officers may return to patrol car before occupant contact is made, use PA to instruct occupants to remain in vehicle and request back-up. Maintain a safe distance until back-up arrives.
 - (i) If the rear-most seat area is secure or vacant, officers may move forward.
- (4) Pause / Stop at the back edge of the driver's or front passenger door and **SCCAN**.

SLIDE: "Phase 4: front passenger"

- (a) Stand back far enough to avoid being struck by door if opened by driver or front passenger. An effective officer position requires the driver to twist his body or head to see the officer.
- (b) Instruct driver or passenger to open window.

- (c) Depending on circumstances, officers may instruct drivers to turn suspect vehicle engine off and remove keys from ignition.

Avoid reaching into a running or moving vehicle when there is an occupant in the driver's seat.

SLIDE: “[image showing where to stop to talk with driver]”

- (5) If specific dangers are encountered, officers can conduct a *transitional stop*.

SLIDE: “Transitional Stop”

- (a) Call for backup.
- (b) Maintain a safe distance until backup arrives. Return to patrol car if needed.
- (c) Do not take any action until back-up arrives or the situation de-escalates.
- (d) Instruct occupants to remain inside the vehicle.
- (e) Be prepared to take immediate action if warranted for officer safety or the safety of others.
- (f) Switch to a [high risk stop](#).

NOTE: Facilitate discussion with student officers about circumstances where a transitional stop would be effective.

5. PHASE 5: Communication with vehicle occupants

SLIDE 1: “Phase 5”

Effective communication by police during motor vehicle stops is critical for safety, taking enforcement action and building positive community relationships.

NOTE: Facilitate discussion with student officers about how traffic stops can be the first and only impression a citizen may have about police. For example, a child passenger's impression of police conduct and how that can carry on into adulthood.

In addition to best practices found in [Communication Skills](#) lesson, do the following when communicating with drivers and passengers.

- a) Traffic stops are essentially field interviews. Use **PRIDES** interview method covered in [Interviews & Interrogations](#) lesson.

Plan the interview
Rapport building
Identify people
Develop information
Evaluate information
Summarize

- b) Be clear, concise and cordial.
- c) Use a normal voice tone and cadence to talk “with” occupants, not “at” them.

Noisy roadside conditions may require officers to talk louder than normal. Explain reason for increased voice volume to drivers.

- d) Greet drivers and passengers by stating name and law enforcement agency.

- *“Good morning, Sir. I'm Officer Brown of the Reading Police Department.”*

- *“Good evening, Ma’am. My name is John Denny and I work for the Randolph Police Department.”*

- e) Attempt to calm and reassure children or other passengers who may be frightened by the police.
- f) Unless circumstances warrant, avoid approaching vehicles and talking with occupants with one hand glued to firearm or another weapon.
- g) Absent a specific need to remove driver or passengers, instruct all occupants to remain seated inside vehicle with doors closed.

“For everyone’s safety, please stay inside the car and keep doors closed.”

NOTE: Best practices for removing occupants is covered later in this lesson.

SLIDE 2: “Phase 5”

- h) Officers should inform drivers of reason for stop before requesting to see his or her license and registration. The purpose is to give drivers an opportunity to ask the first question, not police.

When notifying driver of reason for stop, be specific and explain the violation in terms of what the vehicle was doing, not the driver. Focusing on the vehicle helps alleviate tension and can make the accusation less “personal.”

- *“Hello Sir. I am Officer John Gregory and I work for the Norwood Police Department. I stopped you today because the vehicle’s registration is expired.”*
- *‘Hello Ma’am. My name is Officer Shelly Adams with the Natick Police Department. “I stopped you because the car was going 18 MPH over the speed limit.”*

NOTE: Facilitate discussion with recruits - “Is there any reason why you should not tell driver reason for stop first?” Common responses may include “helps avoid getting into an argument with driver.”

Emphasize that drivers who argue with officer after being told reason for stop were likely going to argue anyway. Being direct and up front with drivers is more effective and consistent with 21st Century Policing best practices.

NOTE: Facilitate discussion with recruits – “Instead of giving driver reason for stop, can you ask, “Do you know why I stopped you?” Common responses may include “driver’s answer may provide officer with other violations that were unknown by officer.”

Emphasize that asking driver’s open ended “trick” or accusatory questions is not likely to uncover unknown violations. It also does not promote respect and professionalism.

- i) Use de-escalation techniques and focus communication on violation for drivers who are angry.

Commonwealth officers always remain calm, polite and professional because that is **Who We Are**. Be clear, consistent and emphasize expectations.

Request and wait for back-up before arresting or removing occupants who demonstrate a reluctance to follow instructions.

SLIDE 3: “Phase 5”

- j) Begin requests for needed documents (e.g., license, registration, etc.) by asking where they are kept. This can help officers anticipate occupant movements and decrease officer reaction times to potential threats.
- Officer: “Sir, where do you keep your license and car registration?”

- Driver: *“My license is in my wallet. The registration is in the glove box.”*
 - Officer: *“May I please see them?”*
- k) When needed, provide driver with specific instructions on how to access or hand over requested documents.
- *“Please use your left hand to open the glove box.”*
 - *“Please hand your driver’s license and registration to the passenger behind you for them to give to me.”*

Do not accept a wallet, purse, or other object containing requested documents.

Note: M.G.L. [90 §25](#) Refusal to Submit to Officer requires persons operating or in charge of motor vehicles to submit license and registration information for examination.

- l) Take time to explain reasons for specific officer tactics or actions when asked by driver or passengers.
- *“The other officer was nearby and stopped in to see if I need help.”*
 - *“I use the spot light to see better at night. It’s for everyone’s safety.”*
 - *“Agency policy requires me to turn on the siren briefly if a driver does not stop immediately.”*
- m) Ask additional questions to gather or clarify needed information (e.g., confirm identity, vehicle ownership, etc.)
- *“Is the address on your license correct?”*
 - *“Are you the car owner?”*

- “Where are you going tonight?”

Generally, investigative traffic stops by police for ordinary violations, including suspicion of O.U.I., are not considered custodial. For example, after a suspect was pulled over for weaving between lanes, the officer asked the suspect if he had anything to drink. The suspect replied, “two beers.” The court ruled the suspect was not in-custody. [Berkemer v. McCarty](#), 468 U.S. 420 (1984)

Review [Constitutional Law](#) and [Interviews & Interrogations](#) lessons for more information.

SLIDE 4: “Phase 5”

- n) Enforcement action is determined by violation, not driver attitude. Decision to take enforcement action on initial violation (or reason for stop) should be made before initial face-to-face contact with driver is made.

Clearly communicate any certain or potential enforcement action to driver (or passenger) up front and before returning to patrol car.

Directly communicating expectations demonstrates procedural justice and consistency in officer decision making.

- “Sir, I am going back to my patrol car. If everything checks out, I will only issue you a warning for the expired registration. For everyone’s safety, please remain inside the car. I will be back in a few minutes.”
- “Mr. Adams, I am going to issue a citation for 75 MPH in a 55 MPH zone. For everyone’s safety, please remain inside the car until I return in 10-15 minutes.

- o) When returning to patrol car, side-step and repeatedly glance or look back toward suspect vehicle to monitor occupants. Do not walk between patrol car and suspect vehicle.

6. PHASE 6: Take action**SLIDE 1: “Phase 6”**

The main goal of traffic enforcement is to deter future violations, educate the public and make Commonwealth roads safer, not punish drivers.

Commonwealth police officers use discretion in an ethical, fair and impartial manner when enforcing motor vehicle laws because that is Who We Are.

NOTE: Facilitate open discussion by asking, “What role does officer discretion play when enforcing motor vehicle laws?” See Problem Solving lesson for more information about discretion.

- a) Take enforcement action as quickly as possible and do not make drivers wait longer than necessary.
- b) When back at the patrol car, continuously monitor suspect vehicle, occupants, traffic and environment conditions to identify potential dangers.
- c) Keep driver and front passenger patrol car windows down or slightly open. This allows officers to listen more carefully.
- d) While writing a citation, look up at the suspect vehicle, then patrol car rearview mirror after completing each line.

Officers can monitor the vehicle stop from different positions inside or outside the patrol car. Traffic stop location, number of occupants, suspect vehicle size, and other circumstances can determine which position is more effective.

SLIDE 2: “Phase 6”; explain advantages and disadvantages for each position

Do not allow an unsecure suspect to sit in the patrol car while writing a citation.

(1) Inside patrol car: driver seat

Driver seat location may be more effective when patrol is angled to left.

(a) Advantages

- i) access to in-car mobile terminal and radio
- ii) allows for immediate control of patrol car if needed

(b) Disadvantages

- i) encumbered by steering column
- ii) traffic may prevent immediate entry or exit from patrol car
- iii) on-foot escape options may be exposed to oncoming traffic

(2) Inside patrol car: front passenger seat

Officers may sit in or stand outside near front passenger seat with door open or closed.

(a) Advantages

- i) access to in-car mobile terminal and radio
- ii) allows for faster entry and exit from patrol car
- iii) more and faster on-foot escape options away from oncoming traffic
- iv) when left open, passenger door can be used for concealment if needed

(b) Disadvantages

- i) no immediate control of patrol car if needed
- ii) may not provide clear line of sight to driver

(3) Outside patrol car: rear

(a) Advantages

- i) immediate cover from suspects
- ii) monitor overall environment more effectively

(b) Disadvantages

- i) exposure to oncoming traffic
- ii) may not provide clear line of sight to driver

NOTE: Instructors may discuss and demonstrate other options and variations with recruits.

SLIDE 3: “Phase 6”

- e) Treat the re-approach like a new stop and employ all relevant tactics. Re-approach using the opposite side (i.e., driver or passenger) and carry any additional items efficiently.

A “negative” check on the driver, occupants and vehicle does not eliminate the possibility of ongoing criminal activity. Occupants have had time to ponder and formulate a plan while the officer was away, even briefly.

- f) Issue a citation

NOTE: Standards and methods for completing a uniform citation were previously covered in [Motor Vehicle Law](#) section. Review as needed.

- (1) Written Warning
- (2) CMVI
- (3) Criminal
- (4) Arrest

Explain why violation is being enforced. Emphasize potential risks to drivers, passengers, and other motorists. Inform, do not lecture.

- *“Texting while driving increases your risk of being in a crash and getting injured.”*
- *“I am concerned about your safety and other drivers.”*

- g) Explain any follow-up action needed by driver (e.g., court date, fine, etc.). Provide driver with opportunity to ask questions (*“Do you have any questions for me?”*)

Review [Motor Vehicle Law](#) lesson for citation issuance procedures.

- h) Make every effort to end stop on a positive note regardless of driver demeanor.

The officer’s last words can have a long-lasting impression (positive or negative). Provide positive reinforcement to demonstrate police focus is on safety. In general, a compliment for safe driving practices can be made even when there is a violation.

- *“Thank you for being honest with me. Drive safely.”*

- *“Thank you for wearing a seat belt. They save lives.”*
 - *“Thank you for putting on the 4-way flashers after I stopped you. That helped other motorists see us.”*
- i) When finished with stop, help driver re-enter traffic safely.
7. Other vehicle stop considerations
- a) Multiple occupants

SLIDE: “Multiple Occupants”

Multiple occupants can present additional dangers for officers. The following are common best practices when multiple occupants are present during unknown risk vehicle stops.

- (1) Request back-up prior to initiating the stop.
- (2) Do not move past the most rear passenger when approaching vehicle.
- (3) Instruct all occupants to remain seated inside vehicle with doors closed.

“For everyone’s safety, please stay inside the car and keep doors closed.”
- (4) Use passengers to help facilitate exchange of license and registration with driver.

“Please hand your driver’s license and registration to the passenger behind you for them to give to me.”
- (5) When circumstances warrant, instruct passengers to keep their hands visible (e.g., on head rest), roll down windows or turn on interior lights.

b) Tinted windows

SLIDE: “Tinted Windows”

Tinted windows can restrict or prevent officers from seeing potential dangers inside a vehicle. In some cases, officers may not know the vehicle windows are tinted until approach on foot is made.

- (1) Prior to initial approach, use patrol car PA system to instruct driver (or passengers) to turn roll down windows.
- (2) During low light stops, instruct driver (or passengers) to turn on interior overhead lighting.
- (3) Avoid placing hand-held flash lights directly against tinted glass to see inside vehicle. Doing so can compromise officer position and location.

c) Vans and large SUVs

SLIDE: “Vans & SUVs”

It is more difficult, and sometimes impossible, for officers to see inside vans and large SUVs. Vans and large SUVs possess more entrance/exits points and space to hide objects and people. The following are common best practices for stopping vans and large SUVs.

- (1) Request back-up before initiating the stop.
- (2) Position patrol car further back (e.g., >25 feet).
- (3) Begin with a passenger side approach but stop at the patrol car front passenger door. Open, then stand behind front passenger patrol car door and use PA system to give driver directions.
“Driver, please turn the engine off, step out of the van and walk back toward me.”

Note: Officers may instruct driver to bring their license, vehicle registration and keys with them.

- (4) Place hand on van or SUV to feel unseen interior movements.
- (5) Instruct driver to exit and open vehicle rear door(s) to look for any hidden or unseen passengers.
 - *“Is there anyone else inside the van?”*
 - *“Sir, please open the rear doors and step away from traffic.”*
- (6) Inform driver that he or she is responsible for the actions of all passengers.
- (7) Instruct all passengers to remain inside van or SUV.

d) Motorcycles

SLIDE: “Motorcycles”

Stopping motorcycles can pose additional safety risks to officers. The following are common best practices for officers when stopping motorcycles.

- (1) While still seated inside the patrol car, use PA system and instruct driver to:
 - (a) get off motorcycle on the right side
 - (b) remove helmets and leave near or on motorcycle
 - (c) walk back toward patrol car and away from motorcycle
 - (d) instruct passenger to remain on motorcycle

- (2) Make face-to-face contact with driver near front right panel of patrol car.
 - (3) Instruct driver and passenger remain seated on and balance motorcycle without using kickstand.
- e) Sudden or unwanted exiting

SLIDES (2): “Unwanted Exiting”

Sudden exiting by driver or passenger does not automatically indicate danger, but it is a prompt to increase officer awareness. Reasons why drivers and passengers exit vehicles during traffic stops include, but are not limited to the following:

- argue with officer
- nervous in general (no crime)
- to look for license or registration
- conceal or distract officer from crimes

The following are common best practices when occupants suddenly or unexpectedly exit a stopped vehicle.

- (1) request back-up
- (2) maintain a safe distance and use patrol car for cover
- (3) identify any immediate or potential threats (e.g., location of hands; body language; statements, etc.)
- (4) instruct occupant to return to the vehicle; use patrol car PA system when available

“Sir, for your safety, please return to and sit down inside your car.”

If a non-English-speaking violator exits the vehicle, point to the vehicle to direct him or her to return, because people who do not speak English can usually interpret “sign language” (e.g., hand signals). Officer should be aware of some non-verbal commands for communication.

- (5) be prepared to use force according to [MPTC model](#)
- (6) If any vehicle occupant (driver or passenger) attempts to escape on foot at any time during the stop, do not immediately give chase.

Gain cover position, call for back-up, broadcast description of fleeing occupant, and secure any remaining occupants first.

g) Exit Orders

SLIDE: “Exit Orders”

If an officer reasonably fears for his or her safety during a routine traffic stop, he may order occupants to exit the vehicle. [Commonwealth v. Douglas](#), 472 Mass. 439 (2015); [Commonwealth v. Bostock](#), 450 Mass. 616 (2008); [Maryland v. Wilson](#), 519 U.S. 408 (1997)

“To order an occupant to exit during a vehicle stop, police must have specific and articulable facts that would cause a reasonable person to have a heightened awareness of danger.”¹¹

- **an objectively reasonable concern for safety of the officer**
- **reasonable suspicion that the passenger is engaged in criminal activity, and**
- **“pragmatic reasons.”**

“Mere nervousness or fidgeting in and of themselves are not enough to justify a lawful exit order. [However], “it does not take much for a police officer to establish a reasonable basis to justify an exit order or search based on safety concerns.” Commonwealth v. Cruz, 945 N.E.2d 899 (2011)

A Massachusetts State Trooper stopped a taxi after the operator drove in the breakdown lane. After obtaining the operator’s license and registration, the trooper ordered the passenger out of the vehicle because he thought the passenger’s behavior was unusual. The trooper’s order to exit was not valid because “a passenger in a stopped vehicle may harbor a special concern about the officer’s conduct because the passenger usually had nothing to do with the operation, or condition, of the vehicle which drew the officer’s attention in the first place.” It is critical for police to articulate the basis of his or her reasonable fear when conducting a vehicle frisk. Commonwealth v. Gonsalves, 429 Mass. 658 (1999)

Specific and articulable officer safety facts that permit lawful exit order include, but are not limited to the following: ¹²

SLIDE: “Exit Orders: Specific Facts”

- (1) Police were aware that there were several shootings in the area
- (2) Suspect refused to follow officer instructions
- (3) Occupants speaking in a language that officer cannot understand
- (4) Information that indicates a weapon or ammunition
- (5) Stop location was in a high crime area
- (6) Time of stop was during early morning hours

- (7) Inconsistencies with identity of driver or passengers
 - (8) Occupant conduct that is consistent with a hostile confrontation or flight
 - (9) Occupant movements that are consistent with intent to conceal or retrieve hidden object
- h) Removing Occupants

SLIDE: “Removing Occupants”

Use the following best practices if passengers need to be removed.

- (1) Request and wait for back-up to arrive first.
 - (2) Remove passengers one at a time.
 - (3) Gather all passengers together in a safe location (e.g., grass shoulder and away from traffic)
 - (4) If circumstances warrant (e.g., danger), instruct occupants to kneel, interlock their fingers and place them palms-up on top of their heads, cross their ankles, and sit back.
- i) Vehicle Frisks

SLIDE: “Vehicle Frisks”

NOTE: Legal content herein only serves as a reminder of vehicle frisk standards previously covered in Constitutional Law. Review as needed.

During traffic stops, police may conduct a limited warrantless search or frisk of a motor vehicle, even if they are not making an arrest, but only if police have reasonable suspicion to believe an occupant is armed, dangerous and a weapon is in the immediate control of

the vehicle's occupant. [Michigan v. Long](#), 463 U.S. 1032 (1983)

- j) Officers may frisk a person ordered out of a motor vehicle if they have a reasonable basis to believe the person is likely to be armed and dangerous. [Commonwealth v. Johnson](#), 454 Mass. 159, 162 (2009)
- k) Vehicle Searches

SLIDE: "Vehicle Searches"

NOTE: Legal content herein for searches only serves as a reminder and brief review of standards previously covered in Constitutional Law Lesson.

Officers should take time to explain reasons or authority for conducting vehicle searches. Police may search a motor vehicle without a warrant under the following circumstances:

- consent
- plain view
- incident to arrest
- automobile exception

Review [Constitutional Law](#) lesson for search legal standards.

- (1) Consent

SLIDE: "Consent"

Consent is when a person waives his or her 4th Amendment rights for officers to search places where the person consenting has a reasonable expectation of privacy. "According to the U.S. Department of Justice, the success rate for finding weapons or contraband through consent searches is less than 15%."¹³

NOTE: Facilitate discussion with recruits about using consent “reasonably” and NOT as a “fishing expedition.”

For consent to be valid, it must *voluntary* and *informed*.

(a) Voluntary

SLIDE: “Voluntary”

Consent is *voluntary* when provided willingly and without coercion, duress, or deceit. An officer may tell a person if he does not consent, the officer will apply for a search warrant, but **only** if officers have legal justification or probable cause to do so.

Police are not required to inform people of their right to refuse consent, but the person’s knowledge is a factor used by courts to determine voluntariness.

(b) Informed

SLIDE: “Informed”

Consent is *informed* when clearly communicated by person giving it. There is no legal requirement that consent be in writing, but officers must be clear when asking for consent (e.g., “*May I search your car?*”).

| Clear Consent | Unclear Consent |
|------------------------------|---------------------------------------|
| “You can search my car.” | “Do I have to let you search my car?” |
| “You can look...” | “I’m not sure I want you to search.” |
| “Go ahead and check it out.” | “Why are you asking me for consent?” |

- (c) Authority to give consent

SLIDE: “Authority”

Only persons with immediate control or a reasonable expectation of privacy may give consent to search.

Person in control of a motor vehicle may give consent to search vehicle even if they are not the owner. Motor vehicle owner may give consent to search vehicle even if he is not the driver. However, the owner cannot give consent to search the driver's belongings located in the vehicle.

- (d) Scope of consent search

SLIDE: “Scope”

People giving consent may limit scope of search including duration, location, and number of officers. If no specific scope is identified, officers may search areas that a reasonable person would expect officers to search. For example, if a person consents to a search of his car, it is reasonable for officers to look inside a center console and glovebox.

- (e) Revoking consent

Consent to search may be revoked at any time. If consent is revoked, officers must stop searching immediately. If consent is revoked after contraband or evidence is found, officers need probable cause or warrant to continue searching.

Police are not required by law to inform people of their right to revoke consent at any time, but the person's knowledge is a

factor used by courts to determine voluntariness.

- (f) If a consent search yields no evidence of a crime, thank driver for his or her cooperation. Return any items moved back to their original location inside vehicle.

SLIDE: “Handout – Consent to Search Waiver”; review and facilitate discussion

Handout: Consent to Search Waiver

- (2) Plain view

SLIDE: “Plain View Searches”

The plain view doctrine allows police to seize evidence of a crime without a search warrant if the evidence is in plain view and no reasonable expectation of privacy exists.

[Commonwealth v. White](#) (469 Mass. 96; 2014) outlines basic requirements for seizing evidence in plain view without a warrant.

- **Were police lawfully in a place from where they viewed item?**
- **Did police come across the item unintentionally?**
- **Did police have a lawful right of access to item?**
- **Was incriminating character of item immediately apparent; OR was item reasonably related to criminal activity the police were already investigating?**

The plain view doctrine also applies to smell, with certain exceptions. For example, the odor of marijuana alone, burned or unburned, is insufficient for a search of a vehicle.

[Commonwealth v. Pacheco](#), 464 Mass. 768, 772 (2013)

(3) Incident to arrest

SLIDES (2): “Search Incident to Arrest”

The scope of a warrantless search incident to arrest is limited to areas a person could reasonably grab or gain possession of a weapon or destroy evidence. This includes containers where such items could reasonably be located. [Chimel v. California](#), 395 U.S. 752 (1969)

In Massachusetts, the scope of a motor vehicle search is limited to a search for weapons and evidence of the crime for which the arrest was made (M.G.L. [276 §1](#)).

For example, if an arrestee is the sole occupant of a vehicle and handcuffed some distance from the vehicle, police cannot search the vehicle incident to arrest unless there is reason to believe there is evidence of the crime for which the defendant was arrested located therein.

In general, and absent further legal justification, police can only search areas within the arrestee’s immediate control (i.e., *grabbing or lunge area*) inside a motor vehicle incident to arrest.

The search “must be confined to the area from which the suspect might gain possession of a weapon either because he is still within the vehicle or because he is likely to return to the vehicle at the conclusion of the officer’s inquiry.”

[Commonwealth v. Almeida](#), 373 Mass. 266, 272 (1977)

If there is reasonable suspicion to believe evidence is in the vehicle relevant to the crime being charged, police may search the entire interior passenger area, glove compartments, and all containers (open or closed, locked or unlocked) within the interior incident to arrest. [Arizona v. Gant](#), 556 U.S. 332 (2009)

To search inside the trunk at the scene of the stop without a warrant, officers need consent or probable cause to believe additional evidence may be discovered.

(4) Automobile Exception and “Carroll Doctrine”

SLIDE: “Carroll Doctrine”

The inherent mobility of motor vehicles makes it easier to remove, destroy or relocate evidence to another jurisdiction. Therefore, if a motor vehicle is in a public place, and officers view evidence of a crime inside, the officer may seize the evidence without a search warrant.

If there is *probable cause* to believe evidence of a crime is inside a motor vehicle, and the vehicle is stopped or located in a public place, the “Carroll Doctrine” allows officers to search anywhere inside the vehicle where evidence could be reasonably located, including the trunk without a warrant. [Carroll v. United States](#), 267 U.S. 132 (1925)

(5) Best practices for vehicle searches

NOTE: Best practices for searching motor vehicles for evidence was previously covered (e.g., *systematic approach*) in [Criminal Investigations: MAIN](#). Review as needed.

Review [Criminal Investigations: MAIN](#) lesson for best practices on searching motor vehicles for evidence (e.g., systematic, zone, etc.).

SLIDE: “Searching”

Search every vehicle the same way each time. Officers who use consistent methods when searching are more credible and effective at finding evidence.

- (a) Never search an occupied vehicle. Request and wait for back-up.
- (b) Before searching, remove all occupants one at a time.

When legal justification exists, frisk or handcuff occupants.

- (c) Place all occupants in a central and safe location away from traffic (e.g., sitting on shoulder; patrol car back seat; etc.).
- (d) Use back-up officers to watch occupants. If no back up is available, use tactically sound techniques based on threat assessment to ensure officer safety.
- (e) Wear and use personal protection equipment (e.g., gloves, mirrors, etc.).
- (f) Use caution when searching hidden areas (e.g., between seats). **Look first, then reach.**

SLIDE: [vehicle zones]

- (g) Use a systematic method. Conduct a cursory search of vehicle exterior first, then divide into zones for more thorough searching.

In general, start with the driver area and move around the vehicle using a clockwise motion.

SLIDE: “Searching”

- (h) Focus on and look for the following:
- bulges or holes in headliner
 - torn seat fabric
 - seat covers and back pockets
 - loose or missing screws
 - hanging wires
 - missing or loose panels
 - side door pockets
 - extra insulation
 - different colored molding
 - non-factory switches
 - torn carpet
 - under floor mats
- (i) When possible, take photographs of evidence where found and undisturbed.
- (j) Return all non-evidence items back to their original location.

E. High Risk Vehicle Stops

SLIDE: “High Risk Stops”

During a *high-risk* vehicle stop, police have specific information about the vehicle or occupants that indicate a *known* risk to officer safety. High-risk stop circumstances include, but is not limited to the following:

- following a vehicle pursuit
- driver or occupant is wanted felon
- vehicle is stolen or used to commit a violent crime
- known or distinct potential for weapons inside vehicle
- conduct or actions by occupants that present danger
- officer’s reasonable belief that danger exists

The 5 phases for conducting a safe and effective high-risk vehicle stop are:

PHASE 1: Legal justification

PHASE 2: Gather vehicle Clues

PHASE 3: Stop Vehicle & Position Patrol Car

PHASE 4: Communicate with & Remove Occupants

PHASE 5: Clear vehicle

1. PHASE 1: Legal justification

Review legal justification standards previously covered in [PHASE 1](#) for unknown risk stops (e.g., *reasonable suspicion*, etc.).

2. PHASE 2: Gather vehicle details

Follow suspect vehicle at a safe distance according to conditions (i.e., 1 car length for every 10 MPH) and circumstances. In some cases, officers may follow suspect vehicle at a discreet distance until back-up units are in place and ready.

Gather vehicle details previously covered in [PHASE 2](#) (e.g., description, direction of travel, etc.) of *unknown risk stops*.

3. PHASE 3: Stop Vehicle & Position Patrol Car

SLIDE: “Phase 3”; slide provides an overview of content for section; additional slides are used to cover content for Phase 3.

a) Request back-up.

SLIDE: ‘Request back-up’

When possible, use a minimum of 2 patrol cars to conduct a high-risk motor vehicle stop. One (1) officer per every suspect vehicle occupant is an ideal ratio for high risk stops.

Other circumstances that may require multiple back-up units include, but are not limited to the following:

- time of day
- risk of pursuit
- reason for stop (e.g., crime)
- driver or passenger conduct
- weather, traffic and road conditions
- total number of suspect vehicle occupants

The lead or primary officer is responsible for requesting and coordinating back-up units and communicating known or anticipated travel direction of suspect vehicle.

- b) Choose a safe stop location

SLIDE: ‘Stop Location’

Effective high risk stop locations maximize innocent bystander, suspect vehicle occupant and officer safety.

- (1) out and away from all moving travel lanes
- (2) enough space for all patrol cars to establish effective positions
- (3) ample lighting during night time or low light conditions
- (4) isolated and as far away as possible from innocent people (e.g., pedestrians, homes, etc.)
- (5) limited escape options for suspect vehicle (e.g., pursuit)
- (6) limited on-foot escape options for suspect vehicle driver and passengers

Note: Back-up units may be used to block or re-direct traffic away from stop location.

NOTE: Emphasize importance of coordinating with back-up and being patient when choosing stop location.

- c) Announce stop details

SLIDE: “Announce Stop Details”

Before turning on emergency equipment, the lead or primary officer announces the following details to dispatchers:

- (1) full vehicle description (e.g., plate, make, model, color, etc.)
- (2) number and description of occupants; include names of persons wanted
- (3) reason for stop (e.g., stolen vehicle; active felony warrant for driver, etc.)
- (4) conduct by driver or passengers that indicate danger
- (5) direction of travel and desired stop location
- (6) names / unit numbers of back-up officers present

- d) Turn on emergency equipment.

SLIDE: “Emergency Equipment”

Do not turn on emergency lights until back-up units are ready and stop location identified.

When all back-up units are in place and ready, turn on emergency lights to alert suspect driver. The lead unit may turn siren on briefly (e.g., 1-2 seconds) to attract suspect driver’s attention if needed.

During low-light conditions, use take down and spot lights to illuminate as much of the suspect vehicle as possible.

- e) Stop and position patrol cars behind suspect vehicle.

SLIDE: “Lead Patrol Car Position”

- (1) Stop lead patrol car not less than 30-40 feet. If space allows, align the right front fender of patrol car with left taillight of the suspect vehicle.

Turn patrol car wheels to the left so engine block is between the officer and suspect vehicle occupants. Lead officer should have a clear view of rear and driver’s side of suspect vehicle.

- (2) During low-light or night time stops, lead patrol car angle may diminish headlight and take-down light effectiveness. Adjust spot light to illuminate suspect vehicle driver side.

- (3) To avoid being trapped inside patrol car, lead officer should immediately exit, take cover behind open driver’s door, and draw weapon if needed.

Never approach the suspect vehicle of a high-risk stop alone.

If there is a second officer in lead patrol car, he or she should immediately exit patrol car, take a position behind the patrol car’s right rear trunk area, and draw weapon if needed.

- (4) Back-up

SLIDE: “Back-up Patrol Car Position”

Back-up patrol cars and officer positions will vary by circumstance and availability. Back-up officers must communicate their presence and location to lead officer.

Back-up officers should use cover and not position their patrol cars in front of the suspect vehicle to avoid potential cross-fire.

(a) Back-up #1 patrol car and officer

With emergency lights on, stop back-up #1 patrol car not less than 20 feet behind suspect vehicle and offset to right. Back-up #1 patrol car may also be angled to the left (e.g., <40-45 degrees) so the front end and engine block are between right side suspect vehicle passengers. Back-up #1 officer should have a clear view of rear and right side of suspect vehicle.

Note: When positioning patrol car, back-up #1 officer should provide lead patrol car with ample room to take evasive maneuver, turn or adjust position.

During low-light or night time stops, adjust spot light to illuminate suspect vehicle passenger side.

To avoid being trapped inside patrol car, back-up #1 officer should immediately exit, take cover behind open driver's door, and draw weapon if needed.

If there is a second officer in back-up #1 patrol car, he or she should immediately exit, take a position of cover behind lead patrol car's right rear trunk area, and draw weapon if needed.

(b) Back-up #2 patrol car and officer

With emergency lights on, stop back-up #2 patrol car 10 feet behind lead and back-up #1 patrol cars. During night time stops, turn off back-up #2 patrol car headlights.

Back-up #2 officer should immediately exit patrol car, take a position of cover near

driver's door, and draw weapon when needed.

(c) Other back-up patrol cars and officers

Other back-up units may be used to re-direct traffic away from stop location or monitor potential flight locations (e.g., deploy stop sticks; apprehend suspects fleeing on foot).

SLIDES (4): “[overhead images of high risk vehicle stop patrol car positions]; explain differing strategies

f) Expect the unexpected

SLIDES (2): “Expect the Unexpected”

Suspect driver and passenger actions are unpredictable during high-risk stops. “Suspects are more likely to attempt escape immediately after the vehicle is stopped.”¹⁴

Plan ahead and prepare for the unexpected by communicating effectively with back-up officers.

NOTE: Facilitate discussion with student officers about circumstances below and possible tactical responses. Instructors are encouraged to share other potential responses and circumstances.

- (1) Suspect driver may not stop immediately to look for a better location to escape. Keep back-up units and dispatchers informed about suspect vehicle travel direction and location.
- (2) Suspect driver may try to cause a collision with patrol car by stopping abruptly or driving in reverse. Collision may cause patrol car air bag to deploy. Be prepared to respond while inside or outside of the patrol car.

- (3) “An experienced suspect may position or stop vehicle at an angle that provides driver or passengers with a clear line of fire at officers.”¹⁵ If still inside the patrol car, officer options include using the PA system to instruct suspect driver to pull forward and straighten out his vehicle.
- (4) Suspect driver may attempt to escape using the vehicle. Be prepared to evaluate authority and need to conduct a pursuit. Options include delegating back-up units monitoring escape routes to conduct pursuit or use stop sticks.

Review [Emergency Vehicle Operations](#) lesson and refer to employing agency pursuit policy.

- (5) An armed driver or passenger may suddenly exit the vehicle. If still inside the patrol car, officer options include ducking and driving the patrol car in reverse to escape.
- (6) “Occupants tend to flee on foot near the right front of suspect vehicle.”¹⁶ Avoid leaving positions of cover position until all vehicle occupants have been secured and the vehicle cleared.

(a) driver flees on foot

In general, drivers are responsible the vehicle and thus more accountable. If a driver is believed to be the lone passenger, officers may give chase. The lead officer should broadcast description and direction of travel for apprehension by other back-up units.

If lead officer gives chase, at least one back-up unit should remain with suspect vehicle, but not approach alone.

(b) passenger flees on foot

The lead officer should remain behind cover and broadcast fleeing passenger description and travel direction for apprehension by other back-up units.

4. PHASE 4: Communicate with & remove occupants**SLIDE: “Communication”**

Communication with suspect vehicle occupants and between officers is critical for high-risk stops. To be effective, communication during high-risk stops is delegated according to officer role. Use the following best practices when communicating during high-risk vehicle stops.

a) Lead / Primary officer

In general, the lead or primary officer has the most knowledge about and best overall view of the suspect vehicle and driver. Therefore, the lead officer does most of the communicating with suspect vehicle occupants using the patrol car PA system.

Other communication responsibilities for the lead officer during high-risk stops includes the following:

- (1) suspect vehicle, driver and passenger actions
- (2) assignments to back-up officers

b) Back-up Officers

Back-up officers are responsible for communicating their position to lead officer. Back-up officers may have a better overall view of the suspect vehicle's passenger side or occupant conduct. Back-up officers are responsible for communicating potential risks to all officers on the scene.

c) Removing occupants

During high-risk vehicle stops, officers may need to remove occupants from safe distances while using cover and with weapons drawn.

SLIDES (2): “Removing Occupants”

(1) General strategies

- (a) **Do not** remove any suspect vehicle occupant until enough back-up units are available to assist. One (1) officer per every suspect vehicle occupant is an ideal ratio for high risk stops.
- (b) Remove and secure one occupant at a time. Remove front seat passengers first, beginning with driver.
- (c) The lead officer uses his or her patrol car PA system to provide clear, concise, and specific instructions to suspect vehicle occupants.

To avoid confusion, PA system should be used to communicate with suspect vehicle occupants. Officer-to-officer communication should occur using portable radios or by directly talking with each other.
- (d) Begin instructions by identifying specific occupant location inside vehicle (e.g., “Driver...”; “Everyone inside car...”; “Front seat passenger...”; etc.).
- (e) Pause briefly between instructions to allow for full compliance. Repeat or clarify instructions when needed.

- (f) Instructions should be systematic, calculated and awkward or unnatural for occupants to perform. For example, instructing the driver to “*remove keys from ignition with left hand*” while still seated in driver’s seat.

NOTE: Facilitate discussion with recruits about other instructions that would be awkward or unnatural for an occupant to perform.

- (g) Once outside the suspect vehicle, occupants may be instructed to kneel, get into a prone position, or walk backwards to awaiting officers.

The total number of occupants per suspect vehicle will determine strategy. For example, if a driver is the only occupant, a kneeling or prone position may be safer than walking him or her backwards to awaiting officers.

- (h) Establish a safe pathway to funnel vehicle occupants to awaiting back-up officers. A safe pathway allows back-up officers to maintain positions of cover until handcuffing.

- (i) Place secure occupants into designated patrol cars.

SLIDE: “[image of vehicle occupant pathways]”

Handout: High Risk Vehicle Stops – Occupant Instructions

SLIDE: ‘Handout: High Risk Vehicle Stops – Occupant Instructions’; review and discuss with student officers

(2) All occupants

Communicate reason for stop, known information and expectations. Instruct all occupants to put their hands where they can be seen by officers at all times (e.g., out windows, headboard, behind head, etc.).

(3) Driver

Driver instructions include, but are not limited to the following:

- (a) turning off vehicle engine
- (b) rolling down windows
- (c) opening doors
- (d) removing keys from ignition for placement on roof or ground away from vehicle
- (e) exiting vehicle
- (f) looking for weapons
- (g) facilitate contact with back-up officers (e.g., kneeling, prone, safe pathway) for handcuffing and searching

Always handcuff before searching.

Review [Criminal Investigations: MAIN](#) for best practices when searching people.

Review [Handcuffing](#) lesson for best practices.

NOTE: Best practices for person searches and handcuffing was previously covered. Review as needed.

(4) Passengers

Remove front seat passenger after driver then back seat passengers. To ensure primary officer visibility, all passengers can be instructed to get out on the driver's side when feasible.

Other passenger instructions include the following:

- (a) exiting vehicle
- (b) opening other doors
- (c) looking for weapons
- (d) facilitate contact with back-up officers (e.g., kneeling, prone, safe pathway) for handcuffing and searching

Always handcuff before searching.

5. PHASE 5: Clear vehicle**SLIDE: "Phase 5"**

After all *visible* occupants are removed, the suspect vehicle still needs to be cleared. Best practices for clearing the suspect vehicle during a high-risk stop includes the following.

- a) Primary officer uses PA system to address unseen passengers (i.e., "bluff").
- b) Use back-up units to approach vehicle in coordinated effort while maximizing cover and concealment.
- c) Clear the passenger areas first, then trunk. Trunk release may be found in passenger area. Officers need consent, exigent circumstances or probable cause to search the trunk. Review [Constitutional Law](#)

d) Search the vehicle

See "[Best Practices for Vehicle Searches](#)" herein and review [Constitutional Law](#) for legal standards.

e) Tow / Impound the vehicle

See [Motor Vehicle Law](#) lesson for towing.

F. Skill Development Exercises

Handout: Skill Development Forms (Unknown and High Risk Vehicle Stops)

SLIDE: "Handout: Skill Development Forms"; explain grading criteria for exercises to student officers.

NOTE: Twelve (12) hours of this lesson are allocated to skill development exercises for both unknown and high-risk vehicle stops. Skill development exercises must take place during day and night. Student officers must be evaluated on the following skill development exercises. The same scenario may be used in multiple locations for larger classes.

Unknown Risk Stop #1: Expired Inspection / Registration

NOTE: Exercise is designed for individual student officers.

Purpose: Demonstrate how to conduct an unknown risk motor vehicle stop safely and take enforcement action.

Logistical Requirements: Marked patrol car, civilian passenger motor vehicle, ample roadway or other space to conduct the motor vehicle stop. Two-way radios for student officer and instructor. One (1) role player with driver's license and registration for passenger motor vehicle.

Time Needed: 20-25 minutes per student officer

Role player instructions: Wear your seat belt. When stopped, tell the officer that *"you know the inspection sticker was expired, but you have not had time to get the car inspected."* Provide officer with your driver's license and vehicle registration upon request. If officers tell you the vehicle comes back "unregistered", say *"I did not realize."* Cooperate with and follow all officer instructions.

Student Officer Instructions: Provide student officers with the following instructions:

"The [VEHICLE DESCRIPTION] has an expired inspection sticker. Conduct an unknown motor risk motor vehicle stop and take enforcement action." [When the officer conducts a registration check of motor vehicle via two-way radio, the registration may come back "unregistered."

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**
- **If the vehicle is unregistered can the driver continue to drive it?**
ANSWER: No
- **Can the driver be arrested for operating an unregistered motor vehicle under Chapter 90? ANSWER: No**
- **If enforcement action is taken for an "unregistered" vehicle, what must you do with vehicle? ANSWER: Tow it.**
- **If vehicle is towed, can it be searched? ANSWER: Yes. If the agency has a policy for conducting motor vehicle inventory searches.**

Unknown Risk Stop #2: Fail to Yield to Pedestrian / No Registration

NOTE: Exercise is designed for individual student officers.

Purpose: Demonstrate how to conduct an unknown risk motor vehicle stop safely and take enforcement action.

Logistical Requirements: Marked patrol car, civilian passenger motor vehicle, ample roadway or other space to conduct the motor vehicle stop. Two-way radios for student officer and instructor. One (1) role player with driver's license.

Time Needed: 20-25 minutes per student officer

Role player instructions: Wear your seat belt. When stopped, tell the officer that "you did not see the pedestrian and are late for work." Provide officer with your driver's license. The vehicle is owned by "a friend and you cannot find the registration. Cooperate with and follow all officer instructions.

Student Officer Instructions: Provide student officers with the following instructions:

"The [VEHICLE DESCRIPTION] failed to yield the right of way to a pedestrian in a crosswalk at [LOCATION]. Conduct an unknown motor risk motor vehicle stop and take enforcement action."

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**

Unknown Risk Stop #3: Red Light / Seat Belt

NOTE: Exercise is designed for individual student officers.

Purpose: Demonstrate how to conduct an unknown risk motor vehicle stop safely and take enforcement action.

Logistical Requirements: Marked patrol car, civilian passenger motor vehicle, ample roadway or other space to conduct the motor vehicle stop. Two-way radios for student officer and instructor. One (1) role player with driver's license and registration for passenger motor vehicle.

Time Needed: 20-25 minutes per student officer

Role player instructions: Do not wear a seat belt. You believe the *"light was yellow when you entered the intersection."* Your *"friend owns the [VEHICLE]"* and *keeps the registration in the glove box.* Cooperate with and follow all officer instructions. Continue insisting throughout the interaction that *"you did not run the red light and will see the officer in court."*

Student Officer Instructions: Provide student officers with the following instructions:

"The [VEHICLE DESCRIPTION] ran a red light. Conduct an unknown motor risk motor vehicle stop and take enforcement action."

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**

High Risk Stop #1: Home Invasion

Purpose: Demonstrate how to conduct a high-risk motor vehicle stop safely, remove, search and secure occupants, and search vehicle.

Logistical Requirements: Marked patrol cars, civilian passenger motor vehicle, ample roadway or other space to conduct high risk stop. Training firearm (i.e., red/blue gun); fake cash currency; Two-way radios for student officers and instructor. One (1) role player.

Time Needed: 30 minutes per stop

Role player instructions: Hide weapon under driver's seat. Hide stolen cash in center console or glovebox. Cooperate with and follow all officer instructions.

Student Officer Instructions: Provide student officers with the following instructions:

"The [VEHICLE DESCRIPTION] matches one that was just involved in a home invasion. The suspect [DESCRIPTION] used a handgun to commit the invasion and take \$[X] in cash from the victim's home. Use best practices to conduct a high-risk vehicle stop. You may use the handout provided in class to give occupants instructions.

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**
- **Did you find a weapon?**
- **Did you find any cash in the vehicle or on the driver?**

High Risk Stop #2: Armed Robbery

Purpose: Demonstrate how to conduct a high-risk motor vehicle stop safely, remove, search and secure occupants, and search vehicle.

Logistical Requirements: Marked patrol cars, civilian passenger motor vehicle, ample roadway or other space to conduct high risk stop. One (1) role player.

Time Needed: 30 minutes per stop

Role player instructions: Cooperate with and follow all officer instructions. There is no weapon hidden inside the car or on the role player.

Student Officer Instructions: Provide student officers with the following instructions:

“The [VEHICLE DESCRIPTION] matches one that was just involved in an armed robbery at [LOCATION / CONVENIENCE STORE]. The suspect used a handgun to commit the robbery and took an undetermined amount of cash from the register. Use best practices to conduct a high-risk vehicle stop. You may use the handout provided in class to give occupants instructions.”

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**
- **Did you find a weapon?**
- **Did you find any cash in the vehicle or on the driver?**

High Risk Stop #3: Wanted Felon

Purpose: Demonstrate how to conduct a high-risk motor vehicle stop safely, remove, search and secure occupants, and search vehicle.

Logistical Requirements: Marked patrol cars, civilian passenger motor vehicle, ample roadway or other space to conduct high risk stop; training firearm; two (2) role players.

Time Needed: 30 minutes per stop

Role player instructions: Hide firearm under passenger seat. Cooperate with and follow all officer instructions.

Student Officer Instructions: Provide student officers with the following instructions:

“During roll call, you were told to BOLO for a [VEHICLE DESCRIPTION]. The [VEHICLE] may be driven or occupied by a [NAME] who is wanted for murder out of [STATE]. [NAME] has family members in [MASSACHUSETTS CITY]. While on patrol, you see a vehicle matching the BOLO description. Use best practices to conduct a high-risk vehicle stop. You may use the handout provided in class to give occupants instructions.

Evaluation Instructions: Use skill development forms to evaluate student officer performance. Provide clear, concise and relevant feedback immediately after scenario is over. Optional questions to ask student officers include, but are not limited to the following:

- **How did you do?**
- **Would you do anything differently next time?**
- **Did you find a weapon?**

III. Conclusion

A. Summary

SLIDE: “Summary”

There is no such thing as a “routine” traffic stop. Vigilance, preparedness and effective tactics help keep officers safe during motor vehicle stops. This lesson covered best practices for conducting *unknown risk* and *high-risk* motor vehicle stops.

B. [Learning Objectives](#)

SLIDE: “Learning Objectives”; facilitate review with student officers using learning objectives; emphasize that topic and final comprehensive test questions are directly related to learning objectives.

C. Questions

SLIDE: “Questions”

D. Closing Statement

SLIDE: “Closing Statement”

Traffic stops are a primary tool used by police to deter violations and build positive working relationships with the community. The goal of every motor vehicle stop is to achieve voluntary compliance with traffic regulations, keep the public safe, and enhance police credibility.

SLIDE: “MPTC Logo (end slide)”

End Notes

¹ Traffic Stops. Bureau of Justice Statistics. Available at:
<https://www.bjs.gov/index.cfm?ty=tp&tid=702>

² "Motor Vehicle Stops." Massachusetts Municipal Police Training Committee. Randolph, MA. 2013. Page 6

³ NHTSA; Traffic Occupant Protection Strategies; Module 5; page 12

⁴ Ibid. Page 11

⁵ Ibid. Page 12

⁶ Ibid. Pages 13-15

⁷ 2015 Law Enforcement Officers Killed & Assaulted. Available at:
https://ucr.fbi.gov/leoka/2015/resource-pages/leoka_tables_by_title_-2015

⁸ "Motor Vehicle Stops." Page 11

⁹ Ibid. Page 15

¹⁰ Ibid. Page 20

¹¹ Ibid. Pages 41-42

¹² Ibid. Page 42

¹³ "Contacts between Police and the Public." Page 23

¹⁴ "Motor Vehicle Stops." Page 28

¹⁵ Ibid. Page 26

¹⁶ Ibid. Page 28

Consent to Search Waiver

Date: _____

Location: _____

I, _____ hereby give Officer _____ of the
_____ Police Department consent to search the following:

Provide full description of place, vehicle, person or item to be searched

I understand that I may limit the scope of search any revoked my consent at any time.

Person Giving Consent

Officer / Witness

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Time: _____

Time: _____



High Risk Vehicle Stops: Occupant Instructions

- *Occupants inside [VEHICLE DESCRIPTION], this is the [NAME] Police Department. You are considered armed and dangerous. Do not make any sudden moves. Any failure to follow my instructions may be interpreted as hostile or violent.*
- *All occupants place your hands [LOCATION] where they can be seen. DO IT NOW!*
- *Driver, slowly, roll down all vehicle windows with your left hand. DO IT NOW!*
- *Driver, slowly turn off the ignition with your left hand and remove the keys. DO IT NOW!*
- *Driver, place the keys of the vehicle on the roof; [or throw them out the window as far as you can toward my voice]. DO IT NOW!*
- *Driver, place both hands out the window where I can see them. DO IT NOW!*
- *Driver, use your left hand to open the door from the outside. DO IT NOW!*
- *Driver, keep both your hands outside the vehicle and raise them above your head. DO IT NOW!*
- *Driver, exit the car facing away from my voice. DO IT NOW!*
- *Driver, step to your left. DO IT NOW! STOP!*
- *Driver, take two steps back. DO IT NOW! STOP!*
- *Driver, grab the collar of your shirt with your right hand and pull your shirt up. DO IT NOW!*
- *Driver, slowly turn in a circle. DO IT NOW! Keep Turning, Keep Turning, Keep Turning, STOP! [scan the suspect for weapons. Direct the suspect to turn more than once if necessary. If a weapon is seen, tell the suspect not to touch, or make any movement toward the weapon, or deadly force will be used.]*
- *Driver, walk backwards until I tell you to stop. DO IT NOW! Stop! [The suspect should be stopped approximately two feet past the rear of his/her car. As the suspect is brought back toward back-up officers, direct him/her to stop in the vicinity between the front bumpers of the two patrol cars. Order suspect to the kneeling position, facing away from the officers. Order him to place arms straight back, and thumbs up for handcuffing. The primary officer will direct an officer to approach the suspect and handcuff him/her. Once cuffed, secure any weapons found. The handcuffed suspect will be moved to the rear of the cruisers and searched. Thoroughly search the suspect and gather intelligence regarding other suspects or weapons in the vehicle.]*

Remove any other suspects from the vehicle using the same steps and techniques. After the driver is secured and there are no other visible suspects, search/clear the suspect vehicle.



Unknown Risk Traffic Stop

Performance Assessment

Student Officer Name _____

Date _____

Academy _____

Scenario: _____ Is this remedial performance testing: Yes / No

Recruit must earn "S" rating in all skill areas to pass.

| Performance Tasks | S | U | n/a |
|--|---|---|-----|
| 1. Chose a safe stop location. | | | |
| 2. Announced traffic stop details (vehicle description; location). | | | |
| 3. Proper use of patrol car emergency equipment. | | | |
| 4. Correct patrol car positioning (offset; angle; inside). | | | |
| 5. Safe approach (side-step; passenger side; driver side). | | | |
| 6. Effective communication with driver / occupants. | | | |
| 7. Safe return to patrol car. | | | |
| 8. Monitor vehicle & occupants while completing citation. | | | |
| 9. Safe re-approach. | | | |
| 10. Take enforcement action, explain and end on positive note. | | | |
| Other Stop Tasks | S | U | n/a |
| 1. Removing occupants | | | |
| 2. Searches (vehicle; occupants) | | | |
| 3. Effective use of flashlight during low-light, night time | | | |
| 4. OTHER: | | | |

Notes (use reverse side if needed)

Instructor Name (print) _____

Date _____

Instructor Signature _____

Distribution: Copy to student officer. Original to Academy Director.



High Risk Traffic Stop Performance Assessment

Student Officer Name _____

Date _____

Academy _____

Scenario: _____ Is this remedial performance testing: Yes / No

Recruit must earn "S" rating in all skill areas to pass.

| Performance Tasks | S | U |
|--|---|---|
| 1. Chose a safe stop location. | | |
| 2. Announced traffic stop details (vehicle description; location). | | |
| 3. Proper use of patrol car emergency equipment. | | |
| 4. Correct lead patrol car positioning (offset; angle; inside). | | |
| 5. Correct back-up patrol car positioning. | | |
| 6. Proper use of patrol car for cover / concealment. | | |
| 7. Effective communication between lead & back-up officers. | | |
| 8. Clear & concise directions using PA to remove occupants. | | |
| 9. Handcuffing, searching and securing of vehicle occupants. | | |
| 10. Vehicle cleared safely. | | |
| 11. Vehicle searched using systematic method. Evidence found. | | |
| 12: OTHER: | | |
| 13: OTHER: | | |

Notes (use reverse side if needed)

Instructor Name (print) _____

Date _____

Instructor Signature _____

Distribution: Copy to student officer. Original to Academy Director.



Viewing Slides in Adobe (.pdf) Formats

Any multi-page PDF document can be viewed as a slideshow by making a few easy changes to your Adobe Reader preferences:

- Open the PDF document using Adobe Reader.
- From the Main Menu, select “Edit” then “Preferences.”
- In Categories, select “Full Screen.”
- Select the “Show Navigation Bar” checkbox.
- Select the “Left click to go forward on page; right click to go back” checkbox.
- OPTIONAL: Under Full Screen Transitions, select from drop down menu.
- Click OK.
- From the “Main Menu” choose “View” then “Full Screen Mode.”



Motor Vehicle Stops



Volume II: Investigations



Instructor

- Name
- Agency
- Rank / Title
- Assignments & Credentials



Confidential Draft

Motor Vehicle Stops

- Motor vehicle stops are the most common reason for contact between police and citizens.
- 42% of all face-to-face contacts between police and citizens occur during motor vehicle stops.
- Motor vehicle stops are also a primary tool used by police to build positive working relationships with the community.
- The officer's primary responsibility, from a traffic safety point of view, is to help increase voluntary compliance with traffic laws and improve driver judgment.



Learning Objectives

1. Define *deterrence* and identify common methods used by police to deter motor vehicle violations.
2. Demonstrate best practices for conducting *unknown risk* motor vehicle stops.
3. Demonstrate best practices for conducting *high risk* motor vehicle stops.



Motor Vehicle Stops

1. Enforce violations and protect the public.
2. Serve as a future deterrent to the stopped driver and other drivers.
3. Change the stopped driver's future behavior when operating a motor vehicle.
4. Establish positive driver (or passenger) attitudes toward law enforcement.

The goal of every motor vehicle stop is to achieve voluntary compliance with traffic regulations, keep the public safe, and enhance police credibility.



Deterrence

Measures taken to discourage conduct, action or behavior by instilling doubt or fear of the consequences.

General Deterrence: Relies on the general public's perceived risk or fear of being punished. Targets drivers who have NOT been caught before, or those who may be willing to violate motor vehicle laws. Fear of fines, arrest or loss of license.

Specific Deterrence: Applies to people who have been caught and arrested previously for a motor vehicle violation. Fear of increased punishments if caught.



Methods of Deterrence

- Conspicuous Observation
- Concealed Observation
- Selective Enforcement
- Sustained Enforcement
- High Visibility Enforcement

Because community perception, expectations and support are key deterrence factors, officers must follow motor vehicle laws being enforced.



Officer Safety

- Motor vehicle stops are one of the most dangerous tasks performed by police.
- 83 officers were feloniously killed between 2006-2015 and 54% of all officers assaulted between 2011-2015 were conducting a motor vehicle stop.
- There is no such thing as a “routine” motor vehicle stop.
- Every motor vehicle stop presents environment, suspect and other safety risks to officers.



Officer Safety

Be physically prepared for exertion to perform effectively.

Be mentally prepared, alert and focused.

Be flexible and ready to adapt to changes as they occur.

Use **SCCAN** method to increase officer safety and awareness.



SCCAN

Seek. Continuously scan exterior and interior of vehicle before and during stop for...

Clues that indicate violations or danger to include...

Contraband (evidence)

Arms (weapons)

Narcotics (drugs)



Unknown Risk Stops

Officers have limited information about the vehicle and its occupants to include driver and passenger conditions, intentions, and capabilities.

PHASE 1: Legal Justification

PHASE 2: Gather Exterior Vehicle **C**lues

PHASE 3: Stop Vehicle & Position Patrol Car

PHASE 4: Approach Vehicle & Gather Interior Vehicle **C**lues)

PHASE 5: Communication with occupants

PHASE 6: Take Action



Phase 1: Legal Justification

Never stop a motor vehicle without legal justification.

Never base a stop or enforcement actions according to driver race, gender, religion, sexual orientation, social economic status, disability, or national or ethnic origin.

- a) a motor vehicle
- b) being operated
- c) on a public way or public access



Phase 1: Legal Justification

Reasonable suspicion is less than probable cause, but more than a hunch. It is “specific and articulable facts” which, when taken together, would convince a person of reasonable caution to believe that a person has committed, is committing, or is about to commit a crime.

Terry v. Ohio

A seizure occurs when police issue a show of authority, including activating a patrol car’s blue light and siren. This means that police must have **reasonable suspicion** to support the stop before signaling for a motorist to stop. Commonwealth v. Smigliano



Phase 2: Exterior Clues

Follow suspect vehicle at a safe distance. Remain 1 car length behind for every 10 MPH of speed.

Scan for exterior vehicle Clues before turning on emergency equipment to initiate stop.

- a) make / model / year
- b) color
- c) registration plate number
- d) unique features
- e) driver conduct and operation
- f) number of passengers and passenger conduct



Phase 3: Stop Vehicle

1. Choose safe location
2. Announce stop details
3. Turn on emergency equipment
4. Position patrol car

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Choose Safe Stop Location

Stop location is determined by officer, not suspect driver.

Be patient when selecting a safe location to reduce risks for officer, vehicle driver, passengers and other motorists.

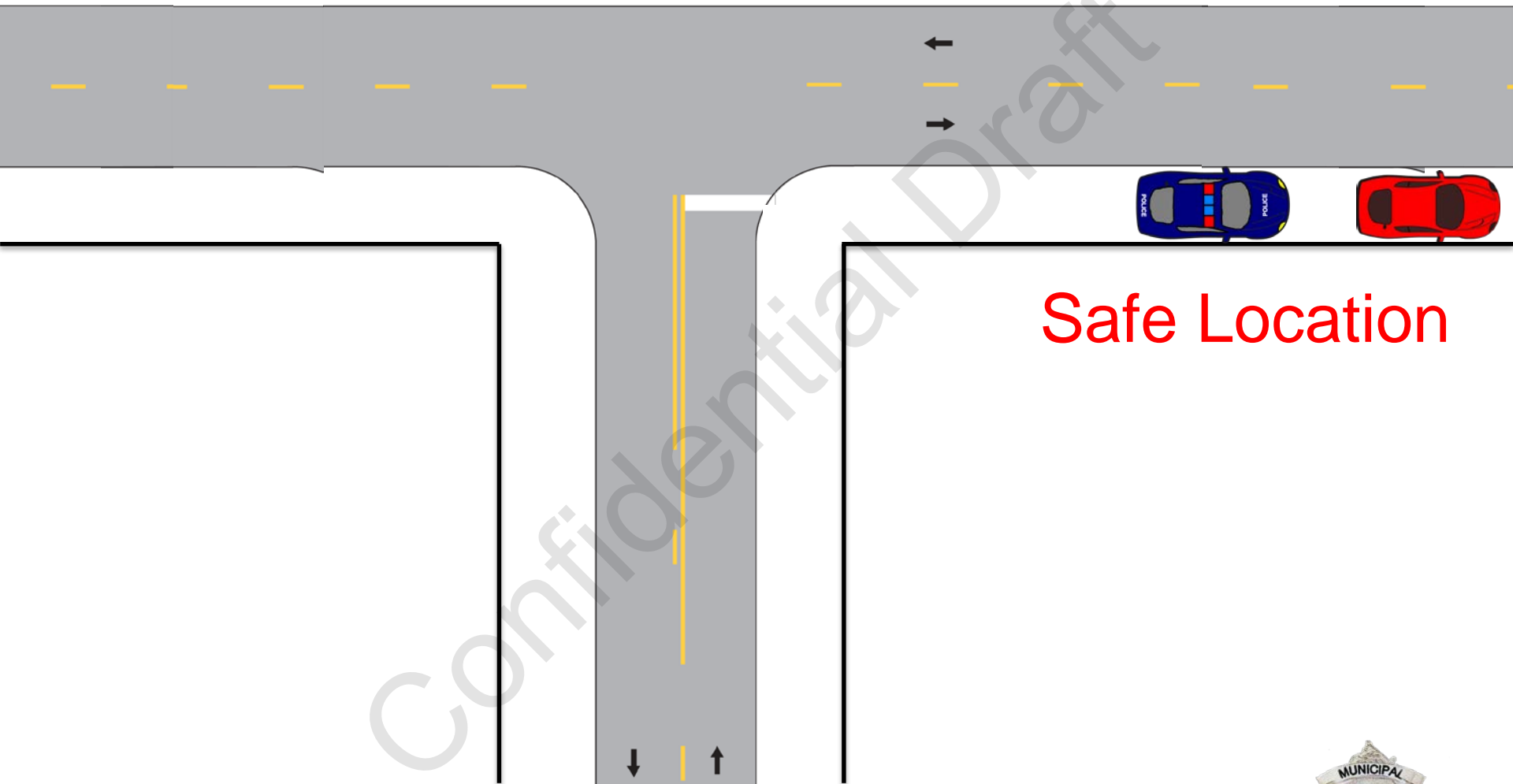
- weather
- time of day
- traffic conditions
- reason for stop
- patrol car equipment (marked vs. unmarked)
- back-up availability



Safe Stop Locations

- a) outside and as far away from travel lanes as possible
- b) visible to traffic approaching from all directions
- c) level road surface
- d) offers escape route for officers (on foot) away from moving traffic
- e) ample overhead lighting during nighttime stops
- f) under an overpass or bridge during inclement weather





Safe Location





Safe Location



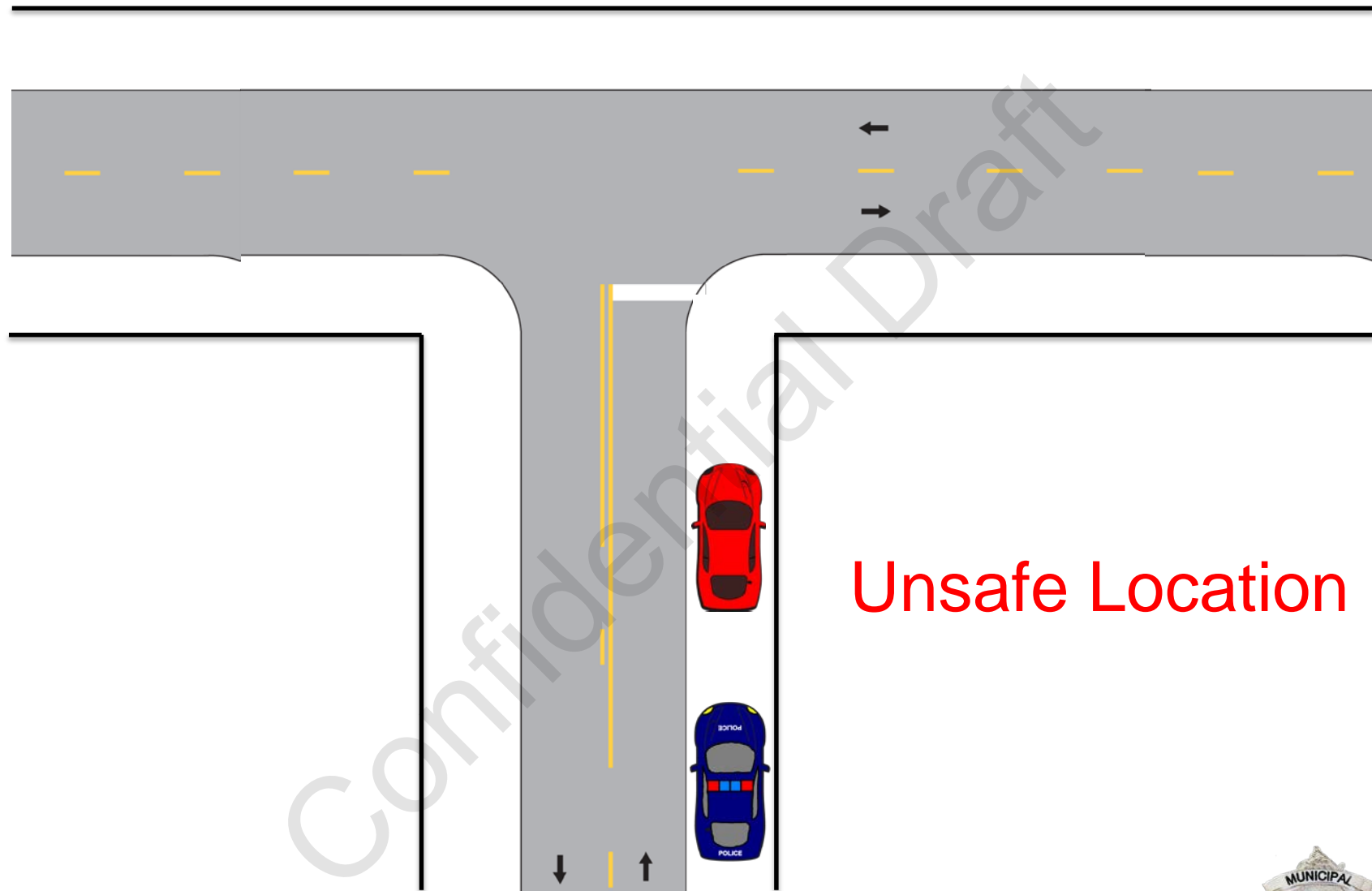
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UNSAFE Stop Locations

- a) locations are hidden or otherwise difficult for approaching traffic to see
- b) in or near traffic rotaries and circles
- c) immediately before or in roadway intersections
- d) overpasses and bridges with limited escape options for officers
- e) any location where weather, lighting or other road condition may increase risk of other drivers crashing into police car or vehicle stopped
- f) on an upgrade where suspect vehicle can roll backwards





Unsafe Location





Unsafe Location

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Announce Stop Details

1. BEFORE turning on emergency lights and equipment
2. Anticipated or precise stop location
3. Full vehicle description; use phonetic alphabet for plate
4. Number, description and conduct of occupants
5. Reason for stop if needed to alert other officers or dispatchers
6. When needed, follow vehicle until back-up arrives and is in position.



Turn on Equipment

A well-executed motor vehicle stop has minimal impact to normal traffic flow.

1. Turn on patrol car emergency lights to alert suspect driver and other motorists. The siren can be turned on briefly to attract suspect driver's attention.
2. Reactions by suspect driver and other nearby motorists or pedestrians to police car emergency lights and siren is varied and unpredictable.
3. If the suspect driver does not stop and attempts to escape, officers must evaluate authority and need to conduct a pursuit.



Turn on Equipment

Night Time Stops

- Turn on patrol car high beams and adjust emergency equipment (e.g., take down lights, spot-light, etc.) to illuminate as much of the suspect vehicle as possible.
- Reflections / Glare caused by patrol car high beams and other lights may impact officer vision. Adjust or turn off as needed.
- Shine patrol car spotlight on suspect vehicle's side or rearview mirror.



Turn on Equipment

PA System

If suspect vehicle stops in an unsafe location, use patrol car PA system to direct driver to move.

- *“Driver, please pull your car farther to the right.”*
- *“Sir, please drive into the parking lot ahead on your right.”*

Immediately notify dispatchers of any change in stop location. Vehicle stop location is determined by the officer, not the suspect driver.

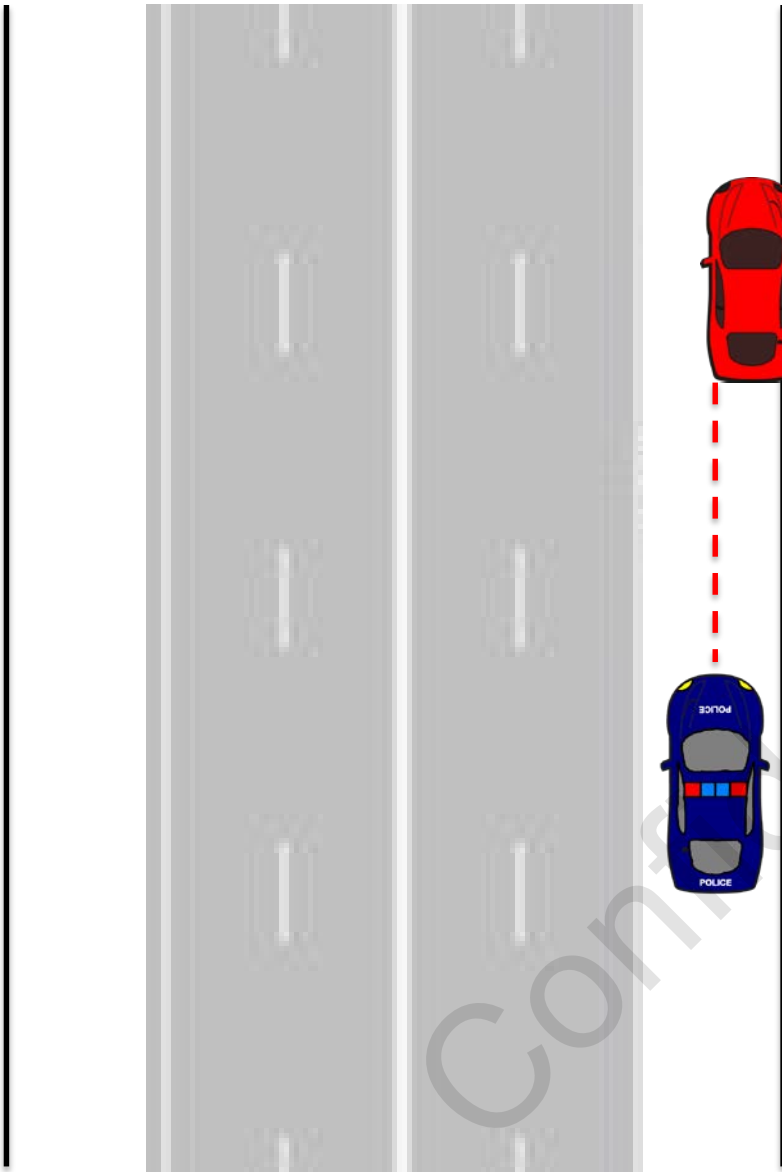


Patrol Car Position

1. When confident the driver is going to stop, unfasten seat belt while pulling in behind the suspect vehicle.
2. Be prepared to get out of the patrol car, take evasive action to avoid a collision or retreat quickly by backing up the patrol car.
3. Stop patrol car 15-25 feet behind suspect vehicle, or far enough back to see suspect vehicle's rear tires touching the pavement and registration plate while still seated in patrol car.
4. Stopping distance behind suspect vehicle applies to multi-lanes or single lanes. If there is no breakdown lane or shoulder, direct vehicle to a parking lot, or safe location for the stop.



Offset Position

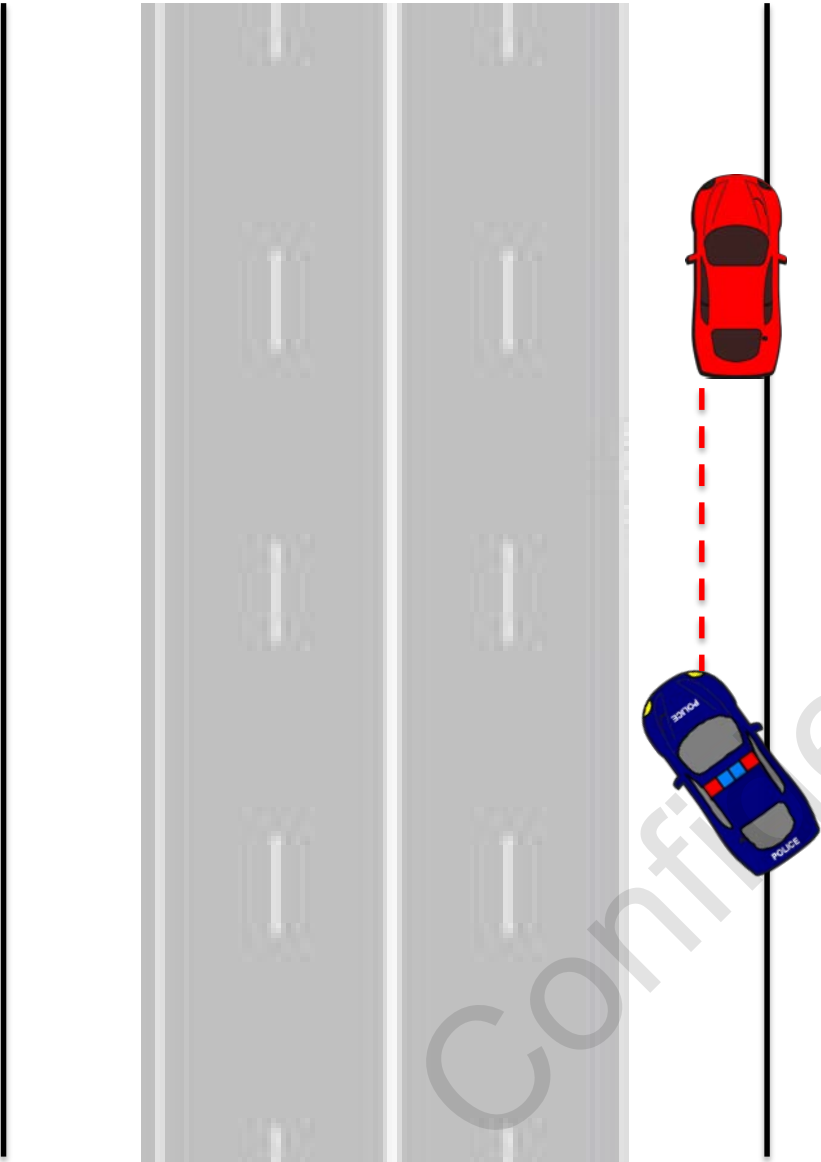


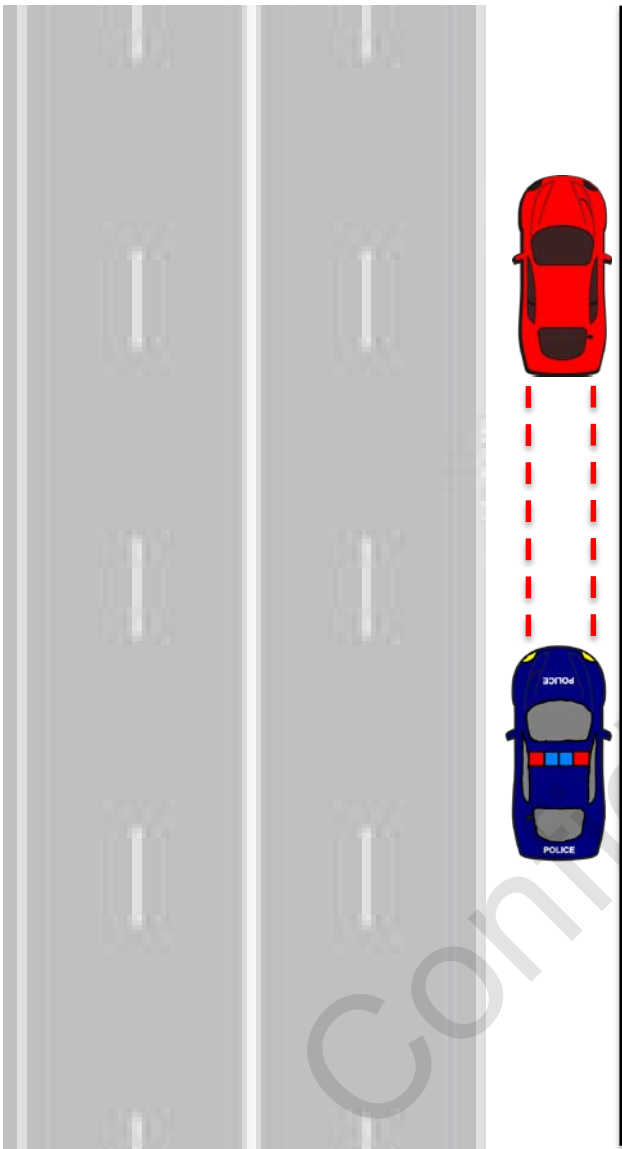
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Angle Position





Inside Position

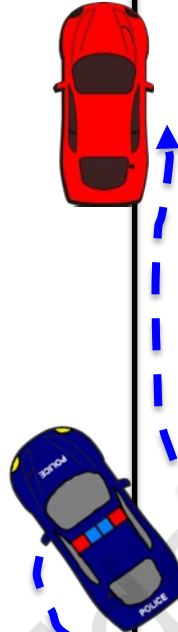


Phase 4: Approach Vehicle

- a) Engage patrol car emergency parking brake and leave engine running.
- b) Write down the suspect vehicle's registration plate number on a note pad in patrol car.
- c) Check for oncoming traffic in rear and side-view mirrors before opening patrol car door. Use caution when opening patrol car door and stepping out.
- d) Use silence to enhance element of surprise by lowering portable radio volume and gently closing the patrol car door.
- e) Use side-step method to minimize target area.

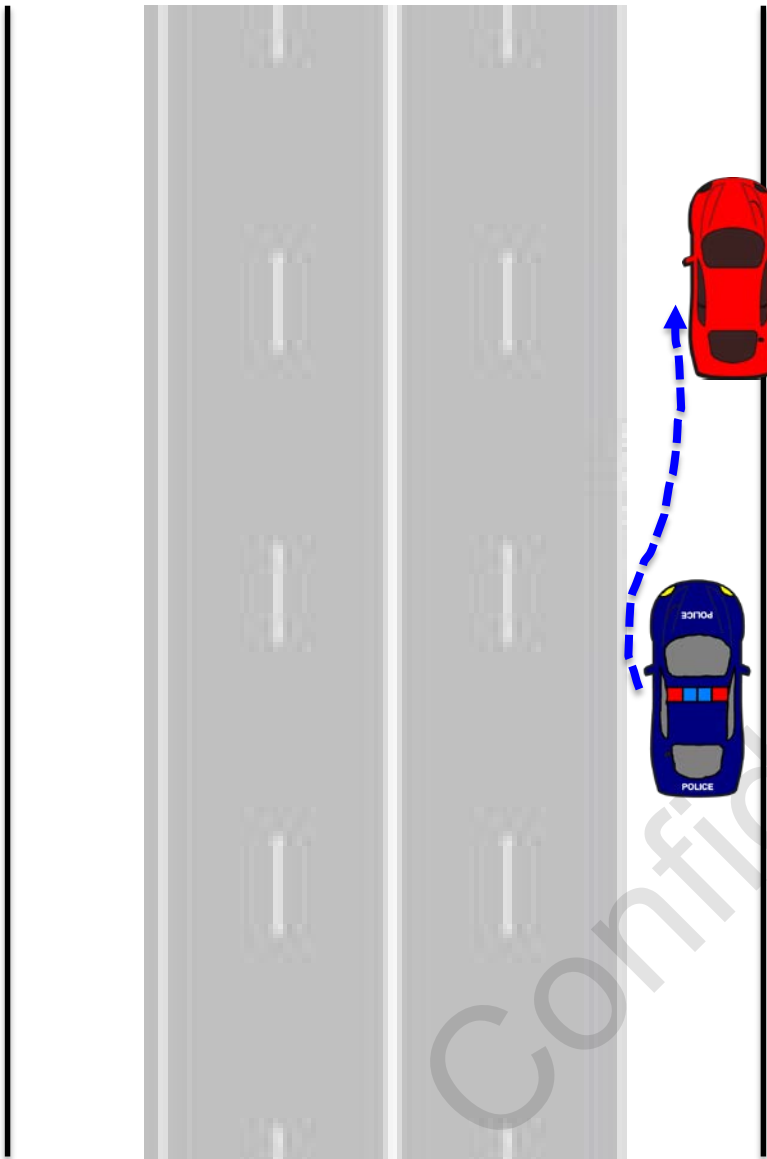


Passenger Side Approach



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Driver Side Approach



Phase 4: Approach Vehicle

- g) Use **SCCAN** and keep weapon hand free. Firearms and other weapons should remain holstered unless there is a specific and articulable threat to officer safety.
- h) During night-time stops, use non-firearm hand to hold flashlight and wait until reaching the rear passenger area before turning on.

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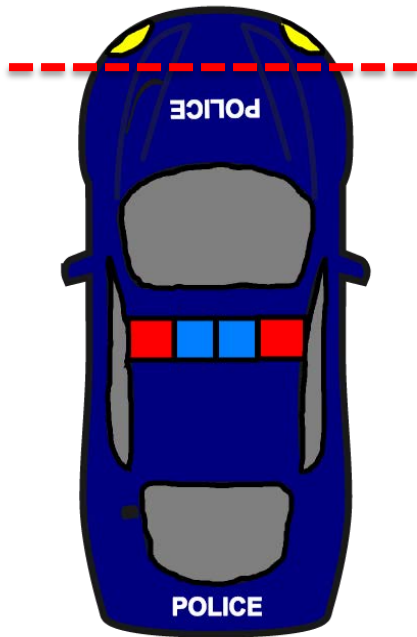
Phase 4: Approach Vehicle

- i) Pause at specific locations during approach to look and listen for **C**lues.
1. behind patrol car headlights
 2. suspect vehicle trunk / rear bumper
 3. suspect vehicle rear window / rear passenger area
 4. suspect vehicle front passenger area



Phase 4: Approach Vehicle

1. Pause behind patrol car headlights (at front quarter panels) and use **SCCAN**.

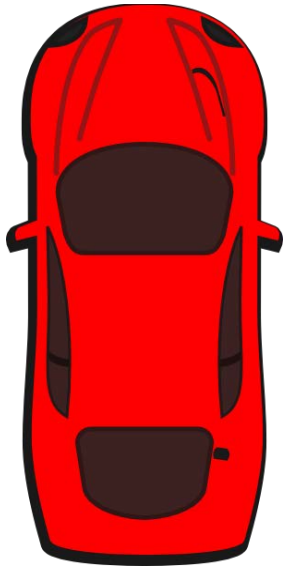


- a) Registration plate to include how it is attached, general appearance, and expiration date.
- b) Stickers, decals or emblems on rear bumper or rear window that may indicate risk.
- c) Uneven vehicle weight distribution may indicate location of heavy objects or hidden passengers.
- d) Brake and back-up lights that indicate suspect vehicle is still in “drive” or transmission is being shifted.



Phase 4: Approach Vehicle

2. Pause at suspect vehicle's trunk or rear bumper and use **SCCAN**.



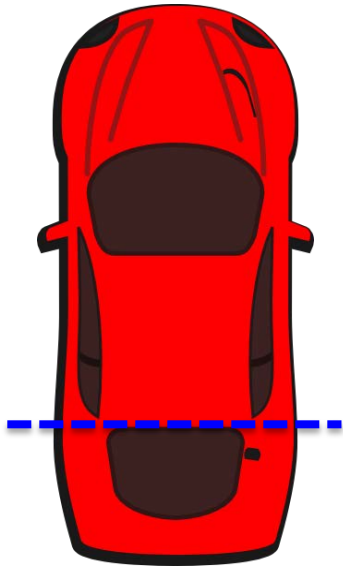
- a) NEVER walk or stand between the patrol car and an occupied or unsecure suspect vehicle.
- a) Check for open trunks, rear hatches or doors. Touch or press down on trunk lid/hatch to ensure it is closed.
- b) Listen for noises and occupant dialogue.
- c) Vehicle movement that suggests occupants are moving inside.

d) Aim flashlight beam at vehicle's side mirrors to restrict driver and passenger sight.



Phase 4: Approach Vehicle

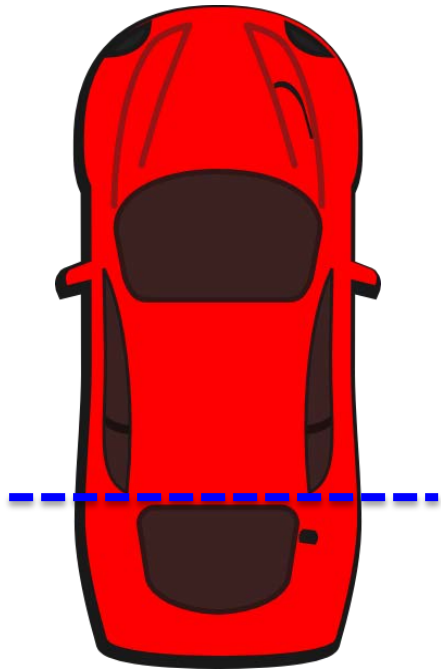
3. Pause and look through rear windshield or rear most passenger door window and use **SCCAN**.



- a) Stand back far enough to avoid being struck by rear passenger door if opened.
- b) Total number of occupants, seatbelt use, and positions inside vehicle.
- c) Fold down rear seats hiding evidence or people.
- d) Loose items that may be covering **C**ontraband, **A**rms or **N**arcotics.



Phase 4: Approach Vehicle

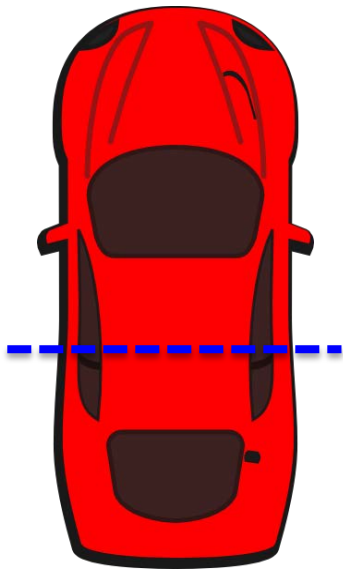


- e) Use flashlight to illuminate vehicle interior. Ask occupants to turn on interior overhead lights.
- f) Instruct rear seat occupants to put their hands on front seat head rests when needed.
- g) Use rear seat passengers to exchange documents with driver.
- h) If specific dangers are seen, officers may return to patrol car and maintain a safe distance until back-up arrives.



Phase 4: Approach Vehicle

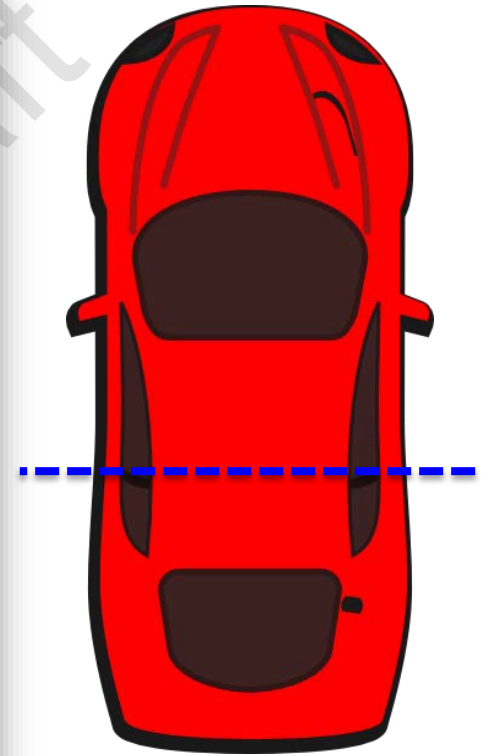
4. Pause at the back edge of the driver's or front passenger door and use **SCCAN**.



- a) Stand back far enough to avoid being struck by door if opened by driver or front passenger. An effective officer position requires the driver to twist his body or head to see the officer.
- b) Instruct driver or passenger to open window.
- c) Officers may instruct drivers to turn suspect vehicle engine off and remove keys from ignition.

Avoid reaching into a running or moving vehicle when there is an occupant in the driver's seat.





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Transitional Stop

If specific dangers are encountered, officers can conduct a *transitional stop*.

- a) Call for backup.
- b) Maintain a safe distance until backup arrives.
- c) Do not take any action until back-up arrives
- d) Instruct occupants to remain inside the vehicle.
- e) Be prepared to take immediate action.
- f) Switch to a high risk stop.



Phase 5: Communication

- Be clear, concise and cordial.
- Use a normal voice tone and cadence to talk “with” occupants, not “at” them.
- Greet drivers by stating name and law enforcement agency.
- Attempt to calm and reassure scared children.
- Unless circumstances warrant, avoid approaching vehicles and talking with occupants with one hand glued to firearm or another weapon.
- Absent a specific need to remove driver or passengers, instruct all occupants to remain seated inside vehicle with doors closed.



Phase 5: Communication

- Officers should inform drivers of reason for stop before requesting to see his or her license and registration. The purpose is to give drivers an opportunity to ask the first question, not police.
- When notifying driver of reason for stop, be specific and explain the violation in terms of what the vehicle was doing, not the driver.

“I stopped you today because the vehicle’s registration is expired.”

- Use de-escalation techniques and focus communication on violation for drivers who are angry. Request and wait for back-up before arresting or removing occupants who demonstrate a reluctance to follow instructions.



Phase 5: Communication

- Begin requests for needed documents by asking where they are kept. M.G.L. [90 §25](#) requires persons operating or in charge of motor vehicles to submit license and registration.
- Take time to explain reasons for specific officer tactics or actions when asked by driver or passengers.
- Ask additional questions to gather or clarify needed information (e.g., confirm identity, vehicle ownership, etc.).

“Is the address on your license correct?”

“Are you the car owner?”

“Where are you going tonight?”



Phase 5: Communication

- Enforcement action is determined by violation, not driver attitude. Decision to take enforcement action on initial violation (or reason for stop) should be made before initial face-to-face contact with driver is made.
- Clearly communicate any certain or potential enforcement action to driver (or passenger) up front and before returning to patrol car.
- When returning to patrol car, side-step and repeatedly glance or look back toward suspect vehicle to monitor occupants. Do not walk between patrol car and suspect vehicle.



Phase 6: Take Action

The main goal of traffic enforcement is to deter future violations, educate the public and make roads safer, not punish drivers.

- a) Take enforcement action as quickly as possible and do not make drivers wait longer than necessary.
- b) When back at the patrol car, continuously monitor suspect vehicle, occupants, traffic and environment conditions.
- c) Keep driver and front passenger patrol car windows down or slightly open.
- d) While writing a citation, look up at the suspect vehicle, then patrol car rearview mirror after completing each line.



Phase 6: Take Action

Do not allow an unsecure suspect to sit in the patrol car while writing a citation.

Officers can write citation from several positions, each has distinct advantages and disadvantages.

- 1. Inside patrol car: driver's seat**
- 2. Inside patrol car: front passenger seat (door open or closed)**
- 3. Outside patrol car: rear**



Phase 6: Take Action

- d) Treat the re-approach like a new stop. Use the opposite side and carry any additional items efficiently.
- e) A “negative” check on the driver, occupants and vehicle does not eliminate the possibility of ongoing criminal activity.



- f) Explain any follow-up action needed by driver. Provide driver with opportunity to ask questions.
- g) Make every effort to end stop on a positive note.
- h) When finished, help driver re-enter traffic safely.



Multiple Occupants

1. Request back-up prior to initiating the stop.
2. Do not move past the most rear passenger when approaching vehicle.
3. Instruct all occupants to remain seated inside vehicle with doors closed.
4. Use passengers to help facilitate exchange of license and registration with driver.
5. When circumstances warrant, instruct passengers to keep their hands visible, roll down windows or turn on interior lights.



Tinted Windows

1. Prior to initial approach, use patrol car PA system to instruct occupants to turn roll down windows.
2. During low light stops, instruct driver / passengers to turn on interior overhead lighting.



3. Avoid placing hand-held flash lights directly against tinted glass to see inside vehicle. Doing so can compromise officer position and location.



Vans & SUVs

1. Request back-up before initiating the stop.
2. Position patrol car further back.
3. While standing outside passenger side of patrol car, use PA system to give driver / occupants directions. Officers may instruct driver to bring their license, vehicle registration and keys with them.
4. Place hand on van or SUV to feel unseen interior movements.
5. Instruct driver to exit and open vehicle rear door(s) to look for any hidden or unseen passengers.



Motorcycles

1. While still seated inside the patrol car, use PA system and instruct rider to:
 - get off motorcycle on the right side
 - remove helmets
 - walk back toward patrol car
2. Instruct driver and passenger remain seated on and balance motorcycle without using kickstand.



Unwanted Exiting

Sudden exiting by occupants does not automatically indicate danger, but it is a prompt to increase officer awareness.

Reasons why occupants exit vehicles during traffic stops include the following:

- argue with officer
- nervous in general (no crime)
- to look for license or registration
- conceal or distract officer from crimes



Unwanted Exiting

1. Request back-up
2. Maintain a safe distance and use patrol car for cover
3. Identify any immediate or potential threats
4. Instruct occupant to return to the vehicle
5. Be prepared to use force if needed.
6. If any occupant runs away on foot, do not immediately give chase. Gain cover position, call for back-up, broadcast description of fleeing occupant, and secure any remaining occupants first.



Exit Orders

Police must have *specific and articulable* facts that would cause a reasonable person to have a heightened awareness of danger. Criteria officers can use to lawfully order a passenger to exit a vehicle include:

- **an objectively reasonable concern for safety of the officer**
- **reasonable suspicion that the passenger is engaged in criminal activity, and**
- **“pragmatic reasons.”**



Exit Orders: Specific Facts

1. Suspect refused to follow officer instructions
2. Occupants speaking in a language that officer cannot understand
3. Information that indicates a weapon or ammunition
4. Stop location was in a high crime area
5. Time of stop was during early morning hours
6. Inconsistencies with identity of driver or passengers
7. Occupant conduct is consistent with hostility or flight
8. Occupant intent to conceal or retrieve hidden object



Removing Occupants

1. Request and wait for back-up to arrive first.
2. Remove passengers one at a time.
3. Gather all passengers together in a safe location away from traffic
4. If danger exists, officers can instruct occupants to kneel down.

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Vehicle Frisks

During traffic stops, police may conduct a limited, warrantless search or frisk of a motor vehicle, even if they are not making an arrest, but only if police have reasonable suspicion to believe an occupant is armed, dangerous and a weapon is in the immediate control of the vehicle's occupant. [Michigan v. Long](#)



Officers may frisk a person ordered out of a motor vehicle if they have a reasonable basis to believe the person is likely to be armed and dangerous. [Commonwealth v. Johnson](#)



Vehicle Searches

Take time to explain reasons or authority for conducting vehicle searches. Police may search a motor vehicle without a warrant under the following circumstances:

- consent
- plain view
- incident to arrest
- automobile exception



Consent Searches

Consent is when a person waives their 4th Amendment rights for officers to search places where the person consenting has a reasonable expectation of privacy.

According to the U.S. DOJ, the success rate for finding weapons or contraband through consent searches is less than 15%.

For consent to be valid, it must be **voluntary** and **informed**.



Consent Searches

Voluntary

Consent is voluntary when provided willingly and without coercion, duress, or deceit.

An officer may tell a person that if they do not consent, they will apply for a search warrant, but **only if** officers have legal justification or probable cause to do so.

Police are not required to inform people of their right to refuse consent, but the person's knowledge is a factor used by courts to determine voluntariness.



Consent Searches

Informed

Consent is informed when clearly communicated by person giving it. No legal requirement for consent to be in writing.

| Clear Consent | Unclear Consent |
|---------------------------------------|--|
| <i>"You can search my car."</i> | <i>"Do I have to let you search my car?"</i> |
| <i>"I'll let you look in my car."</i> | <i>"I'm not sure I want you to search."</i> |
| <i>"Go ahead and check it out."</i> | <i>"Why are you asking me for consent?"</i> |



Consent Searches

Authority

- Only persons with immediate control or a reasonable expectation of privacy may give consent to search.
- Person in control of a motor vehicle may give consent to search vehicle even if they are not the owner.
- Motor vehicle owner may give consent to search vehicle even if he is not the driver. However, the owner cannot give consent to search the driver's belongings located in the vehicle.



Consent Searches

Scope

- People giving consent may limit scope of search including duration, location, and number of officers.
- If no specific scope is identified, officers may search areas that a reasonable person would expect officers to search.
- Consent to search may be revoked at any time. If consent is revoked, stop searching immediately.
- If a consent search yields no evidence of a crime, thank driver for the cooperation. Return any items moved back to their original location inside vehicle.



Consent to Search Waiver

Date: _____

Location: _____

I, _____ hereby give Officer _____ of the
_____ Police Department consent to search the following:

Provide full description of place, vehicle, person or item to be searched

I understand that I may limit the scope of search any revoked my consent at any time.

Person Giving Consent

Officer / Witness

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Time: _____

Time: _____

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Plain View Searches

- The plain view doctrine allows police to seize evidence of a crime without a search warrant if the evidence is in plain view and no reasonable expectation of privacy exists.
- The plain view doctrine also applies to smell, with certain exceptions. For example, the odor of marijuana alone, burned or unburned, is insufficient for a search of a vehicle. [Commonwealth v. Pacheco](#)



Search Incident to Arrest

- The scope of a warrantless search incident to arrest is limited to areas a person could reasonably grab or gain possession of a weapon or destroy evidence. This includes containers where such items could reasonably be located. *Chimel v. California*
- The scope of a motor vehicle search is limited to a search for weapons and evidence of the crime for which the arrest was made ([276 §1](#)).
- In general, and absent further legal justification, police can only search areas within the arrestee's "grabbing or lunge" area inside a motor vehicle incident to arrest.



Search Incident to Arrest

- If there is reasonable suspicion to believe evidence is in the vehicle relevant to the crime being charged, police may search the entire interior passenger area, glove compartments, and all containers (open or closed, locked or unlocked) within the interior incident to arrest. [Arizona v. Gant](#)
- To search inside the trunk at the scene of the stop without a warrant, officers need consent or probable cause to believe additional evidence may be discovered.



Carroll Doctrine

- If a motor vehicle is in a public place, and officers view evidence of a crime inside, the officer may seize the evidence without a search warrant.
- If there is *probable cause* to believe evidence of a crime is inside a motor vehicle, and the vehicle is stopped or located in a public place, officers can search anywhere inside the vehicle where evidence could be reasonably located, including the trunk, without a warrant.



Searching

1. NEVER search an occupied vehicle.
2. Before searching, remove all occupants one at a time.
3. Place all occupants in a central and safe location away from traffic. Use back-up officers to watch occupants.
4. Wear personal protection equipment.
5. Use caution when searching hidden areas. Look first, then reach.



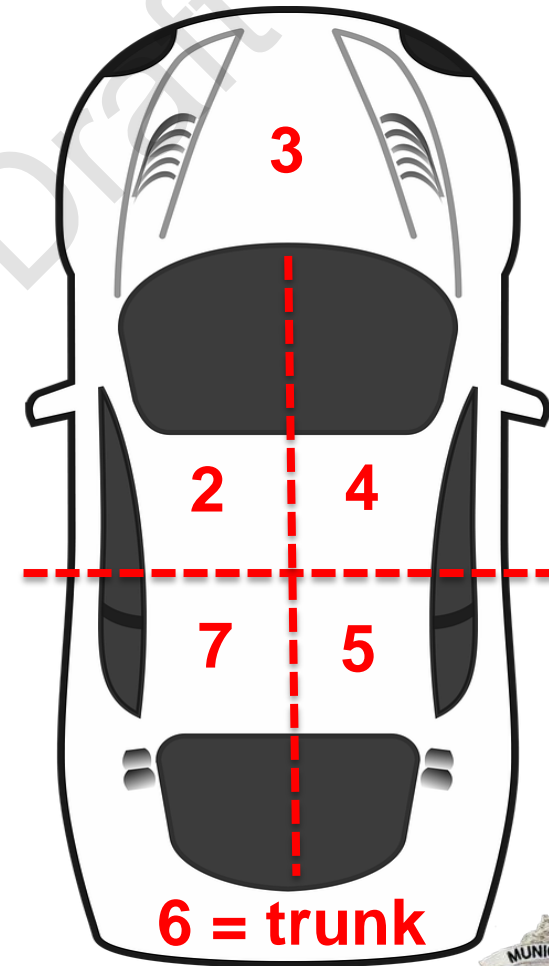
Searching

Use a systematic method and move around the vehicle using a clockwise motion.

1 = Exterior



8 = Undercarriage



Searching

- bulges or holes in headliner
 - torn seat fabric
 - seat covers and back pockets
 - loose or missing screws
 - hanging wires
 - missing or loose panels
- side door pockets
 - extra insulation
 - different colored molding
 - non-factory switches
 - torn carpet
 - under floor mats

Take photographs of evidence where found and undisturbed.

Return all non-evidence items back to their original location.



High Risk Stops

Police have specific information about the vehicle or occupants that indicate a *known* risk to officer safety.

PHASE 1: Legal Justification

PHASE 2: Gather Vehicle **C**lues

PHASE 3: Stop Vehicle & Position Patrol Car

PHASE 4: Communicate with & Remove Occupants

PHASE 5: Clear Vehicle



Phase 3: Stop Vehicle

- a) Request back-up
- b) Choose a safe stop location
- c) Announce stop details
- d) Turn on emergency equipment
- e) Position patrol cars
- f) Expect the unexpected



Request Back Up

When possible, use a minimum of 2 patrol cars to conduct a high-risk motor vehicle stop. One (1) officer per every suspect vehicle occupant is an ideal ratio for high risk stops.

The lead or primary officer is responsible for requesting and coordinating back-up units and communicating known or anticipated travel direction of suspect vehicle.



Stop Location

1. Out of and away from all moving travel lanes
2. Ample space for all patrol cars to establish effective positions
3. Ample lighting during night time or low light conditions
4. Isolated and as far away as possible from innocent people
5. Limited escape options for suspect vehicle (pursuit)
6. Limited on-foot escape options for occupants



Announce Stop Details

1. Full vehicle description
2. Number and description of occupants
3. Reason for stop
4. Conduct by driver or passengers that indicate danger
5. Direction of travel and desired stop location
6. Names / unit numbers of back-up officers present



Emergency Equipment

- Do not turn on emergency lights until back-up units are ready and stop location identified.
- When all back-up units are in place and ready, turn on emergency lights to alert suspect driver.
- During low-light conditions, use take down and spot lights to illuminate as much of the suspect vehicle as possible.



Lead Patrol Car Position

1. Stop lead patrol car not less than 30-40 feet. If space allows, align the right front fender of patrol car with left taillight of the suspect vehicle. Turn patrol car wheels to the left.
2. Immediately exit patrol car, take cover behind open driver's door, and draw weapon if needed. Lead officer should have a clear view of rear and driver's side of suspect vehicle.

Second officer in lead car takes a position behind the patrol car's right rear trunk area.

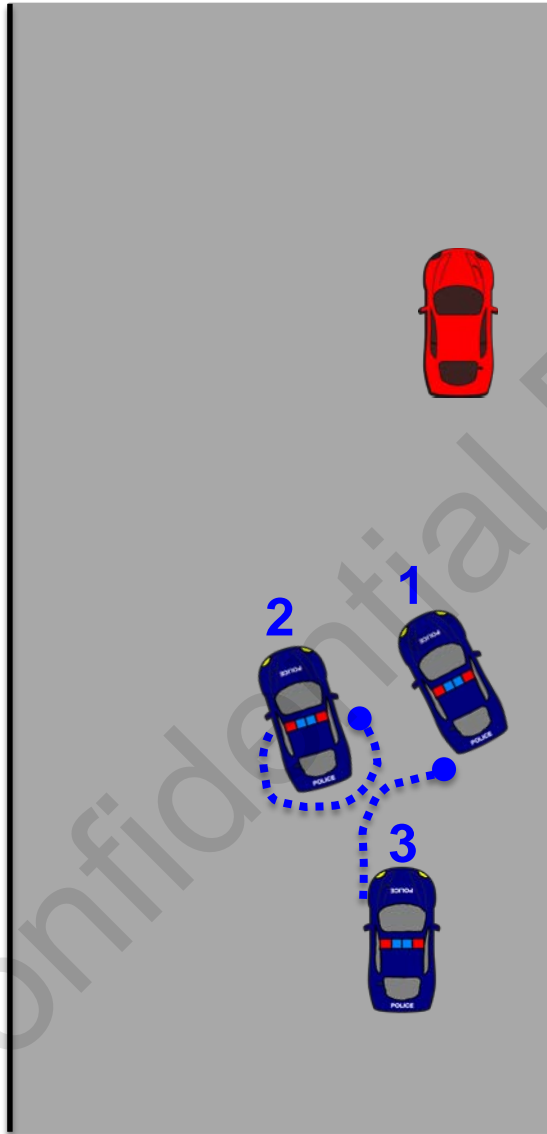
Never approach the suspect vehicle of a high-risk stop alone.



Back-Up Patrol Car Position

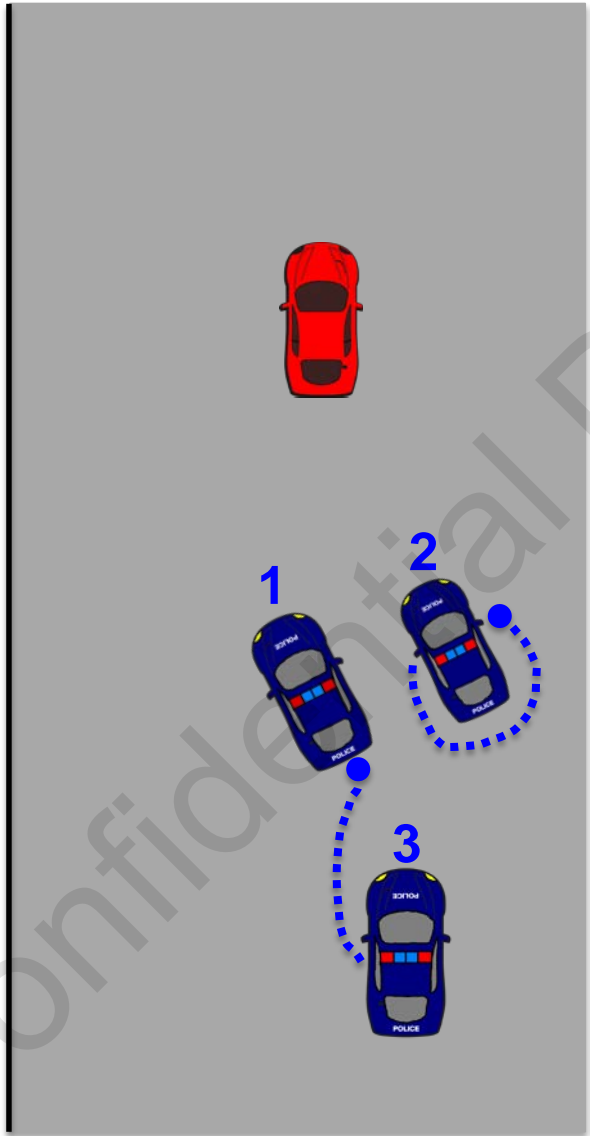
- **NOT** in front of the suspect vehicle to avoid potential cross-fire.
- 20+ feet behind suspect vehicle. May be offset or angled to the left or right so the front end and engine block are between right side suspect vehicle passengers.
- Back-up officers should have a clear view of rear and right side of suspect vehicle.





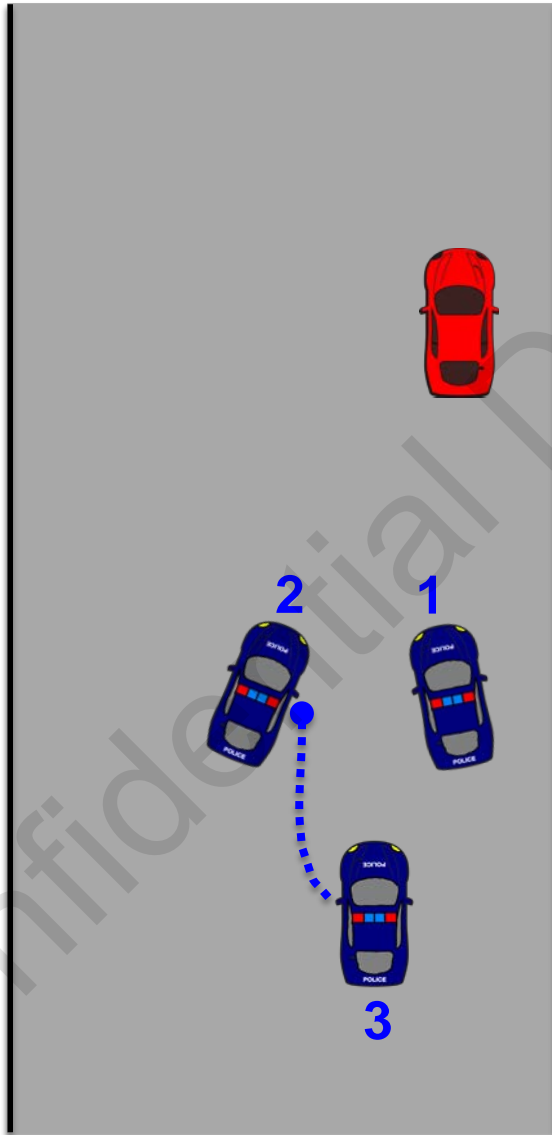
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Expect the Unexpected

- Suspects are more likely to attempt escape immediately after the vehicle is stopped.
- Suspect driver may not stop immediately to look for a better location to escape.
- Suspect driver may try to cause a collision with patrol car by stopping abruptly or driving in reverse.
- Suspect may position or stop vehicle at an angle that provides driver or passengers with a clear line of fire at officers.



Expect the Unexpected

- Suspect driver may attempt to escape using the vehicle.
- An armed driver or passenger may suddenly exit the vehicle.
- Driver or occupants may flee on foot. Occupants tend to flee on foot near the right front of suspect vehicle.

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Phase 4: Communication

- To be effective, communication during high-risk stops is delegated according to officer role.
- Lead or primary officer is responsible for using PA system to communicate with suspect vehicle occupants.
- Back-up officers are responsible for communicating their position to lead officer and potential risks seen to all officers on the scene.
- To avoid confusion, PA system should be used to communicate with suspect vehicle occupants. Officer-to-officer communication should occur using portable radios or by directly talking with each other.



Removing Occupants

- DO NOT remove any suspect vehicle occupant until enough back-up units are available to assist. One (1) officer per every suspect vehicle occupant is an ideal ratio for high risk stops.
- Provide clear, concise, and specific instructions to suspect vehicle occupants.
- Begin instructions by identifying specific occupant location inside vehicle.
- Remove and secure one occupant at a time. Remove front seat passengers first, beginning with driver.

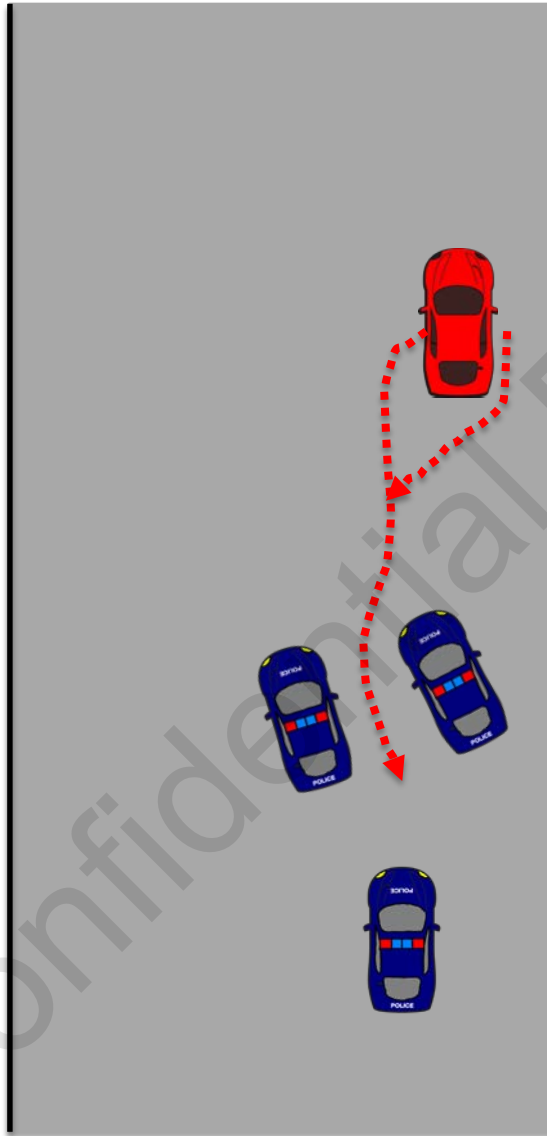


Removing Occupants

- Once outside the suspect vehicle, occupants may be instructed to kneel, get into a prone position, or walk backwards to awaiting officers.
- Establish a safe pathway to funnel vehicle occupants to awaiting back-up officers for handcuffing and searching.
- Place secure occupants into designated patrol cars.



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High Risk Vehicle Stops: Occupant Instructions

- Occupants inside [VEHICLE DESCRIPTION], this is the [NAME] Police Department. You are considered armed and dangerous. Do not make any sudden moves. Any failure to follow my instructions may be interpreted as hostile or violent.
- All occupants place your hands [LOCATION] where they can be seen. DO IT NOW!
- Driver, slowly, roll down all vehicle windows with your left hand. DO IT NOW!
- Driver, slowly turn off the ignition with your left hand and remove the keys. DO IT NOW!
- Driver, place the keys of the vehicle on the roof, [or throw them out the window as far as you can toward my voice]. DO IT NOW!
- Driver, place both hands out the window where I can see them. DO IT NOW!
- Driver, use your left hand to open the door from the outside. DO IT NOW!
- Driver, keep both your hands outside the vehicle and raise them above your head. DO IT NOW!
- Driver, exit the car facing away from my voice. DO IT NOW!
- Driver, step to your left. DO IT NOW! STOP!
- Driver, take two steps back. DO IT NOW! STOP!
- Driver, grab the collar of your shirt with your right hand and pull your shirt up. DO IT NOW!
- Driver, slowly turn in a circle. DO IT NOW! Keep Turning, Keep Turning, Keep Turning, STOP! [scan the suspect for weapons. Direct the suspect to turn more than once if necessary. If a weapon is seen, tell the suspect not to touch, or make any movement toward the weapon, or deadly force will be used.]
- Driver, walk backwards until I tell you to stop. DO IT NOW! Stop! [The suspect should be stopped approximately two feet past the rear of his/her car. As the suspect is brought back toward back-up officers, direct him/her to stop in the vicinity between the front bumpers of the two patrol cars. Order suspect to the kneeling position, facing away from the officers. Order him to place arms straight back, and thumbs up for handcuffing. The primary officer will direct an officer to approach the suspect and handcuff him/her. Once cuffed, secure any weapons found. The handcuffed suspect will be moved to the rear of the cruisers and searched. Thoroughly search the suspect and gather intelligence regarding other suspects or weapons in the vehicle.]

Remove any other suspects from the vehicle using the same steps and techniques. After the driver is secured and there are no other visible suspects, search/clear the suspect vehicle.

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Phase 5: Clear Vehicle

After all visible occupants are removed, the suspect vehicle still needs to be cleared.

1. Primary officer uses PA system to address unseen passengers.
2. Back-up units approach vehicle in coordinated effort while maximizing cover and concealment.
3. Clear the passenger areas first, then trunk
4. Search the vehicle



High Risk Traffic Stop Performance Assessment

Student Officer Name _____ Date _____ Academy _____

Scenario: _____ Is this remedial performance testing: Yes / No

Recruit must earn "S" rating in all skill areas to pass.

| Performance Tasks | S | U |
|--|---|---|
| 1. Chose a safe stop location. | | |
| 2. Announced traffic stop details (vehicle description; location). | | |
| 3. Proper use of patrol car emergency equipment. | | |
| 4. Correct lead patrol car positioning (offset; angle; inside). | | |
| 5. Correct back-up patrol car positioning. | | |
| 6. Proper use of patrol car for cover / concealment. | | |
| 7. Effective communication between lead & back-up officers. | | |
| 8. Clear & concise directions using PA to remove occupants. | | |
| 9. Handcuffing, searching and securing of vehicle occupants. | | |
| 10. Vehicle cleared safely. | | |
| 11. Vehicle searched using systematic method. Evidence found. | | |
| 12. OTHER: | | |
| 13. OTHER: | | |

Notes (use reverse side if needed)

Instructor Name (print) _____ Date _____ Instructor Signature _____

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Unknown Risk Traffic Stop Performance Assessment

Student Officer Name _____ Date _____ Academy _____

Scenario: _____ Is this remedial performance testing: Yes / No

Recruit must earn "S" rating in all skill areas to pass.

| Performance Tasks | S | U | n/a |
|--|---|---|-----|
| 1. Chose a safe stop location. | | | |
| 2. Announced traffic stop details (vehicle description; location). | | | |
| 3. Proper use of patrol car emergency equipment. | | | |
| 4. Correct patrol car positioning (offset; angle; inside). | | | |
| 5. Safe approach (side-step; passenger side; driver side). | | | |
| 6. Effective communication with driver / occupants. | | | |
| 7. Safe return to patrol car. | | | |
| 8. Monitor vehicle & occupants while completing citation. | | | |
| 9. Safe re-approach. | | | |
| 10. Take enforcement action, explain and end on positive note. | | | |
| Other Stop Tasks | S | U | n/a |
| 1. Removing occupants | | | |
| 2. Searches (vehicle; occupants) | | | |
| 3. Effective use of flashlight during low-light, night time | | | |
| 4. OTHER: | | | |

Notes (use reverse side if needed)

Instructor Name (print) _____ Date _____ Instructor Signature _____

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Summary

There is no such thing as a “routine” traffic stop. Vigilance, preparedness and effective tactics help keep officers safe during motor vehicle stops.

This lesson covered best practices for conducting *unknown risk* and *high-risk* motor vehicle stops.

Confidential Draft



Learning Objectives

1. Define *deterrence* and identify common methods used by police to deter motor vehicle violations.
2. Demonstrate best practices for conducting *unknown risk* motor vehicle stops.
3. Demonstrate best practices for conducting *high risk* motor vehicle stops.



Questions



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Closing Statement

Traffic stops are a primary tool used by police to deter violations and build positive working relationships with the community. The goal of every motor vehicle stop is to achieve voluntary compliance with traffic regulations, keep the public safe, and enhance police credibility.



Motor Vehicle Stops



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