

NIAGARA FALLS POLICE DEPARTMENT
GENERAL ORDER

| | | |
|-------------------------------|--|--------------------------------------|
| EFFECTIVE DATE: 12/18/2013 | SUBJECT: PROFESSIONAL TRAFFIC STOPS; HIGH RISK STOPS | Number 319.10 (NYSLEAP O-47-2) |
| RESCINDS: 11/26/2001 | | Number of pages 4 |

I. Purpose:

- A. The purpose of this policy is to provide guidelines for NFPD officers in the enforcement of traffic laws; to ensure that traffic enforcement is carried out in a proactive manner within the dictates of the U.S. and New York State Constitutions and local laws, so that all citizens are dealt with fairly; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of the law.
- B. To provide direction to officers when engaging in high risk traffic stops.

II. General Guidelines:

- A. The stopping of a motorist or a pedestrian constitutes a seizure under applicable Constitutional law. It is an opportunity for the NFPD to make a favorable or an unfavorable impression on a citizen, depending on how the officer handles the situation.
- B. Officers should strive to maintain a proper balance between sufficient command presence to maintain control of the stop, and an attitude of friendliness. The key is projecting a courteous, non-confrontational attitude, being assertive without being overly aggressive, suspicious without telegraphing an overly suspicious attitude.
- C. Officers should have the following objectives in mind for traffic stops:
 - 1. Officer and citizen safety.
 - 2. Prevention of traffic crashes and hazardous conditions.
 - 3. Take immediate action as required for observed violations.
 - 4. The deterrent effect when other motorists witness a vehicle pulled over.
 - 5. Detecting evidence of a more serious violation.
 - 6. Having a positive effect on the motorist's future driving behavior. This is less likely to occur if the officer's behavior alienates the motorist.

- D. If the vehicle is left unattended, the vehicle should be secured. In most cases, this will involve towing the vehicle.
- E. If the operator and/or passengers are not permitted to drive the vehicle, they should be taken to a police facility or to a location requested by the citizen at the officer's discretion.

III. Procedure for Professional Stops:

- A. Greeting/ID: "Good morning, sir, good evening, ma'am", etc. "I am Officer Smith from the Niagara Falls Police Department".
- B. Reason for the stop: State why the vehicle was stopped. Note the emphasis is on what the vehicle did, not the driver.
- C. Any justified reason: "Is there any justified reason that your vehicle did not stop for the red light?"
- D. Driver's license: Request the driver's license prior to asking for vehicle registration and insurance information.
- E. Registration and insurance information: Ask where he/she keeps them prior to the request.
- F. Return to police vehicle: Explain your actions to the driver.
- G. Decision/Closing: Explaining your decision or issuance of Uniform Traffic Ticket and how the motorist should answer the UTT. Advise the motorist how you would like them to exit safely into traffic. The motorist should leave before the police vehicle. The closing should be courteous, "Thank you for your cooperation, let me help you back into traffic." Do not argue with the motorist, passengers, or by-standers.

IV. Procedure for High-Risk Stops:

- A. Initial Tactics:
 1. Radio in vehicle plate, description, occupant info.
 2. Communicate high-risk stop decision to other units.
 3. Pre-plan the location for the stop.
 4. Initiate stop & position units (Contact / Cover).
- B. Initial Instructions (Contact Officer)

1. Assume a position of cover.
2. Announce:
 - “Turn off the engine”
 - “Don’t move”
 - “Throw the keys out the window”
 - “Driver / Passenger: Put your hands against the windshield”
 - “Backseat: Put your hands on the back of the front seat”
3. Approach in a manner to reduce risk to officer(s)

C. Removal of Occupants (Contact Officer):

1. Announce (begin with the driver):
 - “Reach your hand out the window and open the door from the outside”
 - “Step out of the car”
 - “Put your hands up”
 - “Put your hands behind your head”
 - “Kick the door shut”

D. Control (Contact Officer):

1. Maintain cover & announce:
 - “With your hands up, walk backwards toward the sound of my voice” (have subject move to left / right as necessary)
2. When positioned correctly instruct subject to kneel:
 - “Lie flat on your front w/arms out to sides”
 - “Palms up”
 - “Cross your feet at the ankles”

E. Custody from Prone Position (Cover Officer):

1. Instruct the subject to turn his/her head away from the custody officer.

F. Clear the Vehicle (Contact & Cover):

“You in the vehicle — we know you are there — sit up now”

1. Clear the vehicle — maximize officer safety.
2. Make sure audio and directions are clear.