

## **2.4.1 Traffic – Taking Vehicle Enforcement Action**

### **I. POLICY**

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians to prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

### **II. PURPOSE**

The purpose of this order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians and the courts.

### **III. PROCEDURES**

#### Enforcement Procedures

#### A. Physical Arrest

1. Officers will effect a physical arrest on any person in violation of those traffic laws pertaining to driving under the influence of alcohol and/or drugs and all other violations of the law requiring physical arrest in the Commonwealth of Pennsylvania.
  - a. In the event that a traffic law violator resides outside the Commonwealth, the violator may be taken into custody and transported to the local district judge's office or the on-call District Judge for adjudication.
2. There may be other incidents in which a violator should be physically arrested or detained:
  - a. An operator who has no identification and the officer is unable to verify his or her identity may use the Ten Printer or Live Scan.
  - b. The decision should be based upon sound legal principles, as opposed to peripheral issues such as the violation's attitude. [Title 234 – Rules of

## 2.4.1 continued

Criminal Procedure and Title 75 – Vehicle Code, section 6304 – Authority to Arrest Without Warrant]

### B. Traffic Citations

1. A traffic citation should be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations and operating unsafe and/or improperly equipped vehicles. Using a Commonwealth traffic citation shall do this.

### C. Traffic Ordinance Violations

Officers shall enforce all city ordinances in regard to traffic and parking violations. These include, but are not limited to:

1. Ordinance 482.01, Parking Limitations and Prohibitions in General
  - a. Penalty, 482.99
2. Ordinance 482.02, Parking Limitations and Prohibitions at Particular Places
  - a. Penalty, 482.99

These violations will be cited using a Commonwealth traffic citation. Within five [5] days after the citation is issued, the original shall be filed with the proper issuing authority.

### D. Parking Violations

1. Officers shall enforce parking violations in the City of Johnstown. This shall be done on a Commonwealth traffic citation. Officers may issue the citation by handing it to the defendant, by placing it on a vehicle windshield or by U.S. mail. Within five [5] days after the citation is issued, the original shall be filed with the proper issuing authority.

### E. Written Warnings

1. A written warning is a proper alternative to a traffic citation, which may be used based on the individual officer's discretion, professional judgment, training and experience.

## 2.4.1 continued

- a. All written warnings should be issued with the Pennsylvania Department of Transportation's MV-433A card.
  - b. An equipment repair order is a proper alternative for officers to use for minor equipment violations and for operators who do not have in their possession their driver's license, registration card and/or insurance card.
  - c. All equipment repair orders should be issued with the Pennsylvania Department of Transportation's MV-433A card.
  - d. Violators issued an equipment repair card should have the proper response to the repair card explained to them in order to avoid a traffic citation.
  - e. Officers will retain their copy of the equipment card to assure that a proper response is completed, and if not completed, issue a citation for the violation.
2. A verbal warning is prohibited.

### Stopping and Approaching Vehicles

#### A. Motor Vehicle Stops

1. Reasons for vehicle stops.
  - a. Suspected violations[s] of the motor vehicle code.
  - b. Reasonable suspicion that the vehicle or occupants are or have been involved in criminal activity.
2. Procedures for motor vehicle stops.
  - a. Select a safe location for the stop.
    - i. Avoid curves and hills.
    - ii. Well lighted areas are preferred.
    - iii. Roadways with shoulders are preferred.
  - b. Notify the communications center of pertinent information.
    - i. Location of the stop.
    - ii. Vehicle registration.
    - iii. Reason for the stop, if it is a serious traffic offense or criminal activity.
  - c. Activate emergency equipment
    - i. Activate emergency lights
    - ii. Use siren if necessary to alert operator.
    - iii. Flash spotlight in suspect rear view mirror or activate takedown lights at night, if desired.
  - d. Position the patrol vehicle a safe distance behind and slightly to the left of the suspect vehicle for protection from oncoming traffic while approaching the suspect vehicle.
  - e. Approach the vehicle with caution observing the occupants.

## 2.4.1 continued

- i. Be aware of traffic when exiting your vehicle
  - ii. Keep our weapon hand empty.
  - iii. Note if the trunk lid is closed.
  - iv. Be alert for activity within the suspect vehicle.
  - v. If there are passengers in the rear seat, observe for weapons.
  - vi. Position yourself so the driver must turn around in his/her seat to face you.
  - vii. Do not turn your back or allow occupants of the vehicle to get behind you.
  - viii. If the situation warrants, an approach on the passenger side of the vehicle may be appropriate.
  - ix. If the windows of the suspect vehicle are heavily tinted, have the driver and/or passengers roll them down.
  - x. If occupants are speaking amongst themselves in a foreign language, ask them to stop unless it is for translation purposes requested by the officer.
- f. Backup officers will assume a position to cover the initiating officer's approach to the stopped vehicle [usually to the right rear of suspect's vehicle, being able to observe any activity inside]. Caution should be used when positioning the second patrol vehicle and approaching to assist.
  - g. Vehicle stops by non-uniform personnel should not be made for routine traffic stops.
  - h. Unmarked vehicles should not be used for traffic stops except in extreme emergencies.
3. Writing citations.
    - a. Obtain driver's license, vehicle registration and insurance information from the operator.
    - b. It is recommended that officer's check wants and warrants for the vehicle and operator.
    - c. Use interior illumination at night, enough to write the citation, but being able to observe the subject's vehicle.
    - d. While writing the citation, look up occasionally at the subject and vehicle, also checking the rear view mirror.
    - e. At night, the takedown or spotlight may be aimed in the driver side rearview mirror to blind the subject and further illuminate the vehicle and occupants.
    - f. Keep the operator and passengers in the vehicle at all times, unless otherwise directed by the officer.
    - g. If removing multiple occupants from a vehicle request a backup officer.
  4. Issuing citation[s].
    - a. Approach vehicle using caution.
    - b. Issue and explain the citation to the operator.
    - c. Explain the procedure for responding to District Court.

## 2.4.1 continued

- d. Return to our vehicle watching the suspect vehicle and be aware of oncoming traffic.
  - e. Wait for the operator to merge into traffic prior to securing and assist if necessary.
5. Precautions during night stops.
- a. Alertness should be increased due to decreased visibility.
  - b. Added caution should be employed when selecting the location of the stop.
  - c. Subject's vehicle may be illuminated with your spotlight and/or takedown lights.
  - d. Exit patrol vehicle with flashlight in weak hand.
  - e. Keep in mind your vision, when utilizing lights on the police vehicle.
    - i. It may be necessary to not use the spotlight or takedown lights if there use will hamper the officer's vision.
    - ii. If flashing headlights on the police vehicle are used to assist in stopping the violator, it may be to the officer's benefit to turn them off when approaching the violator, so as to not hamper the officer's vision.
    - iii. If flashing headlights are used while stopping a vehicle at night, they should be turned off once the vehicle pulls over. This is to prevent blinding drivers approaching from the opposite direction.
6. Contact with the operator.
- a. Stand behind the door jam, making the operator turn and talk to you. The officer should not be in a position to be hit by the door.
  - b. Identify yourself by name and department.
  - c. Obtain license and registration with your weak hand and never reach into the vehicle.
  - d. Advise the operator the reason for the stop.
  - e. Do not argue with the operator.
  - f. Always watch the hands of the operator and passengers.
  - g. Do not be distracted.
  - h. Never turn your back to the suspect vehicle, unless it is tactically necessary for a safe return to the police vehicle.
  - i. Watch the doorjamb. If it begins to open, maintain a defensive position and order subject to remain in the vehicle. If the subject continues to exit the vehicle, disengage until the subject gets back into the vehicle.
  - j. The officer must control the situation and exercise common sense.
  - k. Request backup if needed.
7. Backup officer's responsibility
- a. If a second police vehicle responds to assist to the traffic stop, caution must be used when positioning the second vehicle. The second vehicle should be

## 2.4.1 continued

placed to provide additional warning to other motorists and protection for the stopping officer and stopped subject[s].

- b. A second officer should approach the subject's vehicle only to a position where cover can be provided for the stopping officer.

### B. Felony Vehicle Stops

#### 1. Basic Rules

- a. Basic rules can be followed for most felony car stops that can provide for officer safety. These procedures may be employed whenever circumstances dictate the high potential for a dangerous confrontation. The officer must use common sense and allow the situation to dictate how and when these procedures are implemented.

#### 2. Procedures

- a. Advise the communications center to clear the air.
- b. Communications should be provided with location, direction of travel, registration, number of occupants and if possible other identifying characteristics, make, color, year and model.
- c. All movements of the vehicle and the occupant[s] must be closely watched.
- d. The initiating and backup officers should maintain a safe distance until just before the stop.
- e. Varying conditions regarding particular areas should be taken into consideration prior to the stop.
- f. The suspect vehicle will not be stopped until adequate support is available and in position, unless absolutely necessary.
- g. When location, conditions and support vehicles are available, the officer will signal the subject[s] to stop, utilizing all emergency warning devices.
- h. When the suspect vehicle begins to stop, the officer will turn off the siren and activate the public address system.
- i. The officer will position the police vehicle so it provides maximum protection cover. The police vehicle should be positioned a safe distance to the rear of the suspect vehicle and to the extreme left of the suspect vehicle.
- j. At night, all lights, including spotlights and take down lights, should be focused on mirrors and the interior of the suspect vehicle.
- k. Officers should have their firearms ready for immediate use.
- l. Officers should position themselves so as to have access to the public address system and an unobstructed sight picture, while utilizing the police vehicle as cover.

## 2.4.1 continued

- m. The initiating officer should assume command of the situation and should be the only officer giving directions to the subject[s]. Only one officer should direct the movement of the subject[s].
  - n. The officer, utilizing the public address system will instruct the operator to turn off the engine and throw the ignition key out of the window and have all occupants place their hands in a visible position.
  - o. The officer will direct each occupant to remain in this position until instructed to do otherwise.
  - p. The officer will direct each occupant to remove themselves from the vehicle individually according to specific directions and into the appropriate search position.
  - q. Each suspect will be cuffed, searched and moved to a controlled position by a backup officer, until it is determined that the vehicle is safe to approach.
  - r. After every suspected occupant is removed from the vehicle, the vehicle is to be approached with caution and searched for anyone who may be concealed inside.
3. Backup Officers' Duties
- a. Backup officers will coordinate their locations and arrivals to coincide with the vehicle stop. The first backup officer should position his/her patrol vehicle next to the initiating officer's vehicle, slightly ahead, avoiding any crossfire.
    - i. Backup units arriving during a nighttime stop, shall be aware of their police unit's headlight projection and shall not place their units in such a manner as to silhouette or spotlight any officers already engaged and deployed at the scene of the stop. Also, backup officers responding after engagement has begun should be aware of their siren as it may effect communication already in progress at the scene.
  - b. Backup officers will approach from a safe distance avoiding crossfire situations.
  - c. The officer conducting the orders will coordinate the handcuffing, searching and removal of the suspects by the backup officers to a safe place.

Effective Date:

Date: March 16, 2007

By Order Of:

Craig Foust  
Chief Of Police

