

# FLORIDA HIGHWAY PATROL

## POLICY MANUAL

	<b>SUBJECT</b> TRAFFIC STOPS	<b>POLICY NUMBER</b> 17.21
		<b>ISSUE DATE</b> 05/01/01
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**17.21.01 PURPOSE**

To provide guidance to members related to traffic stops.

**17.21.02 AUTHORITY**

Sections 316.640 and 321.05, Florida Statutes

**17.21.03 POLICY**

The greatest amount of discretion afforded to members of the Florida Highway Patrol is in conducting traffic stops. Members are routinely afforded discretion to determine which vehicles to stop and what type of enforcement action to take. Members are given guidance in taking enforcement action in FHP Policy 17.06. Also, statutory requirements regulate the types of action members may take for certain violations.

Proactive traffic enforcement has long been recognized as an effective method of crime control. It is also one of the primary duties assigned to members of the Florida Highway Patrol by Chapters 316 and 321 of the Florida Statutes. Initiating a traffic stop or basing enforcement action on the vehicle occupant's race, ethnicity, gender, or economic status is illegal, inconsistent with the principles of American policing and an indefensible public protection strategy. Therefore, traffic stops being conducted by members of the Florida Highway Patrol must be conducted in a professional manner in order to maintain the confidence of the public.

**17.21.04 DEFINITIONS**

- A. **INTERCEPTING** – The activation of emergency lights and/or siren at the discretion of the member to make notification of a patrol car presence and to cause the violator to stop as quickly and safely as possible.
- B. **OVERTAKING** – The active attempt by a member to catch up to and stop a traffic violator before there is recognition by the violator that the member is attempting to stop the violator.

**17.21.05 OBJECTIVES**

To ensure that members of the Florida Highway Patrol conduct traffic stops in a professional and objective manner.

## **17.21.06 PROCEDURES**

### **A. INITIATING A TRAFFIC STOP**

#### **1. Overtaking Confirmed Violators**

When overtaking a confirmed violator, the member will determine the appropriate time and location to make his/her presence known by activating emergency lights or siren or both in order to affect the traffic stop.

#### **2. Intercepting Violators**

a. Upon turning on a violator on a multi-lane divided or undivided roadway, the member shall determine the appropriate time and location in which to activate emergency lights.

b. Upon obtaining sufficient evidence of a violation, the member shall stop the violator as soon as practical.

3. Members are permitted to follow a violator for short distances prior to activating the emergency lights/sirens if, in the member's opinion, the risk posed by immediately stopping the violator outweighs the risk posed by allowing the violator to continue.

4. In determining when to actually initiate a traffic stop, a member should consider the following criteria:

a. The severity of the violation(s).

b. The weather conditions.

c. The characteristics of the occupants, if known.

d. The characteristics of the roadway.

5. Members should not hesitate to direct the violator to a safe location.

6. When parked off the roadway, members shall consider the circumstances in deciding whether to leave the emergency lights on.

7. The patrol unit shall be parked to the rear of the violator's vehicle.

8. In all traffic stops, a member should consider using the patrol vehicle's communication system to advise the communication center of their location, the tag number of the vehicle, a description of the vehicle and the occupants.

9. Between the hours of 11:00 PM and 7:00 AM, members shall use the communication system as outlined above for ALL traffic stops.

10. Members shall not use the public address system as a means of communication with a traffic violator or with the general public except when necessary. It is only to be used after all other means or efforts

have failed to direct a violator or the general public to a safe position. Members are authorized to use the public address system to the extent necessary when a clear threat exists to the safety of the member or the public.

11. Members will use the spotlight/takedown lights with care. The primary purpose of the lights is to illuminate traffic stop, traffic crash and crime scenes and to aid members in searches. Spotlights/takedown lights are not to be intentionally used to obscure the vision of the driver of any vehicle while that vehicle is in motion. The use of any lights for the sole purpose of illuminating the occupants of passing vehicles prior to observing a violation is prohibited.

#### B. APPROACH TO VEHICLE

1. Approach to the vehicle should be made in a manner that affords the member maximum protection.
2. The member should approach the vehicle, checking the trunk, rear seat and passengers in the vehicle.
3. The driver will be greeted courteously.
4. The driver should politely be asked to step from the vehicle to a place where the violation(s) may be discussed in safety. However, members may allow the driver to remain in the vehicle.
5. Generally, members should not allow other occupants to get out of the vehicle as their presence may either create an additional highway hazard or a personal hazard to the member. Reasons for allowing other occupants to get out of the vehicle may include, but are not limited to:
  - a. Act as an interpreter.
  - b. Have a parent or guardian present when taking enforcement action against a juvenile.
  - c. Take enforcement action against the occupant.
  - d. Question an occupant.
6. Members and violators shall not stand between the violator's vehicle and the patrol vehicle.
7. The driver will be informed of the reason for being stopped and the member will listen and consider any justification offered by the violator for having committed the violation.
8. When obtaining necessary documents from a violator, wallets, purses, cases or other holders should not be accepted. The violator should be asked to remove the documents from any container.
9. Be observant for evidence of criminal activity, signs of physical impairment, emotional distress and alcohol or drug use.

10. To conclude the stop members will briefly and courteously inform the offender:
    - a. Why the offense was detrimental to the safety of the public.
    - b. Procedures that the violator will have to follow to bring the matter to a conclusion.
  11. Members shall courteously attempt to favorably alter the violator's future driving habits and minimize conflict.
  12. If the violator requests the member's name, ID number, and/or the name and contact information of the member's supervisor, the member shall provide the information as requested.
- C. FELONY/HIGH RISK TRAFFIC STOPS – Traffic stops constitute a significant and persistent danger for law enforcement officers. High risk/felony vehicle stops may pose even greater hazards and require application of all the knowledge that a member has gained through training and experience. During such stops, members should employ caution and observe the following procedures in order to maintain control of the situation and to avoid subjecting himself/herself or others to unnecessary dangers.
1. Members shall advise the communications center, pursuant to the provisions of Section "A.8" or "A.9" above, when involved in high-risk stops.
  2. Whenever possible, conduct the stop at a safe location away from other vehicles, persons, residences and businesses.
  3. Whenever possible, conduct the stop with a sufficient number of back-up officers present.
  4. Order the offending driver to shut off the vehicle, turn on interior lights, roll the driver's window down and put the keys on top of the vehicle.
  5. Order the offender(s) to slowly exit the vehicle one at a time and make a complete turn with their hands in the air to enable a cursory weapons check. If any weapon is spotted, tell the offender that it is seen, but do not retrieve it at this time. Do not permit the offender to touch the weapon.
  6. Order each offender to walk backwards toward the patrol vehicle and lie on the ground in a "spread eagle" position face down.
  7. Have a back-up officer carefully check the vehicle for hidden occupants and then cover the prone offender(s) from behind the trunk of the member's vehicle.
  8. Handcuff and then search each offender while the back-up officer remains behind cover.

## **17.21.07 REGULATIONS**

The initiation of traffic stops must be based on violations committed by the occupant(s) of the vehicle, based on a Be On the Look Out (BOLO) or in accordance with Florida's Stop and Frisk Law. Members are prohibited from using the race, ethnicity, gender, age, or apparent economic status of the occupant(s) of a vehicle as the sole deciding factor of whether to stop the vehicle, in taking enforcement action or conducting a search.