



# Florida Highway Patrol Policy Manual

<b>SUBJECT</b> TRAFFIC STOPS	<b>POLICY NUMBER</b> 17.21	<b>ISSUE DATE</b> 05/01/2001
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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

Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973

## **17.21.03 POLICY**

The greatest amount of discretion afforded to members of the Florida Highway Patrol (FHP) 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, color, national origin, sex, age, or disability, including income level and limited English proficiency, 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 professionally 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 their presence known by activating emergency lights or siren or both in order to affect the traffic stop.

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

a. Upon identifying 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/siren 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 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 mobile radio 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 radio 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 may politely be asked to step out of 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 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.
  - e. To further an investigation (search of vehicle, K9 sniff, safety of member)
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 the traffic stop, 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 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. When requested, members shall provide the proper procedures/process for filing a Title VI complaint.
- 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 themselves 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 sufficient back-up officers present.
  4. Order the offending driver to turn the engine off, turn on interior lights, lower the driver's window and place the keys on the roof of the vehicle.
  5. Order the offender(s) to raise their hands, then 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 a weapon was observed and if they move toward their weapon, you will use appropriate force. Once secured, the officer shall safely remove the weapon from the offender.

6. Order each offender to walk backward toward the patrol vehicle and kneel, lie prone/face down or instruct them into another position of disadvantage.
7. Have a back-up officer carefully check the vehicle for hidden occupants while covering the 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**

- A. 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, color, national origin, sex, age, or disability, including income level and limited English proficiency, 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.
- B. Members will uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities identified in the FMCSA Title VI Program Assurance signed by the Department, which requires that no person shall be excluded from the participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
- C. Members should use all available resources such as interpreters, I-Speak cards, telephone interpretation services, or applications on mobile computers or smart devices to facilitate communication with persons who display limited English proficiency.
- D. A Public Notice of Compliance with the Title VI Program Rights that informs the Department's Title VI program assurances and responsibilities has been adopted. This public notice is posted on the Department's website for public access and includes information on how to obtain information about the Department's Title VI Program, including where to file a Title VI complaint. The Public Notice of Title VI Program Rights in English, Spanish, and Creole may be found on the Title VI page on the Department's website.

- E. Complaints filed by members of the public will be disposed of in accordance with the Complaint Disposition Process section of the department's Title VI Program Compliance Plan.