

DEKALB POLICE DEPARTMENT

Subject: **Traffic Stops**

Policy #: **403.1**

Effective Since: 8-21-03

Originally Issued As: General Order # 16 of 3-8-72

Revision Effective: 1-1-19

FTO Training Task: # 3, # 12

Reference Material: ILCS Statutes

ILEAP Standards Covered: OPR.06.04, OPR.06.10

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PURPOSE: One of the most fundamental yet critical jobs in law enforcement is the stopping of a suspect or violator's vehicle. When attempting to stop a vehicle, consideration must be made to the safety of the violator, officer, motoring public, and other citizens. Each stop must be made with a calculated degree of caution. Unpredictability of human behavior makes any stop a serious matter. The purpose of this policy is to outline the department's general procedures for conducting traffic stops.

POLICY: It is the policy of the department to lawfully stop vehicles in a uniform manner, using due care and awareness of possible danger. The actions of an officer conducting a traffic stop should reflect safety for all involved, and professionalism when taking appropriate enforcement action.

DEFINITIONS:

IVC - Illinois Vehicle Code

PA - Public Address microphone & speaker system

PROCEDURE:

A. Making a lawful traffic stop ; officers may lawfully stop a vehicle when:

1. There is reasonable suspicion that the vehicle is being operated in violation of any IVC offense.
2. There is reasonable suspicion that an occupant of the vehicle has committed, or is about to commit, a criminal offense.
3. There is reasonable suspicion that an occupant of the vehicle is the subject of an arrest warrant.
4. There is reasonable suspicion that the vehicle is wanted due to being stolen or being subject to a criminal investigation.
5. A situation warrants the stopping of a vehicle for a safety or emergency reason.

B. Conducting road side safety checks or police checkpoints to stop motorists must be in one of the following situations:

1. To promote highway safety by detecting impaired drivers;
2. Emergency circumstances to stop a terrorist attack or prevent the escape of a dangerous criminal;
3. Informational roadblocks, to ask vehicle occupants for their help in providing information about a crime (likely committed by others) that has occurred in the area of the checkpoint.
4. To verify compliance with laws and/or to conduct enforcement efforts will be conducted in conformance with state statutes and applicable case law.
5. Roadside safety checks or checkpoints will be conducted in such a way that it does not unnecessarily impede traffic or otherwise create an unsafe driving environment.
6. A supervisor will oversee any roadside safety check or police checkpoint and provide a report to the Patrol Commander, indicating the results of the operation.

[OPR.06.10]

C. Officers must be in compliance with Policy 103.4, Biased Enforcement .

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- D. Officers operating vehicles equipped with mobile video recording devices are subject to procedures in Policy 304.3, Video and Audio Recording.
- E. **Selecting a location to complete the stop** ; officers should attempt to complete a stop in a safe location:
 - 1. To the right of the roadway, or the right-most lane of traffic; or
 - 2. Off the roadway in an available parking lot or other area.
 - 3. If a motorist stops in an inappropriate or unsafe location, the officer should signal or request that they move to a more appropriate location, if possible.
 - 4. Attempt to make the stop where vehicle and pedestrian traffic will be least affected.
- F. **Using emergency lighting** ; state law requires that officers use the emergency flashing lights when stopping a vehicle; 625 ILCS 5/12-216: "Oscillating, rotating or flashing lights located on or within police vehicles in this State shall be lighted whenever a police officer is in pursuit of a violator of a traffic law or regulation." At night, the spotlight and/or takedown lights should be shined onto the suspect's vehicle to illuminate the vehicle and occupants for enhanced visibility and safety.
- G. Additional police vehicle information is listed in Policy 304.1, Police Vehicle Operation.
- H. **Squad car positioning** ; upon stopping the vehicle, the squad car should be positioned about two car lengths or more behind and slightly to the roadway side of the stopped vehicle, when possible. The squad car can also be angled somewhat to the left. This positioning provides:
 - 1. A safety buffer from passing cars.
 - 2. Concealment and cover from the suspect vehicle.
 - 3. Reactionary distance from the suspect vehicle.
- I. **Radio Communication** ; every traffic stop shall be called in to the Telecommunications Center via the department's radio system upon making the stop. If other radio traffic prevents the immediate radio transmission of the stop, radio communication will be made as soon as practically possible thereafter.
- J. **Radio communication procedure** ; traffic stops shall be called in by radio, using the officer's badge number, with:
 - 1. The vehicle's registration number;
 - 2. The location: either the hundred block of the street, the intersection of two streets, or exact address/location
 - 3. Additional information if necessary, such as number of occupants, a request for backup, etc.
 - 4. Additional radio communications procedures are listed in Policy 301.1, General Police Radio Procedure.[Sections E-J, ILEAP OPR.06.04(a)]
- K. **Contacting the driver and/or occupants** ; officers should use due care in approaching the suspect vehicle and exercise common safety procedures while conducting the stop, such as visually surveying the interior of the vehicle, staying behind the

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occupant's door, watching for furtive movements or suspicious actions of any occupant, and requesting that occupants remain seated in the vehicle.

1. Officers should consider and execute an approach on the right side of the offending vehicle whenever possible in order to stay off the roadway and gain a better vantage point of the driver.
2. The officer should maintain control of the occupants, providing for their safety as well as the officer's and not allowing them to stand in the street or other dangerous location.
3. Officers should request backup whenever assistance is needed. Patrol officers should routinely provide backup for officers on a traffic stop, particularly at night when visibility is not as good and the potential for need of assistance is greater.
4. Unless under arrest or in exigent circumstances, a person should not be seated in the officer's vehicle.

[ILEAP OPR.06.04(b)]

- L. **Requesting identification** ; drivers must provide their identification when stopped for a suspected violation. The identification of other occupants may be requested if it does not unnecessarily prolong the duration of the stop. Other occupants are not required to show identification unless there is some reasonable suspicion that they have committed some violation as well.
- M. **Maintaining a professional climate** ; officers should maintain a high level of professionalism and courtesy, identifying themselves and advising the driver as to the reason for the stop. Officers are encouraged to be conversational and polite, but reinforce with traffic violators the need to favorably alter future driving habits.
- N. **Enforcement action** is outlined in Policy 403.2, Traffic Enforcement.
- O. **Scope of questioning** during a traffic stop should generally be limited to the nature of the violation that was observed or suspected. Any additional questioning must not unnecessarily prolong the stop. Requests for consent searches must be based on reasonable suspicion that evidence of other offenses may be present. Any questions or requests for consent searches not supported by reasonable suspicion must occur after it is clear to the motorist that he is free to leave.
- P. **Use of Canines** during traffic stops will be performed in compliance with the department's Use of Canines policy.
- Q. **Motor Vehicle Searches** are to be conducted in compliance with Policy 406.2, Motor Vehicle Inventories are explained in Policy 406.1.
- R. **Radio disposition of the stop** ; upon completion of the traffic stop, the officer should advise by radio that the stop is finished (10-24, 10-8). Computerized data entry of enforcement action should be made as required for the specific action taken.
- S. **Unknown risk stops** : a traffic stop involving a vehicle where there is known to be some particular raised risk above that of an ordinary traffic stop, but short of a known high risk situation explained below under Felony Stops, should involve a raised element of safety on part of the officer. An unknown but raised risk situation may involve stopping a known gang member, stopping a person who previously was

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known to possess a weapon, stopping a person suspected to be wanted a warrant, etc. In these stops, officers should adhere to these safety measures:

1. Anticipate a safe location for the stop;
2. Request and wait for additional backup;
3. Consider a tactical vehicle approach;
4. Depending on the situation, consider immediately ordering the driver to stay in the vehicle, or exit the vehicle, whichever best suits the situation.
5. Other safety measures as deemed appropriate and feasible.

T. **Felony, or high risk, stops** : a high risk stop is performed only when it is known or can be reasonably established that the vehicle being stopped presents a dangerous situation, such as stopping a stolen vehicle; stopping a vehicle that contains forcible felony suspects; stopping a vehicle when its occupants are reported, known, or likely to be armed; or stopping a vehicle that has avoided apprehension or fled from police.

1. Determine that articulable reasons for conducting a high-risk stop are present.
2. Inform Communications and other units of the circumstances.
3. Anticipate a location for the stop, considering:
 - a. Safety
 - b. Lighting
 - c. Presence of others in the area
 - d. Avenues of possible escape
4. Radio communication; always advise:
 - a. the vehicle's registration number and/or description
 - b. the location and/or direction of travel
 - c. the circumstances involving the vehicle
 - d. a request for ample backup
 - e. any other pertinent information
5. Do not attempt the stop alone when there is assistance available; wait for backup to be immediately present.
6. When ready, initiate the stop by using the squad's emergency lights.
7. Emergency driving procedures are outlined in Policy 304.1; police pursuit procedures are outlined in Policy 304.2.
8. When the vehicle stops, position the first squad car at least three car lengths behind the vehicle; secondary squad cars should form a "V" formation to the left and right of the first squad car; or form a staggering, diagonal line to the left of the first squad car, providing a safety buffer zone, reactionary distance, concealment, and cover.
9. Always shine every available spotlight onto the suspect vehicle.
10. Utilize cover as much as possible.
11. Direct the occupants out of the vehicle, with one officer giving loud, clear commands, using the squad car's PA if necessary.
12. Commands should include:
 - a. informing the occupants that they are to follow instructions carefully;
 - b. the showing of hands of all occupants;
 - c. the shutting off of the suspect vehicle and removal of the keys;
 - d. the systematic removal of occupants of vehicle, one at a time, with the driver first;
 - e. instructing each removed occupant to keep hands up and to turn slowly around to visually inspect for weapons present;
 - f. instructing each removed occupant to walk slowly back to awaiting officers;

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- g. Upon occupant arrival at a concealed safety buffer, instructing the occupant to assume a prone position with arms out.
- 13. Each occupant should be handcuffed, searched, and secured.
- 14. Once all visible occupants are removed, the removed occupants should be asked if anyone else is in the vehicle.
- 15. Carefully and slowly approach and secure the vehicle.
- 16. Vehicle search procedures are outlined in Policy 406.2.
- 17. Any high-risk stop must be documented on a case report.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.