


MELROSE POLICE DEPARTMENT		Department Manual: Policy No. 5.13
Subject: <div style="text-align: center;">Motor Vehicle Stops</div>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.4.5, 61.1.2, 61.1.4, 61.1.7, 61.1.8		GENERAL ORDER 61M-001
Effective Date: November 7, 2022 Revised: February 29, 2024	Issuing Authority <i>Kevin Faller</i> Kevin Faller Chief of Police	

1. Motor Vehicle Stops

If a determination is made to stop a motor vehicle, great care must be exercised. Many officers have been seriously or fatally injured making vehicle stops. Traffic violators, suspicious vehicles, and criminals present an unknown risk to the officer making the stop. Reasonable precautions should always be taken in stopping a motor vehicle, being cautious of traffic and dealing with the occupants. **61.1.7 (a)**

- a. Officers shall select a suitable location for making the stop, if at night preferably a well-lighted area.
- b. Officers shall notify Dispatch as to the;
 - i. Location of the stop;
 - ii. Registration number; and
 - iii. Description of the vehicle and occupants, (for felony unknown or high-risk motor vehicle stops). **61.1.7 b, c**
- c. Both vehicles should be parked as far to the right as possible and out of the path of moving traffic;
- d. The police vehicle shall be to the rear of the suspect's vehicle and slightly to its left

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to provide a safety corridor against passing traffic;

- e. Leave the emergency lights of the police vehicle flashing to warn traffic and to assist any back-up officers responding to the scene. The use of takedown lights/spotlights should be used when they would not pose a hazard to oncoming traffic and there is a need for extra lights (i.e. officer safety).
- f. The driver of the suspect vehicle may be ordered to turn the engine of their vehicle off and throw the keys outside of the driver's door if/when the officer perceives a threat;
- g. When the officer leaves the police vehicle he or she shall:
- h. Carefully watch all occupants for unusual movements or change of position:
- i. Position themselves to ensure that all occupants are clearly visible;
- j. Every vehicle stop presents an unknown risk. However, if the vehicle has been stopped for a serious high-risk felony and/or there is reason to expect the occupant(s) may be armed, the officer should: **61.1.7 b, c**
 - i. Draw his/her weapon in readiness to defend themselves;
 - ii. Instruct the operator of the vehicle to turn off the engine and drop the keys to the ground;
 - iii. Instruct all occupants to keep their hands in plain view (on top of their heads or out of the windows);
 - iv. Position themselves behind the open driver's door of their vehicle to afford a shield; and
 - v. Await assistance.
- k. If more than one (1) officer is present, the accompanying officer(s) shall remain to the rear of the vehicle as a protective cover officer; and
- l. When approaching the stopped vehicle, the officers should position themselves so that the vehicle doors will not make contact with them if they are suddenly opened.

2. Dealing with Violators **61.1.8**

- a. All officers shall exercise their good judgment and discretion by taking appropriate enforcement action for each violation of the law witnessed or reported to them.
- b. Officers should keep in mind that once they have stopped the violator and are about

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to make contact with the violator, officer/violator relations are activated. Officers should conduct themselves in a professional manner, keeping in mind use of proper language, bearing, and emotional stability.

- c. Officers should:
 - i. Be certain of their observations of the alleged violation;
 - ii. Have the necessary forms and equipment to deal with the situation;
 - iii. Greet the violator with the appropriate title in a courteous manner when requesting driver and vehicle identification; and
 - iv. Explain to the violator the reason for the stop.
- d. Officers must keep in mind that some violators encountered will show signs of emotional distress. Officers must deal with these individuals in a calm, courteous manner and help relieve them of any anxiety.
- e. Traffic enforcement action will be taken without regard to such factors as attitude, intent, or frivolous excuse.
- f. Upon completion of the required forms, officers must ensure that the violator safely re-enters the flow of traffic.

3. Uniform Enforcement Procedures 61.1.2

- a. All enforcement actions will be accomplished by using one of the following four methods:
 - i. **VERBAL WARNINGS:** A verbal warning is appropriate when the violator commits an act, which may be due to ignorance of a particular law. Examples of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows to a speed slower than walking. If such movement is made with reasonable safety and the driver is accustomed to driving in those jurisdictions where this action is permissible, a verbal warning may be appropriate. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware. HOWEVER, A WRITTEN WARNING SHOULD USUALLY BE USED INSTEAD OF A VERBAL WARNING BECAUSE IT EXERTS A MORE EFFECTIVE INFLUENCE ON THE DRIVER. 61.1.2 (1c)
 - ii. **WRITTEN WARNINGS:** A written warning is a proper alternative by officers in response to a minor traffic infraction. It is also appropriate for those violations, which occur within the tolerances generally allowed by the courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation or arrest would result. If used properly, warnings can effectively be used as a means of educating the

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public because they involve less emotional stress and are also considered to be an effective public relations tool. However, the excessive use of warnings should be avoided because they could create a feeling of lack of commitment by the Department to enforce motor vehicle safety within the community. **41.4.5, 61.1.2 (1c)**

- iii. CITATIONS: Citations are the backbone of the Department's traffic enforcement effort. An officer's discretion plays a big part in the decision to take punitive action against a violator. However, this discretion should be based on a combination of experience, training, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), violations of new laws and/or regulations, and operating unsafe and/or improperly equipped vehicles. The citation issued would not be a warning in these cases. *(Note: Officers must indicate a department call number and their ID number on the citation for record keeping purposes.)* **41.4.5, 61.1.2 (1b)**
- iv. PHYSICAL ARREST: Officers may affect the physical arrest of any person in violation of those traffic laws allowing an arrest and shall affect an arrest of any law mandating such. Whenever an arrest results from a motor vehicle violation, a citation must be filled out and the "Arrest" box on the citation shall be checked. The departmental policy on Detainee Transport shall be followed. **61.1.2 (1a)**
- b. Vehicles shall be inventoried, towed, and secured in the designated tow company lot when circumstances warrant that the vehicle be towed. See departmental policy on 5. 09 – Motor Vehicle Inventory Search Policy.

4. Citations

- a. Whenever legally and practically possible, officers should issue citations where circumstances dictate the creation of deterrents to unsafe conduct by users of the roadway. At the time of issuance, Officers must provide the motorist with detail regarding the specific charge/violation and should fully explain the motorist's rights and requirements. **61.1.4**
- b. Before releasing the traffic violator, the officer shall provide him/her the following information as appropriate: **61.1.4**
 - 1. **Written warnings** have no fine or court appearance.
 - 2. **Civil Citations:** The violator may pay by mail or request a hearing.
 - 3. **Criminal Citation:** Mandatory court appearance. Violator will be notified of the court date if no action is taken or may request a show cause hearing within four (4) days.
 - 4. All options are explained on the back of the citation.