	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 47.1 Enforcement of Traffic Violations	
	ISSUED: January 16, 2011	EFFECTIVE: January 16, 2011
	REVISED: June 14, 2021	RESCINDED:
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Enforcement of Traffic Violations

PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist as well as document the interaction.

POLICY

It is the policy of the New Paltz Police Department that all motor vehicle stops shall be performed professionally and courteously. This department will maintain a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway. This policy applies to residents, non-residents, juvenile and foreign diplomats as detailed below.


DEFINITIONS

1. Reasonable Suspicion: In the present context, the totality of the circumstances in each incident or situation that provides an officer with a particularized and objective basis for suspecting legal wrongdoing. The process allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them. Reasonable suspicion is more than a hunch or feeling that an officer might have about an individual or circumstances. It is based on specific facts that, when taken together with rational inferences, reasonably warrant the vehicle stop. Reasonable suspicion justifies a vehicular stop. But, to arrest the motorist, passengers, or both, the officer must establish probable cause.


2. Probable Cause: In determining probable cause the arresting officer must examine all of the factors and events leading up to the arrest and decide whether these facts, viewed from the standpoint of an objectively reasonable police officer, support the belief that an individual has committed, is committing, or is about to commit a crime.

PROCEDURES


1. Legal Basis for Stopping Motor Vehicles
 - a. Officers have legal justification to stop a motor vehicle based on reasonable suspicion.

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- b. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
 - c. A motor vehicle may be stopped only for the period that is reasonable to issue a citation or conduct other legitimate police business.
 - d. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.
2. Stopping and Approaching Traffic Violators - The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to conditions.
- a. Officers shall select an area that provides reasonable safety, avoiding curves, hills, heavily trafficked and poorly lit areas, and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations and areas where a large volume of spectators are likely to gather. In-car and body worn cameras shall be activated in accordance with New Paltz Police Department Policy and Procedure 125.0 and 134.0.
 - b. When a location has been selected for the stop, the officer shall notify the communications center of its nature—providing unit location, a description of the vehicle, vehicle plate number, and the number of occupants prior to approaching the vehicle. At the officer's discretion or communications' request, additional information may be exchanged.
 - c. At the desired location, the officer should signal the operator to stop at the far-right side of the roadway or at the safest shoulder by activating the overhead emergency lights and siren as necessary.
 - i. On multi-lane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
 - ii. Should the violator stop abruptly in the wrong lane or location, the officer should instruct the driver to move by using the appropriate hand signals or by activating the vehicle's public address system.

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- d. Once properly stopped, the officer should position the police vehicle about 20-30 feet behind the violator's vehicle and at a slight angle, with the front approximately two feet to the traffic side of the violator's vehicle.
- e. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
- f. When exiting the patrol vehicle, the officer should be particularly alert to movements or actions of the vehicle operator or passengers. When needed, back-up should be requested.
- g. Approaching from the driver's side, the officer should be observant of the passenger compartment and stop at a point to the rear of the trailing edge of the left front door to communicate with the driver.
 - i. Where circumstances dictate, particularly where traffic is close enough to create a potential problem or when a high-risk approach is required, the officer may choose to approach the violator's vehicle from the right-hand side and stop at the trailing edge of the right front door.
 - ii. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.
 - iii. In two-officer police vehicles, one of the two officers shall be responsible for radio communications, note taking, and relaying messages to the communications center. He or she will also act as an observer and cover for his or her fellow officer.
 - iv. An officer may direct passengers out of the vehicle pending completion of the stop.
- h. In accordance with New Paltz Police Department Policy and Procedure 137.0, "Right to Know", members shall identify themselves to the vehicle operator by providing their name, rank, police department and the reason for the interaction.

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- i. For example, “My name is John Jones, I’m an officer with the New Paltz Police Department. The reason I stopped your vehicle is for speed in zone. Your vehicle was driving 45MPH in a 30 MPH speed zone.”
 - i. If deemed necessary for the officer’s protection and safety, the driver and any or all passengers may be ordered out of the vehicle or directed to remain in the vehicle.
 - j. If probable cause is established to search the vehicle, the belongings of passengers may also be searched, provided that the belongings can conceal the type of object for which officers have probable cause to search the vehicle.
 - k. Where contraband, fruits, or instrumentalities of a crime are uncovered during the search of a vehicle, the driver and any and all passengers may be arrested. To do so, the officer must have probable cause to believe that such passengers had common knowledge of and control over the illegal items or evidence or were engaged in a common enterprise with the driver to conceal the fruits or evidence of a crime.
 - l. Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not normally make vehicle stops for traffic violations. In situations where failure to act would create unreasonable risks of injury, death, or significant property damage, such personnel shall contact the communications center to request a marked patrol unit to make the stop. Depending upon the urgency of the situation, an officer may activate emergency lights and siren to make a traffic stop.
 - m. Non-uniformed officers operating vehicles not equipped with emergency lights or siren shall not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, officers shall contact the communications center, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.
- 3. Stopping an Approaching Vehicle – In cases where a motorist must be stopped from oncoming traffic, the following actions may be taken:
 - a. Drive the police vehicle to the extreme right portion of the roadway and, as the violator approaches, signal them to stop by using hand signals and emergency lights.

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- b. Because of the potential hazard involved, an officer shall not leave their vehicle when attempting to stop oncoming motorists.
- c. If the subject motorist complies with the instructions, the police vehicle may then be turned around and appropriately positioned to the rear of the violator's vehicle.
- d. Should the motorist fail to comply with the officer's instructions, the officer should turn the vehicle around and pursue, stop, and approach the violator in the prescribed manner.

4. Stopping a Following Vehicle


- a. When stopping a motorist to the rear of the police vehicle, the officer should drive to the right shoulder of the road, reduce speed, allow the violator to pass and then conduct a stop in accordance with the procedures outlined here.

5. Making High-Risk Vehicle Stops – The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:


- a. When planning to stop the suspect vehicle, the officer shall notify the communications center; describe the nature or reason for the stop; provide information on the vehicle, plate number and number of occupants; and request appropriate assistance to make the stop.
- b. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time, or the urgency of the situation demands immediate action.
- c. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop. Officers shall then follow departmental training for vehicle positioning, and the removal and securing of occupants.

6. Stopping Oversize and Overweight Vehicles – When an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be followed:

- a. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight and allow the operator sufficient time and distance to make the stop.

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- b. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
 - c. Officers should not climb onto the vehicle to speak with the operator. Maintain a position to the rear of the driver's door and ask them to exit the vehicle, if and when necessary.
7. Communication during Traffic Stops – Most persons form their perceptions of the police based on brief encounters with officers during stops for traffic violations. Therefore, officers should adopt a customer service and educational approach when dealing with otherwise law-abiding members of the public who have violated traffic laws. This approach includes the following measures:
- a. Be courteous and respectful.
 - b. Use command presence as compared to an aggressive or condescending approach, tone of voice, or facial expressions.
 - c. Provide the violator with any information deemed appropriate to educate rather than lecture them about the infraction.
 - d. Be positive and friendly but not familiar and avoid the use of language that provokes guilt, hostility, fear, or intimidation.
 - e. When dealing with motorists who become troublesome, uncooperative, or argumentative, maintain an information mode by using a calm, friendly, and assertive voice in which only information is provided.
 - f. Ask if there are any questions concerning court dates and similar issues.
 - g. In accordance with New Paltz Police Department Policy and Procedure 137.0, “Right to Know”, at the conclusion of a vehicle and traffic stop that does not result in an arrest or summons, the member shall offer the vehicle operator their department issued business card along with the incident number related to the stop if available
8. Issuing Citations

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- a. When issuing citations, conducting roadside sobriety tests, or conversing with the operator, the officer and other parties shall be positioned to the side of the road, clear of the motor vehicles. At no time shall the officer or others stand in front of, between, or behind the stopped vehicles.
- b. Officers should not arrest operators of motor vehicles for traffic violations in which a citation is authorized unless special circumstances exist or there is probable cause to believe that a more serious offense has been or is about to be committed.
- c. During the stop, the operator should remain in their motor vehicle while the officer writes the citation or conducts other business. Operators should not be permitted to sit in patrol vehicles while citations are being prepared or other police business is being conducted.
- d. When preparing citations, the officer should position paperwork and related materials in a manner that allows them to maintain vantage over actions of the operator and other occupants.
- e. At the completion of their tour officers will upload all traffic summonses issued via Tracs to the department server either through wireless transmission or thumb drive
 - i. Handwritten traffic summons shall be turned into the on-duty sergeant who will file with the department administrative clerk.

9. Documenting Vehicle and Traffic Stops

- a. Dispatchers will create an Incident for “Traffic Stop” when members radio that they are conducting a vehicle and traffic stop. The Incident will contain:
 - i. The date and time of the vehicle and traffic stop
 - ii. The location of the vehicle and traffic stop
 - iii. The registration of the vehicle stopped
 - iv. The member conducting the vehicle and traffic stop
- b. Upon completion of the vehicle and traffic stop, officers will create an Incident Supplemental report containing the following information:

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- i. The reason for the traffic stop
- ii. The name, race, and gender of the operator.
 - 1. The race and gender of the operator shall be based on the officer's observation. Officers shall not ask a vehicle operator their race, gender, or ethnicity.
- iii. Action taken by the officer including but not limited to:
 - 1. Issuance of summons
 - 2. Warning and issuance of business card
 - 3. Vehicle search
 - 4. Contraband located during search
 - 5. Activation of the BWC.

RESIDENTS AND NON-RESIDENTS

This policy in its entirety applies to both residents and non-residents.

JUVENILES

- 1. For the purposes of this policy, the following definitions apply;
 - a. Juvenile – a person under the age of seven.
 - b. Juvenile delinquent - a person over seven and less than seventeen years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.
 - i. A person 16 years of age IS criminally responsible for acts constituting:
 - 1. Felony


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2. Traffic Infraction
3. Violation
4. VTL Misdemeanor – i.e., DWI, Reckless Driving, AUO
5. Misdemeanors when accompanied by a felony charge from the same criminal transaction
6. Misdemeanor resulting from the reduction of dismissal in satisfaction of a charge for a felony offense in accordance with a guilty plea
7. A sixteen year old (16YO) charged with a misdemeanor other than a VTL misdemeanor will not be fingerprinted since they are considered juvenile delinquents for this purpose.
 - ii. When a traffic violation is committed by a person less than 16 years of age, the officer will secure the automobile per department policy and return the juvenile delinquent to police headquarters and will contact the parent or guardian.
 1. If a crime has occurred, the juvenile delinquent should be processed in compliance with New Paltz Police Department Policy and Procedure 50.4 Juvenile Operations.

FOREIGN DIPLOMATS/CONSULAR OFFICIALS

Under international law and practice, persons enjoying immunity from the jurisdiction of the host country’s laws are nonetheless obligated to respect those laws. New Paltz Police Officers are to always treat foreign diplomatic and consular personnel with respect and due regard to the privileges and immunities to which they are entitled; however, immunity is not a license for misconduct. In the interest of public safety, police may issue citations for alleged traffic violations; however, individuals possessing immunity may not be arrested or detained. The U.S. Department of State has no authority to intervene with local jurisdictions or to dismiss violations or fines, and all mission members are expected to resolve their violations with the local jurisdiction. Failure to resolve traffic violations could result in the loss of driving privileges. It is the opinion of the U.S. Department of State that routine traffic infractions and their resultant citations are neither arrests nor detention.

1. Officers shall issue traffic citations as normal to individuals with immunity.

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2. Officers shall fax a copy of the citation along with any other pertinent documentation to the U.S. Department of State as soon as possible at (202-895-3613).
3. Officers shall contact the U.S. Department of State in serious incidents such as DWI, DUI, personal injury, or accidents by telephone.
4. Officers shall follow departmental policy in cases involving DWI but may not force the individual to comply with sobriety tests. If the officer feels that the individual is too intoxicated to drive, either of the following measures may be taken:
 - a. Take the individual to the police station or other location where he or she may recover sufficiently enough to drive.
 - b. Summon or allow the individual to summon, a friend or relative to drive.
 - c. Summon a taxi.
 - d. Provide transportation for the individual.
 - e. The officer shall not impound the individual's vehicle for a traffic violation but may remove a vehicle from obstructing traffic or endangering public safety.
 - f. The officer shall not search or seize any items from the individual's vehicle.
 - g. If a vehicle that is owned by a foreign national is suspected of being stolen or used in a crime, the officer shall request vehicle documentation. If it is determined that the vehicle is stolen or has been used in a crime, the vehicle may be searched and impounded.
 - h. The officer shall fax a copy of the violation to the U.S. Department of State promptly after an incident.