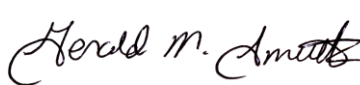




RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: STOPPING MOTORISTS	Chapter 6	Number 3	# Pages 13
CALEA Standards: 1.2.6, 1.2.7, 41.2.3, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6c, 61.1.7, 61.1.11 VA State Code: §15.2-1722.1, 18.2-66, 18.2-266.1, 18.2-270, 19.2-74, 46.2-936, 46.2-940	Related Orders: 01-10, 06-04, & 08-07	Effective Date: 08/02/2021 Revised By: Review Prv. Rev. Date: 03/05/18	
Chief of Police: <div style="text-align: center;"></div>			

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for stopping motorists.

II. SUMMARY OF CHANGE

This policy is due for review. The Virginia state codes: §46.2-936 and 46.2-940, have been implemented. Instructions on entering data from traffic stops has been added. Any specific changes shall be noted in bold italicized text throughout the document.

III. POLICY

- A. The U.S. Supreme Court has ruled that a law enforcement officer has the authority to stop and detain a motorist only when the officer has reasonable suspicion to believe that the operator of the motor vehicle, the occupants of said vehicle or the motor vehicle itself is in violation of the law.
- B. It is the policy of the Richmond Police Department to provide its officers with the proper guidelines for safely stopping motorists. The primary concern of the officer initiating the vehicle stop is the safety of the motorist to be stopped and his/her passengers, the safety of the general public, as well as the safety of the officer.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in a evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. PROCEDURES

- A. Department of Emergency Communications (DEC):
1. When an officer first observes a vehicle that he/she has reasonable suspicion for stopping, he/she shall notify the DEC and provide them with the following:
 - a) The license plate of the vehicle, including the issuing state (if no license plate is visible, then a precise description of the vehicle);
 - b) The location of the stop; and,
 - c) The number of occupants that can be seen (if more than one).
 2. If the driver of the vehicle does not acknowledge the officer's direction to stop or increases speed in an attempt to elude, the officer shall immediately notify DEC. At this time, all other non-emergency radio transmissions shall cease to allow uninterrupted communication between the DEC and the officer.
 3. The DEC shall immediately advise a field supervisor of the circumstances and ensure that he/she monitors the situation.
- B. Motor Vehicle Stops by Unmarked Police Units: [CALEA 61.1.6c]
1. The operator of an unmarked police unit, if not in uniform, shall request the assistance of a marked police unit whenever attempting to stop a motor vehicle. The unmarked unit shall maintain a safe distance while communicating with DEC as to the description and location of the vehicle in question.
 2. Only under extreme emergency situations and due to unique investigative situations, i.e. Narcotics, etc., shall a plain-clothes officer in an unmarked police unit attempt to stop a motor vehicle without the assistance of a marked unit.
- C. Motorists' Safety:
1. Particular care must be taken to ensure the safety of the motorist and his/her passengers, so that they are not endangered by any action of the police officer.
 - a) In attempting to stop a motorist, the officer shall turn on the police vehicle's emergency lights and use a short blast from the horn and/or the siren, simultaneously, in an attempt to attract the motorist's attention.
 - b) If the motorist still does not respond, the officer shall use the police vehicle's emergency lights and the horn and/or the siren for the duration until the vehicle is stopped.
 - c) Once the vehicle has stopped, the officer shall discontinue the use of the horn and/or the siren. The police vehicle's emergency lights shall remain on for the entire duration of the stop.
 2. Many motorists may not respond correctly to warnings or directions given to them. Some motorists may refuse to stop out of fear until they are in a well-lit

area. The presence of a hearing-impaired driver must also be taken into consideration.

3. When stopping a motorist, the safety of the operation must take precedence over the speed of the operation. Whenever possible, a location that will enable both the officer and the motorist to stop completely off the traveled roadway should be chosen, preferably in a well-lit area.

D. Safety of the General Public:

1. The officer must take all necessary precautions to ensure the safety of other motorists and pedestrians who may be affected by the officer's actions.
2. Forcing vehicles from the roadway is strictly prohibited. [CALEA 41.2.3]
3. Forcible stopping or ramming of vehicles is strictly prohibited. [CALEA 41.2.3]

E. Safety of the Officer:

It is the duty of an officer to expedite the safe and efficient flow of traffic. To protect him/herself as well as others on the highway, an officer should take the following precautions:

1. Avoid stopping motorists on high-speed highways unless both vehicles can be removed entirely from the road to a safe area.
2. If a safe, off-the-road parking area cannot be found and a motorist must be stopped on the roadway, select a spot away from the crest of a hill or the point of a curve in plain view of approaching traffic. Try not to stop at intersections.
3. Keep a close watch on the vehicle to be stopped for slowing or other change of speed or direction.
4. [REDACTED].
5. Keep the engine idling until fully satisfied that the driver will not drive off.
6. [REDACTED].
7. [REDACTED].
8. Prior to affecting any arrest, the officer shall immediately notify DEC and request assistance upon approaching a stopped vehicle with one or more occupants.

F. Standard Stopping Procedure: [CALEA 61.1.7a, 61.1.7b]

1. When signaled to stop by a police officer, most motorists will comply by stopping in the area designated. [REDACTED]
[REDACTED] The officer should remain alert for abrupt stopping or acceleration movements. [REDACTED]
[REDACTED].
2. If the motorist attempts to escape/elude and a pursuit ensues, both the emergency lights and the siren must be activated.
3. If no attempt is made to escape/elude, the officer should check traffic before exiting the police unit and maintain eye contact on the stopped vehicle as well as all occupants therein.

G. Actions Considered Unsafe During Traffic Stops:

1. Officers shall always make a careful check of traffic conditions before any maneuver is executed in traffic.
2. Only under extreme emergency situations and due to unique investigative situations, i.e. Narcotics, etc., should an officer pull abreast of the motorist.

H. Basic Procedures When Stopping Motorists:

1. Prior to the officer exiting the vehicle, he/she will notify the DEC dispatcher of the license plate of the vehicle, the state issuing the license plate, his/her exact location, and number of occupants. If at any time the vehicle or occupants become suspicious to the officer, he/she will notify DEC immediately.
2. [REDACTED]
[REDACTED]
 - a) [REDACTED]
[REDACTED]
 - b) [REDACTED]
[REDACTED]
 - c) [REDACTED] [REDACTED]
[REDACTED]
 - d) In a polite and courteous manner, the officer shall give the driver his/her name and explain the reason(s) for the stop. After explaining the reason(s) for the stop, the officer shall request the operator's driver's license, the vehicle registration and proof of insurance.
 - e) Upon receiving those items, the officer shall explain what he/she expects the driver to do while the officer completes his/her investigations.
 - f) The officer should return to his/her police vehicle and verify the information on the driver's license and vehicle registration using the Mobile Data

Computer (MDC). The officer shall also check “wanted” and “stolen” information. If the police vehicle is not equipped with an MDC, or it is not functioning properly, the officer shall request a driver’s license check (■■■■), a vehicle check (■■■■) and wanted/stolen check (■■■■) on the driver and vehicle from DEC.

- g) Upon returning to the motorist’s vehicle, it is essential that the officer fully explains the rights and requirements imposed on motorists upon the issuance of a summons. If the enforcement action requires a court appearance, the officers shall ensure the motorist knows where and when to appear. The officer will explain any alternatives to the motorist, but not predict the actions of the court or quote fines. The officer shall explain to the motorist that signing the summons is not an admission of guilt to the charge; it is a promise to appear in court on the date and time specified.

In accordance with Virginia Code §46.2-936 and §46.2-940, no officer shall make a custodial arrest of any person for failure or refusal to sign a summons for an allegation of violating any law in Chapter 46.2 of the Code of Virginia, commonly referred to as the “Motor Vehicle Code.” Per §46.2-940, “if any person refuses to give such written promise to appear under the provisions of this section, the arresting officer shall give such person notice of the time and place of the hearing, note such person’s refusal to give his written promise to appear on the summons, and forthwith release him from custody.”

NOTE: The provisions of §19.2-74 are still in effect. Therefore, any person who refuses to give their written promise to appear on any summons other than one for a traffic violation may still be arrested and brought before a Magistrate.

- h) The officer should take appropriate enforcement action with the goal being to favorably alter the driver's future driving habits. The officer should answer the motorist’s questions politely and correctly without lecturing, being demeaning, or argumentative. If the motorist is at all confused by the violation, the officer should ensure that he/she understands. Officers shall maintain control over the situation and facilitate a professional interaction at all times.
 - i) Return the motorist’s vehicle registration and driver’s license.
 - j) If needed, assist the motorist in safely re-entering the traffic flow
3. Post stop requirements:

- a) Officers will enter the required information in ONESolution RMS Field Contact module. In the “Reason” field, the available options will be:

■■■■
■■■■
■■■■
■■■■

[REDACTED]

NOTE: [REDACTED]

NOTE: When entering information into the Field Contact Module in reference to a traffic stop, employer and contact information (i.e.: phone number) should not be entered into the report. If a summons is issued, the officer is still responsible for entering the information into the Field *Contact* module and providing the following information: date, time, reason, location, city, zip code, driver's name, address, race, gender, DOB, age, OLN, height, weight, hair color, eye color, vehicle information, *whether the person spoke English, and whether or not the officer used physical force against a person or whether any person used physical force against an officer.*

- b) *Officers will be required to enter traffic stop data into the Community Policing Data Collection System regardless of traffic stop outcome. At this time RPD is collecting data utilizing SOMA RMS.*

Note: Officers will have to complete both the Field Interview Report (ONESolution RMS) AND the Community Policing Data Report (SOMA RMS).

Pursuant to VA code §15.2-1722.1, all captured data in the Community Policing Data Collection System would be available to the public on the City's RVA.gov website for review.

- 4. Types of enforcement actions: [CALEA 1.2.6, 61.1.2c, 61.1.5h]
 - a) Warnings – Officers may issue a verbal warning to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware due to newly enacted laws and/or regulations. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement. [CALEA 1.2.7]
 - b) Virginia Uniform Summons – A Virginia Uniform Summons, *a citation or notice to appear* shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, traffic collisions or operating unsafe and improperly equipped vehicles. [CALEA 61.1.2b]
 - c) In compliance with VA Code §46.2-940, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that: [CALEA 61.1.2a]

- (1) The violator has committed a felony; or,
 - (2) The violator is likely to disregard the summons issued under VA Code §46.2-936 (arrest for misdemeanors); or,
5. Application of the aforementioned enforcement actions can be considered for most classifications of violations. The following is a list of types of violations and acceptable enforcement actions: [CALEA 61.1.5]
- a) Driving under the influence (DUI) (VA Code Sections §18.2-66, §18.2-266.1; §18.2-270; §46.2-341.31) – A major cause of traffic crashes and given their severity makes DUIs a major traffic enforcement priority. The strict enforcement through physical arrest of drunken drivers is an absolute necessity which allows for no justifiable discretionary deviation if, through field sobriety testing and observation, the officer determines that the violator is indeed intoxicated; [CALEA 61.1.5a, 1.2.7]
 - b) Driving with a revoked/suspended operator’s license – A Virginia Uniform Summons may be issued when an officer has stopped a vehicle and identified the operator as driving with a revoked or suspended operator’s license (VA Code §46.2-301). See General Order 6-4, Virginia Uniform Summons; [CALEA 61.1.5b]
 - c) Speeding – Excessive speed is the second greatest cause of death and injury on the American highways. The Richmond Police Department utilizes speed measurement devices to ensure compliance with traffic regulations and enhance the safety of the public. A violator may be issued a Virginia Uniform Summons or given a verbal warning; [CALEA 61.1.5c]
 - d) Hazardous violations (Example: reckless driving, following too closely, disregarding traffic signals or highway signs) - A violator may be issued a Virginia Uniform Summons or given a verbal warning;
 - e) Equipment and non-hazardous violations – Depending upon the nature and severity of the violation and its relationship to the cause of an accident, the officer may elect to implement discretionary prerogatives in determining the appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a verbal warning; [CALEA 1.2.7, 61.1.5d]
 - f) Off-road vehicle violations – Any officer observing an unlicensed off-road vehicle that cannot legally operate on the public highways, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a verbal warning;
 - g) Public carrier/commercial vehicle violations – Generally regulatory in nature, the laws governing the public carriers and commercial vehicles are designed to instill confidence in the public who use highways for commercial purposes. Violations of those laws are an infringement of public trust that is a matter that the Department is obligated to hold. A violator may

be issued a Virginia Uniform Summons or given a verbal warning. Issuance of verbal warnings should be limited to those occasions when the violator is unaware of the violation; [CALEA 61.1.5e]

h) Newly enacted laws and/or regulations – The officer may elect to implement discretionary prerogatives in determining the appropriate enforcement action. A violator may be issued a Virginia Uniform Summons or given a verbal warning; and, [CALEA 1.2.7, 61.1.5g]

i) Pedestrian and bicycle violations – When applicable, laws governing pedestrians and bicycles shall be enforced when such action will tend to prevent accidents. A violator may be issued a Virginia Uniform Summons or given a verbal warning. [CALEA 61.1.5i]

6. If the motorist is charged with a violation, the officer shall provide necessary information relative to the specific charge to include the following:

a) Whether court appearance by the motorist is mandatory *or optional*; [CALEA 61.1.4b]

b) If so, the date, time and address for the appearance in court; [CALEA 61.1.4a]

c) The court's phone number so the motorist may determine if he/she may be allowed to enter a plea and pay the fine before the court date; and, [CALEA 61.1.4c]

d) A statement explaining that signing the summons is not an admission of guilt to the charge. It is a promise to appear at the time, on the date, in the court indicated. [CALEA 61.1.4d]

I. Towing and Storage of Vehicles for Traffic Violations:

Refer to General Order 8-7, Inventory, Towing, Seizure, Storage and Abandoned Vehicles policy.

J. Handling Special Categories of Violators: [CALEA 61.1.3]

1. Non-Residents – Officers may consider the use of verbal warnings for non-residents or, if appropriate, officers may arrest non-residents by the issuance of a summons. If the circumstances of VA Code §46.2-940 apply, officers shall take non-resident violators directly before a magistrate. [CALEA 61.1.3a]

2. Juveniles – Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to juvenile offenders shall advise them of their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court. [CALEA 61.1.3b]

3. Foreign Diplomats – Refer to General Order 1-10, Procedure for Consular Notification of Foreign Nationals. [CALEA 61.1.3d]

4. Military Personnel – All military personnel assigned to military installations within the Commonwealth of Virginia will be treated as state residents. Military personnel not assigned to in-state installations will be treated as out of state residents. [CALEA 61.1.3e]

NOTE: Home state operator's licenses of military personnel do not expire until 90 days after their separation from active duty.

5. Multiple Violations – Officers may issue summonses for all appropriate violations. (One summons per charge). [CALEA 61.1.5f]

6. Legislators: [CALEA 61.1.3c]

- a) ***According to Virginia Code §30.6, 30.7 and 18.2, members of the Virginia General Assembly, clerk's, clerks' full-time assistants, and the sergeants-at-arms of the Senate and House are subject to arrest, prosecution and imprisonment for felonies and misdemeanors. However, traffic infractions are not deemed to be criminal in nature. See section c) below.***

- b) Except for treason, felony or breach of the peace, members of the United States Congress are privileged from arrest during any session of Congress and fifteen days before and after any session.

- c) As the privilege pertains to traffic enforcement, any officer encountering a legislator who has committed a traffic violation during the specified times shall immediately release the legislator and make arrangements to serve a summons at a later date at the officer's discretion. [CALEA 1.2.7]

- K. Identification and Referral of Drivers Recommended for Re-Examination by Drivers Licensing Authorities: [CALEA 61.1.11]

1. At times, routine traffic law enforcement, accident reporting and investigation activities lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease and/or other conditions that might prevent the driver from exercising reasonable and ordinary care over a motor vehicle.

2. Officers wishing to recommend a driver for re-examination by drivers licensing authorities shall complete a Medical Review Request (DMV form – MED 3) and send the completed request to DMV's Medical Review Services which contains specific reasoning for the recommendation and shall include, at a minimum:

- a) A specific description of all of the events leading to the decisions to make the recommendation;

- b) Requester's information, including contact information; and,

- c) Complete drivers license information for the recommended driver.

NOTE: Precinct Supervisors shall be responsible for providing the required forms for their assigned officers and for maintaining their assigned officers' forms.

L. Stopping Security/Armored Vehicles:

Occasionally, it may become necessary for members of the Richmond Police Department to stop an armored vehicle while it is traveling through the City of Richmond. In order to ensure that the security of the armored vehicle is not violated unnecessarily, the following procedure shall be adhered to:

1. When stopping an armored vehicle, the DEC must be advised by the officer of the company's name and license number of the armored vehicle and the location of the stop.
2. On any traffic stop in which the officer intends to release the driver on a Virginia Uniform Summons, the driver will not be requested to exit the armored vehicle.
3. The driver of the armored vehicle will pass his/her driver's license and registration card to the officer [REDACTED].
4. The officer will complete the summons, remove it from the book and [REDACTED].
5. The driver will sign the summons and pass it back to the officer [REDACTED]. The driver's copy of the summons will then be passed back to him.
6. If for any reason (such as Accident, DUI, Hit and Run, etc.) the officer has to request the driver to exit the vehicle, the following procedure shall be utilized:
 - a) The officer will notify his/her supervisor to respond to the scene.
 - b) [REDACTED].
 - c) The police officer will not request the driver to exit the vehicle until both supervisors are present.
7. [REDACTED].

M. Stopping a Known (High Risk) or Suspected Felon (Unknown Risk): [CALEA 61.1.7a, 61.1.7b]

1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify DEC immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.

2. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. [REDACTED]

3. The following procedures should be used in effecting the stop:

a) The officer shall plan to stop the suspect vehicle in a location that presents minimal danger to other citizens, and themselves.

b) When conditions are appropriate and support units are available, the officer shall signal the violator to stop, using all emergency equipment to alert the driver.

c) [REDACTED].

d) When the suspect vehicle begins to stop, the officer should turn off the siren and turn on the public address system, if available.

e) [REDACTED]

f) [REDACTED]

g) [REDACTED]

h) The officer making the stop is the "officer in charge" of the traffic stop. [REDACTED]

(1) [REDACTED]

(2) [REDACTED]

(3) [REDACTED]

(4) [REDACTED]

(5) [REDACTED]

- (6) [REDACTED]
- (7) [REDACTED]
- (8) [REDACTED]
- (9) [REDACTED]
- (10) [REDACTED]
- (11) All arrestees shall be handcuffed and thoroughly searched before transportation.
- (12) The assisting officer shall use the keys to clear the trunk area:
 - (a) If there is an arrest;
 - (b) If probable cause exists to search the vehicle; or,
 - (c) If the vehicle is going to be towed and an inventory search is required.

NOTE: [REDACTED]

VI. FORMS

- A. Virginia Uniform Summons
- B. DMV form – MED 3, Medical Review Request