



Ithaca Police Department

120 East Clinton Street
Ithaca, New York 14850

General Order Number:445

Vehicle and Traffic Stops including provisions for Juvenile,
Non-Residents and Foreign Nationals

Issuing Authority: Chief John Barber *John R. Barber*

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Rescinds/Supersedes: All previously issued directives

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Applicable NYSLEA Standards: 47.1, 47.4

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I. Purpose

The purpose of this written directive is to establish policies and procedures for general traffic enforcement actions and special requirements for juvenile offenders, non-residents and foreign national with certain diplomatic provisions. It should be the objectives of patrols in traffic stops to take proper and appropriate action and to favorably alter the violator's future driving behavior.

II. Policy

It is the policy of the Ithaca Police Department to provide for the safe and orderly flow of traffic through its jurisdiction by enforcing all Vehicle and Traffic Laws, State and Local, in a uniform manner, allowing for the use of officer discretion under specified circumstances.

III. Procedures

- A. It shall be the responsibility of all patrol officers to enforce New York State Vehicle and Traffic Laws and Local Statutes as they pertain to traffic enforcement. New York State Uniformed Traffic Tickets (UTT) shall be issued, electronically through the TraC's software program for any violations of Vehicle and Traffic Laws at the discretion of the officer, taking into account the nature of the violations and other existing circumstances. If the TraC's software is not working or is unavailable Officers may issue a handwritten TSLED.

B. Stopping Traffic Violators

1. Officers shall select a stopping area that allows for maximum visibility of the patrol vehicle and its emergency lighting as well as all persons involved.
2. Officers shall stop the vehicle by activating the emergency red lights and siren, when necessary, to stop such vehicle.
3. While effecting a traffic stop, officers shall notify the Communications Center over the air of the stop, identifying the location, the license plate state and number. If possible a brief description of the vehicle and the number of occupants should be given as well.

C. Approaching the Vehicle

1. Officers shall observe the occupants of the stopped vehicle at all times and approach with caution, taking a position that gives an unobstructed view of the interior of the violator's vehicle. Though not required or always possible, Passenger side approaches should be considered by the Officer for better viewing of occupants and to get the Officer out of traffic.
2. Upon approach, officers shall be alert for any unusual, suspicious and/or sudden movement on the part of all occupants in the vehicle.
 - a) They shall check for signs of physical impairment, emotional distress and/or alcohol/drug abuse.
 - b) If signs of alcohol/drug abuse are apparent, officers shall follow procedures pursuant to General Order 506.
3. Violators shall be advised to remain in the car while officers communicate with them, standing to the rear of the driver's doorpost.
 - a) Officers shall maintain a professional and courteous image in appearance, language, demeanor and manners.
 - b) Reasons for the stop should be explained, and the proper information shall be requested from the operator (e.g. license, registration, and insurance papers).
 - c) If the driver has no driver's license, the officer should obtain another document of identification.
4. Upon issuance of a traffic summons, when applicable, officers shall advise the driver of the following:
 - a) Charges of the traffic violation;
 - b) Date, time and location of the court appearance;
 - c) Types of pleas and how they may be made (e.g. guilty or not guilty; by mail or in person);

5. Upon completion of the traffic stop, the officer will call over the air clear or use Spillman to show themselves clear on the CAD shall not leave before the violator's vehicle leaves, unless dispatched to an emergency call for service.

D. High Risk or Felony Stops

1. The officer will coordinate with at least one other unit prior to making the stop, unless urgent circumstances exist. This coordination will allow for planning (location, set up, verbal and other considerations) prior to the actual stop.
2. The Primary Officer will notify the Communication Center of their unit number, location of the stop, registration number of the vehicle, vehicle description and number of occupants. The officer will also inform the Communications Center that they are conducting a felony stop. The officer will request as many units as necessary to provide adequate security for themselves and others at or near the scene. If practical, this information should be broadcast prior to activating emergency lighting
3. The Officers will then engage their emergency lights, and if they do not get the attention of the driver use the vehicle siren.
4. The Officers will position their vehicles at 45 degrees to the stopped vehicle about two to three car lengths behind the suspect vehicle, providing themselves with some protection. Officer's vehicles should be close enough to one another that they can verbally communicate and coordinate.
5. The designated Officer will then communicate to the occupants via the PA system or verbally and instruct them to do the following:
 - a) Turn off the vehicle
 - b) Drop the keys to the vehicle on the pavement, and have all occupants place their hands on the front and rear windshield and remain in that position until told otherwise.
 - c) Once an arrest team is prepared and in place to receive occupants the designated communication Officer will instruct the occupants, one at a time, to exit the vehicle through the door the officer deems would be the safest for all involved. Only one suspect at a time should be removed from the vehicle.
 - d) Once the suspect is out of the vehicle they should be given clear instructions to keep their hands on their head, fingers laced and they should be directed to move slowly to a pre-determined location where they will be met by the arrest team. Officers should not move forward of the patrol cars to take custody of the suspect. Once the suspect reaches the arrest team they will be handcuffed and searched.

- e) Once all suspects are secured, the officers will make a visual and physical search of the vehicle to determine if there are any other occupants and if the situation warrants, impound the vehicle in accordance with GO's 511, 457, 450, and 415.
- f) Any search of a vehicle (other than plain view or grab able area) pursuant to consent or a search warrant will be conducted in accordance with general Order 415

E. Juvenile Traffic Offenders

1. Juvenile traffic violators (less than 16 years of age) shall not be issued a Uniformed Traffic Ticket for any type of traffic offense.
2. Juveniles shall be detained at the scene or returned to the department and their parent or legal guardian notified to respond.
3. If the offense is a Misdemeanor, the juvenile may be processed pursuant to General Order 435
4. If the juvenile is operating a motor vehicle, which is involved in an auto accident a MV-104A report shall be completed as if the juvenile were an adult.

F. Non-Residents of New York State

1. The uniformed vehicle code regarding traffic signs and regulations is consistent throughout the United States.
2. No immunity shall be granted merely because a person is a non-resident.
 - a) Circumstances surrounding the violation shall dictate the necessity of the summons.
 - b) Non-residents may be arraigned on all felony and misdemeanor vehicle and traffic offenses at the discretion of the on-duty supervisor.

G. Foreign Diplomats/Consular Officials

1. Due to the high number of international students and faculty at Cornell University the possibility of encountering a foreign diplomat or consular official is high. Therefore officers need to be aware of the special requirements of these individuals.
 - a) The U.S. State Department requires the assistance of state and local enforcement authorities in carrying out certain international obligations of the United States concerning the detention or arrest of foreign nationals in the country.

- b) If the diplomatic officials are encountered in an incident by members of this department, the U.S. Department of State, Consular Affairs (202-647-4415) should be contacted with any questions during normal business hours. After normal business hours the command center of the Bureau of Diplomatic Security, Department of State (202-663-0812) may be contacted.
 - c) In determining the issuance of a traffic ticket, once the identity has been established, the officer shall exercise discretion based on the nature of the violation.
 - d) A person having diplomatic immunity is requested by the U.S. Government to show appropriate documentation whenever requested to do so by a police officer for identification purposes in the performance of his/her duties. Diplomatic license plates by themselves do not constitute adequate identification of the operator or occupants of the vehicle.
 - e) When a person with diplomatic immunity is involved in a motor vehicle accident, the officer shall obtain the necessary information to complete the accident report. Again, the officer shall exercise discretion based on the nature of any traffic violation in determining the issuance of a traffic ticket.
 - f) If an officer believes that a person may be entitled to diplomatic immunity but cannot establish with reasonable certainty that the subject in fact does have immunity and the subject has committed an offense that would normally lead to an arrest, a supervisor shall be notified.
 - g) If necessary, the question may be resolved by contacting the numbers previously listed to verify identification and status. (When calling, the subject's name, title, and country should be given.)
2. A brief traffic stop or an arrest resulting in a citation for a traffic infraction or misdemeanor and release at the scene does not trigger consular notification requirements. However in any incident involving arrest and detention of foreign nationals all department members shall strictly adhere to the guidelines for arrest and detention of foreign nationals as set forth in General Order 446.

IV. Driver Review Requests

- A. Officers may request that the Department of Motor Vehicles review a driver's safety record or conduct a hearing or a re-examination of a driver whenever he reasonably believes such person is:
 - 1. Not competent to operate a motor vehicle.
 - 2. Suffers a physical or mental disability, which renders him unable to operate a motor vehicle safely.

3. Not exercising due care in the operation of a motor vehicle.

- B. Requests for reviews, hearings or re-examinations should be submitted using the DMV's form, DS-5, attention Medical Review Unit at the address listed below (c). Copies of supporting documentation (e.g. tickets, accident reports) should be included. Officers should submit the form and documentation to the patrol supervisor for approval and action.
- C. The Records Unit shall ensure the requests are forwarded to the Medical Review Unit, New York State Department of Motor Vehicles, 6 Empire State Plaza, Albany New York 12228.

V. Speed Detection Equipment

- A. Proper care and upkeep of individual RADAR and LIDAR units is the responsibility of the individual RADAR operator. When performing RADAR enforcement, officers shall follow current training protocols regarding documentation and testing of equipment prior to and at the conclusion of use.
- B. Operators shall report any malfunction of the RADAR/LIDAR unit to the traffic unit officer and shall take the unit out of service.
- C. Programmed maintenance of the RADAR units shall be the responsibility of the traffic unit Officer. RADAR and LIDAR units are calibrated and inspected each year, and repaired when necessary by an independent vendor selected by the department.