

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1132.3, RESPONSE TO CALLS/TRAFFIC STOPS BY UNMARKED POLICE VEHICLES

EFFECTIVE:	07/05/2018
RESCINDS:	1132.2
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	PATROL SERVICES BUREAU COMMANDER
ACCREDITATION CHAPTERS:	14
CHIEF OF POLICE:	ORLANDO ROLÓN

CONTENTS:

1. DEFINITIONS
2. RESPONSE TO CALLS
3. TRAFFIC STOPS BY UNMARKED POLICE VEHICLES
4. FELONY VEHICLE STOPS

PROCEDURES:

1. DEFINITIONS

10-18 Response: The operation of a police vehicle while constantly utilizing blue lights and siren. Emergency 4-way flashers and flashing headlights shall also be used to make the vehicle more visible if the vehicle is so equipped.

10-18X Response: The same as the 10-18 response except there is an intermittent use of the police vehicle siren.

Non-emergency Response: This type of response would require the officer to respond to a scene without any emergency equipment, obeying all traffic laws, and observing the posted speed limits.

2. RESPONSE TO CALLS

Officers may respond in a 10-18 status to in-progress, actual or suspected emergency calls, and to those calls requiring first aid or immediate assistance to responding paramedic units, e.g., accidents with injuries. A 10-18 response will not be acceptable to those calls that are over with. Generally, an officer will respond in a 10-18 status until the officer arrives at the scene of the incident. The response will be in proportion to the emergency that is present. Officers will be held accountable for their chosen mode of response to calls.

Exception: Generally, the intermittent use of a police vehicle siren will not be permitted since the desired warning to all traffic is compromised. When responding to “in-progress emergency calls,” i.e., a burglary or robbery in progress, if the officer deems it appropriate, the siren may be used intermittently. This 10-18X response would prevent the suspects from being warned of the officer’s arrival. When using a police vehicle siren intermittently, the officer will operate the vehicle with utmost care and discretion. If an officer elects not to use the vehicle’s siren, the vehicle’s horn will be sounded when passing through red light or stop sign intersections. This exception in no way relieves the officer from the responsibility to drive in a reasonable and prudent manner and to warn all other traffic.

When an officer deems it necessary to respond to a call in a 10-18X status, he/she will do so safely, with due regard for the safety of all persons and property.

The use of a police vehicle’s blue light does not, in and of itself, place any police vehicle into a status of being an authorized emergency vehicle, nor does it authorize a police officer to supersede the statutory constraints of the Florida Uniform Traffic Control Code.

No police vehicle responding to a call in a 10-18 status is authorized to proceed through a red light or stop-sign intersection without first stopping. After stopping, a police vehicle can proceed through an intersection, against a red signal or stop sign, only after the officer has ascertained that all other traffic has stopped. The police vehicle must be flashing its blue lights and sounding its siren or horn.

Additionally, officers are permitted by Florida Statute to operate their vehicle without lighted lamps (headlights/taillights) when it may be safely accomplished and necessary to the officer's performance of duties in compliance with this policy. The performance of duties includes, but is not limited to, approaching a building where an alarm has been activated or approaching a house where there is a disturbance call. The officer has a duty to operate the vehicle with due regard for the safety of all persons.

Vehicles with spotlights will use them to provide visibility at night in darkened areas, or as needed in an emergency situation. The primary purpose of such lights is to illuminate a traffic stop, traffic crash, or crime scenes, and to aid officers in searches.

Public address systems may be used to make emergency and non emergency public notification.

3. TRAFFIC STOPS BY UNMARKED POLICE VEHICLES

3.1 GENERAL POLICY

Unmarked vehicles equipped and operating with blue light and siren shall, for the purpose of this policy, be considered authorized emergency vehicles. Officers operating unmarked authorized emergency vehicles may, when necessary, make routine traffic stops but only if the officer in the unmarked vehicle is in one of the following uniforms: Patrol Class A or B, Bike or NPU, Lake Nona, Motors, Mounted, K-9, SWAT, ERT, Uniform Drug Standard Uniform, Marine Patrol, or Training.

Officers in unmarked vehicles not equipped with blue light and siren shall not make routine traffic stops. The difficulty inherent in such stops is that officers in plainclothes and/or unmarked cars make accurate and unmistakable identification as duly-authorized police officers more difficult and less immediate. Thus, unless a driver or vehicle occupant is a known or suspected felon, or he/she clearly represents a danger to life and property unless immediately apprehended, every effort should be made to employ marked vehicles to make the apprehension. Unmarked vehicles shall not engage in vehicle pursuits, unless specifically authorized by a watch commander.

3.2 NECESSARY STOP

When necessary to stop DUI suspects, reckless driving suspects, and felony suspects, any officer occupying an unmarked vehicle not equipped with blue lights and siren will use the police radio in an effort to have a marked vehicle intercept and make the stop. The following procedures are provided:

- a. Traffic violators: If a marked vehicle is not available, trailing of a minor traffic violator will cease and no attempt will be made to stop him/her.
- b. DUI or reckless driving suspects: When following a DUI or reckless driving suspect, there must be a clear and present danger, and/or willful and wanton disregard for life and property by the offender to cause action to be taken by an officer using an unmarked vehicle. If a marked vehicle is not available in a reasonable time period, officers in unmarked vehicles may, at their discretion, attempt to stop the suspect's vehicle. Such stops may be attempted only if the unmarked vehicle is equipped with blue light and audible signaling device, and equipment is actually used to attract the violator's attention and to warn other traffic of the danger.
- c. Felony suspect: In case of felony suspects, particularly those thought or known to be armed, efforts should be made to get the assistance of the patrol force before any stop is attempted by an unmarked vehicle. If this assistance is not readily available, it is a matter of individual judgment whether to wait until such assistance is available or to proceed with the attempt to stop.

3.3 PLAINCLOTHES OFFICERS

Plainclothes officers will not make traffic stops, even in a marked vehicle, unless extraordinary circumstances exist such as the driver or vehicle occupant is a known or suspected felon or clearly presents a danger to life and property if

not immediately apprehended. Officers wearing partial uniforms or uniforms not listed in Section 3.1 shall be held to the same standard as plainclothes officers, even if in a marked vehicle.

When traffic stops are attempted due to extraordinary circumstances by plainclothes officers or officers wearing partial uniforms or uniforms not listed in Section 3.1, whether traffic-related or otherwise, the officer's badge or identification must be used. The officer should make every effort to hold it in plain view. An officer should never give a person the opportunity to misunderstand the officer's identify or intentions.

4. FELONY VEHICLE STOPS

Officers must have discretion in their use of force to apprehend and detain dangerous felons occupying motor vehicles.

The primary objectives of a felony traffic stop include:

- a. Stopping of the suspect vehicle.
- b. Completing the stop safely and effectively.
- c. Apprehending the dangerous subject.

Members shall be guided by their use of deadly force as stipulated in the current issue of P&P 1128, Response to Resistance and Apprehension Techniques. Felony stops of vehicles shall only be done when the circumstances indicate the officer has a founded suspicion/reasonable belief that a felony crime has been committed, is about to be or is being committed.

A founded suspicion/reasonable belief is based on existing facts and circumstances interpreted in light of the officer's knowledge and experience. Mere suspicion, guesswork, or hunches never constitute a founded suspicion/reasonable belief, as they have no objective, factual justification.

Prior to initiating felony stops, officers must have specific information such as make, year, model, or other descriptive information including writing, advertising, unusual painting, etc., on the car, or tag number; also officers should exercise due care in determining if occupants of suspect vehicles match the description of suspects from a relevant BOLO of a felony.

In deciding to do a felony stop of a vehicle as opposed to a cautious traffic stop with backup units available, consider the following:

- a. Location of stop and related danger to nearby innocent people.
- b. Suspect actions.
- c. Known weapons involved or seen at the time of the crime or the stop.
- d. Number of backup units available.
- e. Time of day or night.
- f. Type of felony crime.
- g. Length of time between occurrence of crime and felony stop.
- h. Description of suspects compared to vehicle occupants.
- i. The existence or absence of founded suspicion/reasonable belief.

If, during the execution of a felony stop, it is determined that the potential threat to the officers or public which led to the felony stop no longer exists (e.g., occupants of the vehicle obviously are not suspects or other clear evidence that the vehicle is not the one sought), the felony stop procedures shall be halted and the officers shall immediately revert to cautious traffic stop procedures.

Officers shall be held accountable for discretionary use of police authority in decisions to initiate felony stops of vehicles. If time and circumstances permit, the officer shall notify the field supervisor or watch commander prior to making a felony stop. In every event, after a felony stop is executed, a field supervisor shall be contacted to respond to the scene, and the watch commander shall be notified. In the event the vehicle and occupants stopped are not the ones sought, the field supervisor shall personally explain to the occupants of the vehicle the reasons for the felony

stop. The actual procedures for conducting felony stops shall be followed according to guidelines established by the Orlando Police Department.

Supervisors and watch commanders shall monitor felony vehicle stops coming to their attention and make appropriate decisions. Immediate supervisors will ensure such stops are documented in police Incident Reports and that all other pertinent forms and/or endorsements are completed according to Department policy.

1132.3 P&P 07/05/2018