

**CHAPTER 4**  
**OFFICER-VIOLATOR CONTACT**  
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**TABLE OF CONTENTS**

<u>INTRODUCTION</u> .....	4-3
<u>INITIAL CONTACT</u> .....	4-3
Courteous and Efficient Contact.....	4-3
Positive Approach.....	4-3
Critical Time.....	4-3
<u>OBTAINING IDENTIFICATION</u> .....	4-4
<u>TAKING APPROPRIATE ACTION</u> .....	4-4
Appropriate Action.....	4-4
Decision-Making.....	4-4
Admitting One’s Mistakes.....	4-4
Enforcement.....	4-5
<u>KEEP YOUR APPROACH TO THE VIOLATOR NEUTRAL</u> .....	4-5
Professionalism.....	4-5
Polite and to the Point Conversation.....	4-5
Lectures.....	4-5
Remarks by the Violator.....	4-5
Sincerity.....	4-5
Unnecessary Delays.....	4-5
Requests for Identification.....	4-6
<u>ARREST AND NOTICE TO APPEAR</u> .....	4-6
Professional Approach.....	4-6

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## CHAPTER 4

### OFFICER-VIOLATOR CONTACT

#### 1. INTRODUCTION.

a. For purposes of this chapter, all uniformed members of the Department will be referred to as officers, unless otherwise indicated.

b. Law enforcement agencies are judged mainly by the contacts officers have with the public. One officer's actions can impact the entire program of public relations. The majority of the public favors traffic law enforcement, if it is fair and impartially applied using reasonable methods. The overall program of traffic safety will fail without the total support of field officers and their use of courtesy and common sense during all enforcement contacts. The success or failure of any public organization rests largely on the confidence of the people it serves.

#### 2. INITIAL CONTACT.

a. Courteous and Efficient Contact. There is no better way to initiate an enforcement contact than with courtesy. The public looks with favor upon the officer who is polite and tactful. It is the officer's duty to initiate and make enforcement contacts with as little friction as possible, taking appropriate action with courtesy and fair and equitable treatment.

b. Positive Approach. When contacting a violator, the officer should proceed in a courteous, positive manner, with an air of professionalism.

(1) The officer must employ a businesslike approach which will indicate to the violator they are going to be treated fairly.

(2) During contacts with the public, officers must be constantly aware of and avoid certain mannerisms and actions, such as: smoking, chewing gum, or chewing on toothpicks, which tend to irritate violators and detract from the professional bearing expected of California Highway Patrol (CHP) officers.

c. Critical Time. The first 60 seconds are crucial in an officer's contact with the violator. During this time, the officer may gain or lose support for the Department or place themselves in a life-threatening position.

(1) Immediately after greeting the violator, the officer shall briefly explain why the enforcement stop was made. Many arguments can be avoided if the officer

definitively and firmly, yet politely, tells the violator the reason for the contact rather than ask questions.

(a) A tone of voice which indicates the officer has merely stated a fact should not create the resentment that an accusation would. For example, the statement, "I stopped you because you were exceeding the speed limit," spoken in a pleasant tone, is a definitive statement and is not an invitation for lengthy discussion.

(b) If an officer approaches a violator in a negative manner and asks, for example, "Do you know why I stopped you?" or "Do you realize what you did?" the response elicited would likely be negative and create conflict.

(2) Until the officer has an opportunity to learn the violator's last name, the violator should be addressed as "Sir" or "Ma'am." Sir or ma'am should not be spoken in a patronizing or subservient manner, but merely as a substitute for the person's last name. Forms of address should usually befit the person being contacted (i.e., calling a juvenile sir would not be appropriate). As a general rule, adults perceive officers addressing them by their first name as being overly familiar.

3. OBTAINING IDENTIFICATION. After explaining to the violator the reason for being stopped, the officer should request a driver license. The violator should remove the license or other identification (ID) from its holder or case. The officer should not accept a wallet or anything that is inside a picture holder or case.

4. TAKING APPROPRIATE ACTION.

a. Appropriate Action. If a violation warrants an arrest, the officer should advise the violator they will be receiving a citation and the reason. Occasionally, a warning or explanation from the officer is a more appropriate action. Each enforcement contact must be evaluated on the basis of good, sound professional judgment by the officer. Do not make an enforcement stop for an obvious violation, then cite for something else.

b. Decision-Making. The officer should make their decision relating to the action they will take on the basis of the facts and circumstances surrounding the violation. The officer should not make their decision based on the attitude and/or appearance of the violator.

c. Admitting One's Mistakes. We must recognize the fact that we can sometimes make a mistake. If an officer realizes they have made an error, they should admit

the mistake. In such cases, do not issue a citation. The officer should conclude the contact as graciously as possible.

d. Enforcement. Officers should not apologize for taking an appropriate enforcement action.

5. KEEP YOUR APPROACH TO THE VIOLATOR NEUTRAL.

a. Professionalism. Do not put on an act. Be straightforward, sincere, and maintain poise. Make every attempt not to show outward signs of personal feelings and always remain on the alert for any danger.

b. Polite and to the Point Conversation. Keep conversation to a minimum. Answer any honest questions the violator asks, but maintain control of the situation. Try not to be placed on the defensive by any violator.

c. Lectures. Remember that the violation was not committed against you and it was not committed on your highway. Stick to the facts of the case with a view toward accident prevention and do not give a lecture.

d. Remarks by the Violator. Learn to disregard irritating remarks made by violators. Their remarks are probably due to the individual's upset condition and would not be made under ordinary circumstances.

(1) These remarks are usually just a defense or rationalization for their actions. Let the violator talk; it is a good safety valve for them.

(2) Simply advise the violator why they are receiving the citation.

e. Sincerity. Knowing the job and how to deal with people tactfully can ensure enforcement contacts and the completion of transactions proceed with a minimum amount of friction. Remember, an approach that will work well for one officer may work just the opposite for another officer. If the violator is convinced of your sincerity, you will usually have far less trouble during your contact.

f. Unnecessary Delays. In the absence of reasonable suspicion or probable cause, the enforcement stop shall not be extended beyond the time necessary to complete the enforcement action.

(1) An officer will spend less time in court if courteous, efficient, and sincere conduct is used during the enforcement contact.

(2) Avoid all suggestions of bargaining or fixing. Do not try to magnify or minimize the punishment.

(a) Make no statements regarding the amount of fines or dispositions of citations.

(b) Do not enter into a discussion as to whether or not the citation can be adjudicated by mail. This is the function of the court. Advise the violator only that information can be obtained by contacting the court at the address indicated on the citation.

(3) Give the violator detailed and complete information concerning where to appear for trial or settlement of the citation. Refrain from making parting remarks which might incense or agitate the violator.

g. Requests for Identification. During the course of public contacts, members of the public might occasionally request officers to present photographic ID. Complying with this request is a sign of good faith and promotes confidence among members of the public that the person(s) they are dealing with is, in fact, a CHP officer.

(1) While on duty, officers shall have their departmentally-issued ID card in their immediate possession, in accordance with Highway Patrol Manual 73.5, Uniform/Grooming and Equipment Standards Manual, Chapter 1, Uniform Policy.

(2) On-duty officers receiving requests to view photographic ID should comply by displaying the front (photograph) side of their departmentally-issued ID card, unless doing so would reasonably jeopardize officer and/or public safety.

(3) Officers making contact with members of the public by telephone should provide verbal ID upon request. Verbal ID consists of the uniformed employee's name, rank, and ID number.

(4) Officers working in an undercover capacity are exempt from these requirements while engaged in undercover operations or investigative activities.

(5) Officers deployed in tactical formations are exempt from these requirements while participating in crowd control or engaged in a response to a civil disturbance.

## 6. ARREST AND NOTICE TO APPEAR.

a. Professional Approach.

- (1) Be certain of the identity of the violator and the description of the vehicle. Be certain of all elements of the violation. If there is any doubt, do not take enforcement action.
- (2) Officers should approach an enforcement contact in a decisive manner, maintain self-control, and have a well-defined plan before talking to the violator.
- (3) When the violator provides their driver license, check the address and make sure it is current. Check the photograph and description to confirm it is the same individual described on the license. A comparison of signatures on the citation and the driver license should also be made.
- (4) The officer's actions should be governed as if all cases will go to court.
  - (a) The reverse side of the green copy of the CHP 215, Notice to Appear, is the officer's record of the offense.
  - (b) The officer shall make any notes on the reverse side of the green copy, per HPM 100.9, Enforcement Documents Manual, Chapter 1, CHP 215, Notice to Appear. The officer can use it in court to refresh their memory of the circumstances of the arrest. Be complete. Do not trust the circumstances of the offense to memory alone.
- (5) If the driver refuses to give a written promise to appear, follow departmental policy as outlined in HPM 100.68, Traffic Enforcement Policy Manual, Chapter 2, Arrest Policies. Every effort should be made to obtain the driver's signature at the scene.
  - (a) Intervention by a third person, such as a supervisor or an officer from an adjacent beat, is usually sufficient to get the violator to comply.
- (6) A CHP 215 should normally charge only a single major hazardous violation observed during the continuing movement immediately prior to the enforcement action.
  - (a) Additional charges may be added when there is clear-cut evidence of other violations which are not connected to the major violation charge (refer to HPM 100.68, Chapter 1, Patrol and General Enforcement Guidelines, for examples of additional charges).
  - (b) This policy does not preclude charging the violator with reckless driving for a series of violations which clearly constitute the elements of that offense.

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