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# BASIC COURSE UNIT GUIDE

47

#### VIOLATOR CONTACT

This unit guide covers the following learning goals contained in the POST Basic Course performance objective document:

9.7.0 Initial Violator Contact 9.8.0 Acceptable Identification 9.10.0 Issuing Citations and Warnings

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THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

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This unit of instruction is designed as a *guideline* for Performance Objective-based law enforcement basic training. This unit is part of the POST Basic Course Guidelines system developed by California law enforcement trainers and criminal justice educators for the California Commission on Peace Officer Standards and Training.

This Guide is designed to assist the instructor in developing an appropriate lesson plan to cover the performance objectives, which are required as minimum content of the Basic Course.

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## **Learning Goals and Performance Objectives**

#### 9.7.0 INITIAL VIOLATOR CONTACT

Learning Goal: The student will understand methods for initial contacts during traffic stops.

- 9.7.1 The student will identify the reason that the initial contact with the traffic violator is crucial in establishing a cooperative police/violator relationship.
- 9.7.2 The student will identify the reason it is important to obtain the violator's drivers license and vehicle registration, as soon as it is reasonably possible, when making a traffic stop.
- 9.7.3 The student will identify the reason an officer should not argue with a traffic violator.
- 9.7.4 The student will identify the principal reason an officer should not accept a motorist's wallet or purse in response to a request for a driver's license.

#### 9.8.0 ACCEPTABLE IDENTIFICATION

Learning Goal: The student will understand the various forms of identification and how to determine their acceptability.

- 9.8.1 Given an exercise, the student will use interviewing and other techniques to determine the validity, authenticity, and legal acceptability of various types of identification.
- 9.8.2 The student will identify the following reasons that it is important that an officer check both the validity and authenticity of a driver's license:
  - A. In order to validate authority to operate a specific type of motor vehicle.
  - B. In order to enforce provisions of the CVC relative to having a valid license in possession or enforce provisions of driving on restricted license.
  - C. In order to release person on signature.

#### 9.10.0 ISSUING CITATIONS AND WARNINGS

Learning Goal: The student will understand the decision-making process and procedures for issuance of citations and warnings.

# **Learning Goals and Performance Objectives**

- 9.10.1 The student will identify the following enforcement options an officer may have who has observed a traffic violation:
  - A. Verbal warning
  - B. Issuance of a citation
  - C. Physical arrest
- 9.10.2 Given a description of a situation in which a citation has been issued, the student will identify which of the following types of information should or should not be provided to the violator:
  - A. Time, date, and location of court appearance
  - B. Alternatives to a court appearance
  - C. Limitations on operating a vehicle which has been cited for an equipment violation
  - D. Certificates of correction for equipment violations
  - E. Estimates of bail or fine should not be provided
- 9.10.3 Given a blank traffic citation and a word-picture or audio-visual presentation depicting a traffic violation, the student will properly and legibly complete the form within 10 minutes.
- 9.10.4 The student will identify that the required signature of a violator on a citation is not an admission of guilt but a promise to appear.

# **Material/Equipment**

Each training institution should develop its own list of equipment and materials for each unit. This list is dependent upon the instructional strategies methods/media considerations.

No special material or equipment needed.

Learning Goal 9.7.0: The student will understand the methods for initial contacts during traffic stops.

#### Objectives & Unit Outline & Presentation Instructional Cues I. INITIAL VIOLATOR CONTACT (9.7.0) Introduction The officer violator contact is critical. The officer's attitude can affect the reaction of the violator. Mechanics of the Initial Violator Contact It is desirable to Preplan a safe traffic stop location. If the violator stops at an unsafe location, the officer should instruct the violator to move to a safe location. Prior to exiting the vehicle, the officer should record the violator's license plate number on note pad, dash pad, M.P.I., dispatcher, etc. During approach, right or left, officers should 3. 9.7.1 always keep safety in mind and should: The student will identify the Make the approach in an erect, businesslike reason the initial contact with the manner, and be positioned properly. traffic violator Maintain a confident, courteous manner without is crucial in b. . appearing apologetic or belligerent. establishing a cooperative police officer/violator Make the greeting pleasant and briefly state the C. reason for stopping the violator. relationship. Do not put the violator on the defensive by opening up with remarks such as, "Do you know there's a signal at Main Street?". This type of remark may put the violator on the defensive. 9.7.2 The following are some specific recommended The student will procedures that an officer should consider during identify the reason

The officer's opening remark to the violator

it is important to obtain the violator's

drivers license and

should be phrased as follows:

the initial contact:

a.

Learning Goal 9.7.0 : The student will understand the methods for initial contacts during traffic stops.

		Unit Outline & Presentation	Objectives & Instructional Cues
		"Good morning. I have stopped you for exceeding the speed limit. May I see your driver's license, vehicle registration, and proof of insurance please?"	vehicle registration, as soon as is reason- ably possible, when making a traffic stop.
	b.	Obtain the driver license, registration, and proof of insurance immediately to establish control. This permits the officer to identify the driver if the driver assaults the officer.	
5.	Don	't argue with the violator about the violation.	
	a.	Violators sometimes ask for a full explanation of the nature of their offense. Explain it to them as clearly and concisely as possible, but don't be drawn into an argument about whether the violator actually violated the law.	9.7.3 The student will identify the reason an officer should not argue with a traffic violator.
	b.	The officer may or may not intend to cite the violator for the violation observedbut if the violator is cited, any recourse is in court, not during an interview with the violator. There is really no reason for a debate on the matter of guilt.	
6.	Don	't accept the violator's wallet.	
	a.	When violators are asked for their drivers' licenses, sometimes they hand the officer their entire wallet or card holder. Courteously ask the violator to remove the license and hand over only the license.	9.7.4 The student will identify the principal reason an officer should not
	b.	The reason: This avoids the possibility of a later complaint that the officer took money, credit cards, or other items from the wallet.	accept a motorist's wallet or purse in response to a request for a driver's license.
7.		advantages/advantages of violators leaving their icles.	
	<b>a.</b>	Frequently, the violator will want to get out of the vehicle. Sometimes, from a standpoint of officer safety, the officer might want the violator out of the vehicle during the interview.	

Learning Goal 9.7.0: The student will understand the methods for initial contacts during traffic stops.

#### Unit Outline & Presentation

Objectives & Instructional Cues

b. Discuss this situation - in terms of the disadvantages and advantages of the violator being out of the vehicle.

#### (1) Disadvantages

- (a) Subjects the violator to the hazards of passing traffic. Note: The officer conducting the T-Stop is responsible for the safety of the violator.
- (b) Facilitates the potential for assault on the officer.
- (c) Hinders the officer's ability to examine the violator's vehicle.

#### (2) Advantages

- (a) May eliminate a hazardous element of the approach by directing the driver out of the vehicle to the curb while maintaining a position of safety.
- (b) The violator's actions can constantly be observed--especially hand movements! During the conduct, the violator is kept in the officer's field of vision, (directly or peripherally).
- (c) If there are additional occupants in the vehicle, the officer can place the violator between the occupants and self. This may discourage an assault on the officer by the occupants.

Objectives & Instructional Cues

#### C. Review Discussion

- 1. When a vehicle stop is made, the circumstances surrounding the stop in which official action is to be taken must be as safe as is reasonably possible. The activities of the driver and occupants must be controlled to the extent safety is maintained, because the officer is responsible for their safety.
  - a. Advise the driver and occupants to remain in the vehicle. If the officer wants them out of the vehicle, they should be kept out of the path of oncoming traffic. Do not stand or have the occupants stand between the stopped vehicle and the law enforcement vehicle.
  - b. After the contact has been completed, assist the driver with a safe re-entry into traffic.

**Learning Goal** 9.8.0:

The student will understand the various forms of identification and how to determine their acceptability.

#### Objectives & Unit Outline & Presentation Instructional Cues ACCEPTABLE IDENTIFICATION II. Introduction 9.8.1 Α. Given an exercise, the The purpose of obtaining valid identification is to student will use 1. establish the identity of the individual. It is interviewing and other important to be familiar with acceptable forms of techniques to determine identification. the validity, authenticity, and legal acceptability of An objective of field interviewing is to detect deception on the part of individuals. various types of identification. The officer may be presented with false forms of identification. It only takes a little time to properly (2) check out an item of identification. Officers must realize the importance of determining the validity of the information being presented. Acceptable Forms of Identification 9.8.2 The student will

- 1. Driver's License
  - a. One of the most common forms of identification.
  - b. Driver's license form varies depending on the state of issue.
  - Officers should always check front and rear for possible restrictions.
    - (1) Restrictions pertaining to corrective lenses are usually found on the front of a license. (14603 CVC).
    - (2) Other restrictions are stamped on the rear. (14603 CVC).
    - (3) License classification should be verified, including medical certificates.

- 9.8.2
  The student will identify the following reasons why it is important that an officer check both the validity and authenticity of a driver's license:
- A. In order to validate authority to operate a specific type of motor vehicle.
- B. In order to enforce provisions of the CVC relative to having a valid license in possession or enforce provisions of driving on restricted license.
- C. In order to release person on signature.

#### Note:

An expired driver's license can be good identification.

# Objectives & Instructional Cues

- d. In examining a license for alteration, the officer should check for any additions to the license.
  - (1) A common alteration is the lamination of the license which the state doesn't allow. (12815 CVC)
  - (2) Lamination can hide a change of photograph, obliterate safety seal, or disguise typed additions. California driver's licenses are reflectorized. (12815 & 14610(h) CVC).
  - (3) Over the past several years, numerous modifications have been made to the driver's license format; several forms of valid California driver's licenses are still in circulation. When any doubt exists, ask for supportive identification.
- e. Temporary Licenses
  - 1. A temporary driver's license is a valid form of identification and no other identification is required.
    - (a) However a temporary license is easily forged; therefore the officer might consider asking for other identification to supplement the information contained on it.
    - (b) Temporary licenses are easily obtained.
    - (c) People with suspended licenses or warrants keep applying for a temporary license to continue driving.
    - (d) Subject can apply for a temporary license and use it immediately.
    - (e) If a temporary license is provided as I.D., it should be thoroughly checked out.

A good resource for driver's license information is the I.D. Checking Guide produced by the Driver's License Guide Co., 1492 Oddstad Drive, Redwood City, CA 94063 (415) 369-4849

Objectives & Instructional Cues

- 2. Immigration Identification
  - a. Aliens may have in their possession an alien registration card which contains the bearer's photograph and other information. Information on the card may be out of date and should be verified with additional forms of identification.
- 3. State Identification card
  - a. The State of California may issue an identification card to use as official identification. (may have both driver's license and state identification cards which will contain the same i.d. number)
  - b. The card is issued through DMV.
  - c. It has a similar appearance to the California Driver's License.
- 4. Social Security card
  - a. It can be an unreliable form of I.D.
    - (1) Can be obtained by just applying for it.
      - (a) Some criminals have applied for dozens of them.
      - (b) Check passers will use different ones to back up phony I.D. that they carry.
- 5. Armed Forces identification classification and identification status:
  - a. Green active duty
  - b. Red reserve
  - c. Colors vary retired
  - d. Tan dependent
- 6. Passports-issued by federal government
- 7. School identification cards

# Objectives & Instructional Cues

#### III. ISSUING CITATIONS & WARNINGS (9.10.0)

#### A. Introduction

1. The majority of the motoring public favors traffic law enforcement if it is fair and impartially applied with reasonable methods. The decision to issue a citation should be based on the facts surrounding the violation. A warning or explanation is an enforcement tool also.

#### B. Warning vs. Citation

- 1. Extenuating circumstances
  - a. Fails to see an obscured official traffic control device and drives through it
  - b. Driver, who is unfamiliar with the area, becomes confused and inadvertently violates a minor traffic ordinance.
- 2. Each enforcement contact must be evaluated on the basis of sound, professional judgment.

#### C. Citations

1. In those instances where a citation is issued, the officer should give the violator accurate information concerning where to appear for trial or settlement of the citation.

#### a. Appearance date

- (1) The court appearance date, time, and location should be pointed out to the violator (40501 & 40502 CVC).
- (2) Under Section 40302 (c) CVC, a violator may request to be taken before a magistrate. This is their right under state law. Generally these violators are booked into jail and then processed for a court appearance. Compliance with this request is mandatory.

9.10.1
The student will identify the following enforcement options an officer may have who has observed a traffic violation:

- A. Verbal warning
- B. Issuance of a citation
- C. Physical arrest

#### Note:

Local agency policies will dictate enforcement action.

9.10.2
Given a description of a situation in which a citation has been issued, the student will identify which of the following types of information should or should not be provided to the violator:

- A. Time, date, and location of court appearance
- B. Alternatives to a court appearance
- C. Limitations on operating a vehicle which has been cited for an equipment violation
- D. Certificates of correction for equipment violations
- E. Estimates of bail or fine should not be provided

Unit Outline & Presentation					Objectives & Instructional Cues
		(3)	of t indi proc	officer should <u>NOT</u> give any estimate he amount of bail or fine because the vidual courts have different edures for determining the amount of or fine. (Except parking fines)	
		(4)	cita	information on the court copy of the tion shall be the same as on the ator's copy. (40505 CVC)	
			(a)	No changes, deletions, or additions shall be made to the court copy of the citation after the violator has received a copy. (40500(d))	
	d.	Equi	pment	violations	·
) )		(1)	a dr cond by t viol vehi	he officer finds it necessary to cite iver whose vehicle is in an unsafe ition or is not equipped as required he Vehicle Code (24002 CVC), the ator should be advised NOT to operate cle any further, with the following ptions:	Note: Parties cited for equipment violations o violation of 24002 should be advised of 24004.
			(1)	The violator may return it to the residence or place of business of the owner or driver or to a garage until the vehicle and its equipment have been made to conform with the requirements of this code. (Section 24004 CVC)	Note in the margin o the citation, "24004 explained."
			(2)	The violator should be advised that, prior to adjudicating the citation, the violator MUST have the equipment repaired or the vehicle equipped as required by the Vehicle Code.	
			(3)	A Certificate of Correction must be shown to the court at the time of appearance by the violator.	

(a) The violator must submit a certificate from an official inspection station for headlight adjustment, brakes or smog control devices.

			Objectives & Instructional Cues			
				(b)	Other defects, submit a certificate from the California Highway Patrol, Sheriff, County Marshal, Constable or Police Department. This certificate may be completed on the reverse side of the "Violator's Copy" in the area marked "CERTIFICATE OF CORRECTION".	
				(c)	Notice to correct violation. (40610b CVC)	Teach only if 40610b CVC applies in your area.
D.	Cita	ation	Compl	etion	(All Citations Should Be Printed)	
	1.	info of t Only	ormation the re-	on red quired e item	in various formats; however, the quired is essentially the same. Much d information is self-explanatory. In section and specific pe covered.	
		a.	"Name	" - N	ame of violator.	9.10.3
			(1)	with and t has n lette	tiolator's name is to be indicated the first name <u>first</u> , middle name, then the last name. If the violator is middle name indicate this with er (NMN) in brackets, this appearing ten the first and last name.	Given a vehicle code and a blank traffic citation, a word-picture, or audiovisual presentation depicting a traffic violation, the student will properly and
		b.	"Resi	dence	address"	legibly complete the
			(1)	still	ould be determined if the violator resides at the address appearing on icense.	form within 10 minutes.
			(2)	prese	iting officer should ask for the ent address without allowing the tor to see the address on the use.	NOTE: Get a physical location if possible, rather than just a post office box.
			(3)	If th	e address is different, the current ess should be written on the citation.	Also, cite for the infraction if
		c.	"Vehi	cle l	icense number and state"	appropriate.
			(1)	this	rehicle license number is written in space along with the state which do the license.	

	Unit Outline & Presentation	Objectives & Instructional Cues
	(2) If the license is a temporary license, indicate this with the letters "temp" immediately after the license number.	
d.	"Year-Make-Model-Body Style-Color"	
	(1) Indicate the year, make, body style and color. The YEAR indicated will be the model year and not the year sold.	
	(2) The MAKE shall indicate the manufacturer's name, such as Ford, Mercury, Chevrolet, Pontiac, etc.	
	(3) The MODEL is the auto maker's trade name such as Thunderbird, Malibu, Montclair, Tempest, etc.	
	(4) The BODY STYLE is indicated by 4 Dr-Sed, 2 Dr-H.T., Convt., Pickup, 1 Ton Flat Bed Tk., 2 Ton Van Tk, etc.	Hand out list of acceptable abbreviations.
e.	"Registered owner or lessee"	
	(1) The registered owner's name should be noted here with the first, middle, and last names listed. If the vehicle is a leased vehicle, the lessee's name will be noted in this space ONLY if the lessee's name appears on the vehicle registration as the registered owner.	
f.	"Address of owner or lessee"	
	(1) The street address, city and state of the registered owner are noted here.	
g.	"Violation(s) - Code, Section, Common Name	
	(1) Indicate which code has been violated by	

using the correct code abbreviation, such as VC for Vehicle Code, or other

The correct section violated should be

written, with the more serious violation

listed <u>FIRST</u>.

(2)

appropriate abbreviations.

#### Unit Outline & Presentation

Objectives & Instructional Cues

- (3) The common name of the violated section should be written within space limita tions. If more space is needed use another line but DO NOT repeat the code or violation number.
- j. "Approximate speed Prima facie Vehicle speed limit" (40503 CVC)
  - (1) These speeds should be indicated if applicable.
    - (a) The "APPROX. SPEED" is for the paced or estimated speed at the time of the violation.
    - (b) The "PF/MAX. SPEED" (Prima facie/maximum speed) is for the posted limit or situation as described in 22352 CVC.
    - (c) The "Safe Speed" is the reasonable & prudent speed. The conditions that might affect this speed are visibility, weather and road or traffic conditions. (Basic Speed Law) (22350 CVC).
    - (d) The "VEH. SPED. LMT." is the speed limitation of certain vehicles such as school buses and vehicles in combination. (22406 CVC, etc.)
  - k. Location of violation(s)
    - (1) The location at which the violation occurred is noted, giving the violators direction of travel, primary streets, cross streets, nearest street or streets between which the violation occurred.

<i>,</i>			
		Objectives & Instructional Cues	
Ε.	Signatur		
	1.	The violator should sign their name as it appears on the license.	9.10.4 The student will identify that the
		a. THE SIGNATURE ON THE CITATION SHOULD BE COMPARED WITH THE SIGNATURE ON THE LICENSE.	required signature of a motorist on a citation is not an admission of quilt but a promise to
		b. The citing officer should advise the violator that signing is not an admission of guilt, but is a promise to appear in court. Refusal to sign (Section 40302 (b) CVC) will result in violator being placed	Appear.  NOTE: Violator's signature on citation must be

under arrest and taken before a magistrate

rather than being cited and released.

license.

signature on driver's

similar to the

# SUPPORTING MATERIAL AND REFERENCES

#### TRAFFIC STOP PROBLEMS

No one enjoys getting a traffic ticket, especially if the citation procedure takes longer than the violator anticipates. Varying degrees of verbal abuse by the violator may be anticipated. This can range from half-spoken mutterings about "there never being a cop around when you need one", or "why aren't you out locking up all the real criminals who are running loose", to questions regarding the legitimacy of your ancestry or even membership in the human race. By and large, you must realize that a certain amount of this "comes with the territory", and learn to ignore it. At the least, you must refrain from engaging in it yourself.

Never make any remarks or use any language that would ridicule, belittle, or embarass the violator. You can satisfy your own ego later by detailing the violator's shortcoming to your partner or fellow officers; absolutely nothing will be gained by getting into a name-calling contest in the street. There is much to be lost, however, and that includes not only your professional image but future cooperation from the violator, and probably from anyone else who hears of it either first or second-hand. It could often result in the initiation of a personnel complaint. Do not become personally involved in the issuance of the citation; you are just doing your job.

Sometimes a violator will take the opportunity to let you know of his/her importance or political connections ... "Officer, I'm sorry if I seem in a hurry, but I'm late for a luncheon appointment with the mayor ...". Obviously, this isn't going to influence you in favor of the violator, but do be courteous enough to listen. He/she may have something to say which would constitute a valid reason for his/her actions, and in your mind, justify his/her release without issuance of a citation. This, of course, depends on all the circumstances and your judgment of them.

Often the violator wants to know how much a ticket will cost him/her. Usually this is an innocent and natural concern arising from the realization that what he/she has done is going to separate him/her from some of his/her money. Sometimes, however, the violator will have been raised in another section of the country where it might have been possible that some officer was known to be "in business for himself/herself." The whole uncomfortable business of deciding whether to arrest someone for attempting to bribe an officer or to chalk it up to his ignorance can be avoided by handling questions regarding the amount of bail in the approved manner. The facts are that you don't know how much bail may be. You have a pretty good idea, probably, if everything is as it appears, but only the clerk of the court in which the violation is to appear knows the exact amount, and the violator should be advised that he must appear to find out. Don't advise him/her to call the Traffic Violations Bureau. Don't advise him/her on the policies of the court, of the DMV, or of the Traffic Violations Bureau. Don't recommend handling it by mail or through a service organization such as the Automobile Club.

Unit Guide #47 Handout #1 Page 1 of 2 Answer any proper questions to the best of your ability, but don't be placed in the position of advisor and don't offer unsolicited explanations of the theory of the law or its enforcement (people have a "traditional" right to expect either a lecture or a ticket ... not both). The one exception to the matter of advising is in the meaning of signing the ticket. For an adult, you should briefly explain that signing doesn't constitute an admission of guilt but is merely a promise to appear at the designated place on or before the date and time you've indicated. For juveniles, who are, in all other respects, treated the same as adults, the advice should include mention whether or not he/she is to bring one of his/her parents or legal guardian.

Earlier we mentioned the need to maintain as favorable an image as possible under the circumstances. This is important enough to warrant further comment. Traffic citations constitute the only contact with police that most people have. And, as mentioned, this is usally not a favorable basis for contact in the mind of the citizen. Since this same majority of the community is so important to us in terms of cooperation and support, the value of a courteous, professional approach to the situation on our part should be obvious. The law has been violated by the person you're dealing with, but he's/she's not "it" in some sort of game to be played by police on one side and the rest of the world on the other, and nothing you do or say should risk making him/her feel that you think he/she is.

The whole purpose of traffic law enforcement is the protection of the citizens ... including the violator ... from the harmful results of bad ... driving practices. It's not a matter of conveying the impression that, "... I'm doing this for your own good ...". The future cooperation of all citizens, again including the one you cite, is absolutely essential if accidents are going to be reduced. Part of the way this cooperation can be achieved is by having the citizens respect the law and the department. So, any contact you have with citizens, including issuance of traffic citations, must leave them with no basis for complaint ... to you, the department, or the people they contact socially.

### **Reference Materials**

This section is set up as reference information for use by training institutions. These materials can be utilized for prime instruction; remediation, additional reading, viewing or for planning local units of instruction. They are presented here as instructional materials that may assist the learner or the academy staff in the teaching-learning process. Each training institution is encouraged to expand this list but only after careful viewing and reading to determine its acceptability.

"Building Respect of Law and the Criminal Justice System", Module #2, Project STAR, California. Commission on Peace Officer Standards and Training.

California Vehicle Code, State of California.

Hand, Sherman, Cavanaugh, <u>Traffic Investigation and Control</u>, Ohio: Charles E. Merrill, Publishers, 1976.

"Techniques of Traffic Control", California Highway Patrol Academy, 1969.

In no way is this list an endorsement of any author, publisher, producer, or presentation. Each training institution must read or view these materials, and others to establish their own list of reference materials.