

Chapter OJA 1

Appendix

Traffic Stop Examples

An officer who makes a traffic stop is required to record the traffic stop data identified in s. OJA 1.05. A traffic stop, by definition, has four elements: (1) contact by an officer with a motor vehicle operator, (2) on a public street or highway, (3) initiated by the officer, (4) that results in the detention of a motor vehicle. Under the definition, not every stop is a “traffic stop” that requires an officer to record traffic stop data. Some examples:

- A. *An officer is dispatched to a location based on a 911 emergency call. She finds that a motor vehicle accident has occurred, talks with the operators of the vehicles involved and completes a motor vehicle accident report. This situation is not a traffic stop because the officer was ordered to the scene and did not “initiate” the contact with the operator. Further, her contact did not result in motor vehicle detention.*
- B. *Officer B is stationed at a weighing station on a major highway. Nearby weigh station signage instructs truck operators to stop at the station and weigh their motor vehicles. Stops by the trucks at the way station are not traffic stops by officer B. The trucks are detained at the station, but the detention is not the result of a contact initiated by officer B. The officer is not required to record traffic stop data for these stops.*
- C. *Officers C stops an automobile driven by operator C after seeing the vehicle slow, but not stop, at a marked intersection. Officer C warns the operator that he must make a full stop. No citation is issued. Officer C has made a traffic stop and is required to record traffic stop data. The stop meets the four elements of the definition: contact, on a public highway, officer initiated, resulting in motor vehicle detention.*
- D. *Officer D is called to a mall by a guard who identifies a person in a parked car as a shoplifter. Officer D detains the vehicle operator and eventually issues a citation for shoplifting. This is not a traffic stop. The detention did not occur on a public street or highway.*
- E. *A dispatcher notifies officer E of a citizen complaint that a driver is traveling too fast on Main Street. The dispatcher identifies the motor vehicle by make and model. Officer E finds a vehicle matching the description, follows and observes that it is traveling too fast. After stopping the vehicle, the officer issues a speeding citation. This is a traffic stop under the definition. The stop was initiated by the officer even though he was advised of the citizen complaint. However, if the officer had been ordered to stop a specific motor vehicle without using any independent judgment, such as an order based on an eyewitness report of a hit and run that included the license number of the automobile, a stop of the motor vehicle would not be a “traffic stop” because the stop was not initiated by the officer.*
- F. *Operator F’s motor vehicle is legally parked on the side of a highway with the vehicle’s hazard lights activated. Officer F passes the vehicle, executes a U–turn, activates his police cruiser’s emergency overhead lights and stops behind the vehicle, intending to offer needed assistance. Officer F approaches the operator’s side window, shines a flashlight through the rear window, places his hand on his holstered gun and observes that the driver is sleeping. Officer F wakes the driver and asks if he needs any assistance. The driver says that his car had stalled and would not start. Officer F assists the driver in calling for a tow. This is not a traffic stop. Officer F was performing a community caretaker function. The officer contact did not result in a motor vehicle detention.*

The examples of stops that are not “traffic stops” generally involve situations where an officer is performing a community caretaker function, policing the scene of an automobile accident, responding to a 911 or other emergency call, or ordered to stop a specific motor vehicle.