



Detailed table of contents

This chapter contains the following topics:

[Executive Summary](#)

[Summary](#)

- [Introduction](#)
- [Purpose](#)

[Your power to stop vehicles and powers once stopped](#)

- [Enforcement powers](#)
- [Powers for stopping vehicles](#)
- [Failing to stop](#)
- [Once the vehicle is stopped](#)
 - [Requirement to remain stopped](#)
 - [Driver licensing](#)
 - [Identifying particulars](#)
 - [Vehicle search](#)

[Risks associated with vehicle stops](#)

- [Always consider the risks](#)
- [Known-risk vehicle stops](#)
- [Unknown-risk vehicle stops](#)
- [Contact and cover principle](#)

[Types of patrol](#)

- [Mobile patrol](#)
- [Stationary patrol](#)
- [Useful resources](#)

[Plan and prepare for patrol](#)

- [Plan the patrol route](#)
- [Uniform requirements for traffic patrol](#)

[Before you stop a vehicle](#)

- [Principles](#)
- [Stop a vehicle](#)
- [Procedure before you stop a vehicle](#)

[Alert the driver and position your vehicle](#)

- [To alert the driver](#)
- [To position your vehicle](#)

[Approaching a vehicle](#)

- [Vehicle approach procedure](#)

[Approaching the driver](#)

- [Driver approach procedure](#)

[Interviewing the driver](#)

- [Identify yourself](#)
- [Interview](#)
- [When interviewing](#)
- [Why this approach is successful](#)
- [How to interview](#)



Executive summary

This chapter provides staff guidance on how to plan and manage a vehicle stop.

Key points for staff to note:

- Focus on taskings that prevent crash and crime.
- Ensure all vehicle stops are lawful.
- Continually assess the risk throughout planning and executing a vehicle stop.
- Be courteous, confident and positive without being confrontational.
- Be alert for danger and constantly monitor the vehicle occupants' actions, as well as those of passing traffic and pedestrians.



Summary

This section contains the following topics:

- [Introduction](#)
- [Purpose](#)

Introduction

The 'Prevention First' strategy requires Police to focus on preventing crime and crashes before they happen.

Police seek to reduce death and injury on our roads. In line with this strategy, road policing patrols must focus on prevention of offences and unsafe behaviour. This includes:

- deterring and detecting offending through intelligence led targeting of specific risk locations, behaviours, people and organisations
- general deterrence and positive reinforcement of safe behaviours through intelligence led high visibility patrols in risk locations and at risk times, as informed by intelligence.

Purpose

This chapter applies to all constables and authorised officers, hereafter referred to as 'Police'. It gives detailed instructions on:

- [your powers to stop vehicles](#)
- [how to plan patrols](#)
- [carrying out vehicle stops](#)
- [interviewing drivers](#).

Apply [TENR](#) at all times during the planning and execution of a vehicle stop.



Your power to stop vehicles and powers once stopped

This section contains the following topics:

- [Enforcement powers](#)
- [Powers for stopping vehicles](#)
- [Failing to stop](#)
- [Once the vehicle is stopped](#)
 - [Requirement to remain stopped](#)
 - [Driver licensing](#)
 - [Identifying particulars](#)
 - [Vehicle search](#)

Enforcement powers

Police may stop, enter, search vehicles, and seize evidential material in certain circumstances as authorised in various legislation. You may also search vehicles for people in certain legislated circumstances. Ensure you are fully aware of your powers.

Where statute authorises Police to stop a vehicle for a specific period of time, any extension to that detention will be considered by a court in terms of reasonableness of Police action in the circumstances.

Powers for stopping vehicles

Police in an approved Police uniform or wearing a distinctive cap, hat or helmet (with a badge of authority affixed to it) on the roadside, or in a vehicle displaying flashing lights or sounding a siren, have the power to stop the driver of a vehicle as follows:

Requirement to stop	
Legislation	Offence
Section 114(1) Land Transport Act (LTA). An enforcement officer who is in uniform may signal or request a driver to stop a vehicle as soon as practicable.	It is an offence against 52(1)(c) LTA to fail or refuse to comply with lawful requirement to stop.
Section 114(2A) LTA (subject to subsections (4) and (5)) requires a driver stopped by an enforcement officer to "remain stopped for as long as is reasonably necessary for the enforcement officer to complete the exercise of any powers conferred, or duties imposed on an enforcement officer by the LTA".	It is an offence against 52(1)(aa) LTA for a vehicle that is stopped to not remain stopped.
Section 9 of the Search and Surveillance Act 2012 (S&S) allows you to stop a vehicle, when you have reasonable grounds to suspect a person who is unlawfully at large or a person who has committed an offence punishable by imprisonment, is in the vehicle. Once stopped you can only demand the details of the occupant of the vehicle who you suspect is the person unlawfully at large or the person who has committed an offence punishable by imprisonment.	



Traffic patrol techniques, Continued...

Version : 12.0

Section [30](#) & [32](#) of the S&S allow the establishment of an authorised road block to arrest a person who is unlawfully at large or a person who has committed an offence punishable by imprisonment where there are grounds to believe such persons are in a vehicle. Section [32](#) also allows the stopping of vehicles at the road block or in the vicinity of the road block.

Once stopped you can only demand the details of the occupant of the vehicle who you suspect is the person unlawfully at large or the person who has committed an offence punishable by imprisonment.

Note: There is no power to demand the details of all the occupants of the vehicle under section [32](#).

Failing to stop

If the driver of a vehicle fails to stop, lights and sirens must be activated and the '[Fleeing driver policy](#)' complied with.

Note: Section [114\(6\)](#) LTA allows arrest without a warrant, if you suspect the driver has

- failed to comply with a signal, request or requirement to stop; or
- given false details.

Once the vehicle is stopped

Requirement to remain stopped

(Section [114\(2A\)](#) & [\(5\)](#) LTA)

Note: If the driver of the vehicle stops, they are not obliged to remain stopped (section [114\(4\)](#) LTA) if the Police vehicle displaying flashing lights or siren does not itself stop in the vicinity.

You can require the driver to remain stopped for as long as reasonably necessary to exercise any powers conferred by the LTA. But you can only require the driver to remain stopped for up to 15 minutes to establish the driver's identify.

Caution: You cannot require a driver to remain stopped longer than 15 minutes for the purpose of establishing identity. Once the drivers identify is established, they are free to go. After a maximum of 15 minutes the driver must be allowed to leave. However, you may arrest the driver if you have good cause to suspect false details have been given.

When conducting [breath testing](#) (LTA sections [68](#) or [69](#)), then the person tested (the driver or person suspected of driving) must remain at the place where the person underwent the test until after the result of the test is ascertained.



Traffic patrol techniques, Continued...

Version : 12.0

Once the vehicle is stopped you can require certain details from the driver and/or passengers as follows:

Driver licensing	
Legislation	Offence
Section 5(1) requires a driver to have an appropriate class of licence to drive a motor vehicle on a road.	Section 113(2)(e) LTA allows you to forbid an unlicensed driver to drive a motor vehicle.
Section 5(4) LTA allows an enforcement officer to require a driver to produce a licence without delay for inspection.	Failed to produce a driver licence for inspection without delay after being required to do so by an enforcement officer (precedent code L114 Failed to produce driver's licence).

The driver of every vehicle stopped must be breath tested, where practicable. Refer to the '[Alcohol and drug impaired driving](#)' chapter for breath testing procedures.

Identifying particulars	
Section 114(3) LTA allows an enforcement officer to require the driver to: <ul style="list-style-type: none"> • give their full name, full address, date of birth, occupation and telephone number • state whether or not they are the vehicle's owner, and • if they are not the owner, give the owner's name and address or any information to help identify the owner. 	s114(6) LTA empowers Police to arrest without a warrant, if you have good cause to suspect the driver has failed to comply with any requirement under the section or has given false or misleading information.



Traffic patrol techniques, Continued...

Version : 12.0

<p>When enforcing the LTA or related legislation, under section 113(2)(a) LTA an enforcement officer may direct a person on a road to provide (one or more of) his or her details as follows provided that the particulars are for enforcing the provisions of the LTA or other legislation specified in section 113(1) LTA:</p> <ul style="list-style-type: none"> • full name, • full address, • date of birth, • occupation, • telephone number • any other particulars as to his or her identity, and • information to identify the driver or person in charge of a vehicle. <p>Note: A person on a road can also be required to provide information leading to the identification of a person in charge of a vehicle (unless the person has been detained or arrested), provided the information requested is for the purposes of s113(1) and 113(2)(a) LTA.</p> <p>There is no power under the LTA to demand the details of a passenger in or on a vehicle if they are not suspected of committing an offence as outlined above.</p>	
<p>Once you have stopped a vehicle under the S&S Act, section 10 S&S allows you to require the details of the person in that vehicle suspected to be unlawfully at large or o have committed an offence punishable by imprisonment.</p> <p>Note: There is no power to demand the details of all occupants of the vehicle under section 10 S&S, unless they are all suspected of being unlawfully at large.</p>	

Vehicle search	
Legislation	Offence
Refer to the ' Search ' chapter of the Police Manual for details of warrantless searches and search warrants.	



Risks associated with vehicle stops

This section contains the following topics:

- [Always consider the risks](#)
- [Known-risk vehicle stops](#)
- [Unknown-risk vehicle stops](#)
- [Contact and cover principle](#)

Vehicle stops are unpredictable and may be dangerous.

Vehicle stops are classified as:

- [known-risk vehicle stops](#), where Police have information about the vehicle and its occupants
- [unknown-risk vehicle stops](#), where Police have no information about the vehicle and its occupants.

Always consider the risks

You must always consider the risks, applying [TENR](#), before undertaking a vehicle stop.

The risks may not become apparent until you approach the vehicle or interact with the driver. Safety precautions help protect you, your colleagues and the public.

Note: When stopping vehicles, be sure not to create a road hazard by disrupting traffic.

Known-risk vehicle stops

Known-risk vehicle stops occur when Police stop a vehicle knowing that its occupants may present a risk to Police (and public) safety. This information might come from:

- an unfavourable QVR response, such as:
 - danger flags
 - wanted reference
 - unlawfully taken
- the occupants are known to pose a risk to Police, or
- the vehicle is suspected to have been used to commit an offence.

If you are about to undertake a known-risk stop, you must adopt tactics to mitigate the risks. See the [contact and cover principle](#) below.

Unknown-risk vehicle stops

Unknown-risk vehicle stops occur when the Police do not have specific information to indicate a risk to employees. Most vehicle stops fall into this category but never-the-less you must treat these stops with caution.

Contact and cover principle

The contact and cover principle involves **identifying** and **communicating** the roles of each officer in any interaction with a potential suspect.

Contact officer	Cover officer
<ul style="list-style-type: none"> • makes the contact • checks the licence • conducts roadside interviews/searches. 	<ul style="list-style-type: none"> • remains detached from the interaction • observes the scene for risk indications.

A second patrol can adopt the cover role for single crewed units or if the officers involved are inexperienced.

Note: If a single crewed unit attends to the driver without a cover officer or cover patrol car, regular contact with the Communications Centre (Comms centre) must be made. Refer to the ['Procedure before you stop a vehicle'](#) section later in this chapter.

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The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Types of patrol

This section contains the following topics:

- [Mobile patrol](#)
- [Stationary patrol](#)
- [Useful resources](#)

Mobile patrol

The objectives of a mobile patrol are to:

- be seen, particularly in high risk locations at high risk times
- deter and detect crime and/or offenders
- improve driving standards by setting an example
- respond safely to incidents.

Stationary patrol

A stationary patrol reminds the public of the Police presence, encouraging safe driving and deterring crime and other offending.

It is used at maximum visibility locations in heavy traffic flow and high risk locations, such as dangerous intersections and high crash areas.

Useful resources

- [National Road Policing Guide](#)
- [Prevention Guide: Road Policing](#)



Plan and prepare for patrol

This section contains the following topics:

- [Plan the patrol route](#)
- [Uniform requirements for traffic patrol](#)

Plan the patrol route

Police is committed to intelligence led policing. From a Road Policing perspective, this means deploying to meet risk.

Districts must focus on identifying specific road policing risks, especially those related to crash promoting behaviours, and the tactics that will be used to reduce them. These tactics are contained in Safer Journeys generally located in the District Tasking (RIOD) and Coordination SharePoint application (login required) as:

- real time taskings
- monthly taskings, and
- tactical taskings

depending on how your district manages its road policing staff and addresses its road policing risks.

As part of your patrol planning you should familiarise yourself with key risks in your area, wherever located. You and your supervisor need to determine what patrol actions will have the greatest impact on crash reduction. Other intelligence sources may be available to assist you. Use your local knowledge along with other information and intelligence to determine where you will be the most effective.

Use information to predict where and when you can make the best differences.

- target to risk from intelligence products, i.e. crash maps, and ask colleagues about local trouble spots
- are any potential major road blockages, events at sports grounds or special functions scheduled that may cause traffic problems.

When your patrol is interrupted, for example to attend an incident, you should revert to your plan once the incident has been dealt with.

Uniform requirements for traffic patrol

All employees undertaking traffic stops at night must wear the high visibility long-sleeved safety jacket or the high visibility long-sleeved raincoat, as part of their uniform in compliance with the Police Manual chapter '[Uniform, dress standards and appearance](#)'- 'Requirements when wearing uniform'.

The high visibility sleeveless safety jacket may only be worn during daylight hours, as it does not comply with the night time high visibility standard of the Australia and New Zealand Standard [AS/NZS 4602:20119](#).

Uniformed employees must wear uniform headgear for all work outside vehicles or buildings.



Before you stop a vehicle

This section contains the following topics:

- [Principles](#)
- [Stop a vehicle](#)
- [Procedure before you stop a vehicle](#)

Principles

Conduct each vehicle stop **safely, effectively, lawfully** and **professionally**.

Remember to:

- use the [contact and cover principle](#), and
- constantly be aware safety, not just road safety.

Stop a vehicle

There are four procedures to follow:

- [Before you stop a vehicle](#)
- [Alert the driver and position your vehicle](#)
- [Approach the vehicle](#)
- [Interview the driver](#).

Procedure before you stop a vehicle

Follow these steps before you stop a vehicle.

Step	Action
1	<p>Observe activity in the vehicle such as occupants preparing firearms, hiding evidence or acting suspiciously.</p> <p>Caution: If you suspect the occupants have firearms, you must stop the vehicle in accordance with the High Risk Vehicle Stops (within your PITT training) procedure while applying TENR.</p>
2	Know why, and plan how, you are going to stop the vehicle applying TENR .
3	<p>Where appropriate use your Mobility device to log the 3T, prior to engaging with the driver. Do not hesitate to use the radio if any safety concerns arise, prior to or during the vehicle stop - communicate the location, event and concerns to the Communications Centre (Comms) via the radio.</p> <p>When notifying Comms of a 3T, advise Comms of any safety concerns, including:</p> <ul style="list-style-type: none"> • the person(s) who would commonly use the vehicle being stopped • an occupant of the vehicle • location • registration of vehicle stopped. <p>• Using the radio also gives other patrols awareness of your location if you require assistance.</p>
4	<p>Assess the risk. Consider the:</p> <ul style="list-style-type: none"> • known history of the owner and occupants • proximity of the nearest back-up patrol.
5	<p>If there are suspicious circumstances, advise Comms of:</p> <ul style="list-style-type: none"> • the vehicle's direction of travel • a description of the occupants • how you plan to stop the vehicle • your back up requirements.



Traffic patrol techniques, Continued...

Version : 12.0

6	Request back-up early if needed based on any real or potential threats identified from your risk assessment. Follow the vehicle and stop it only once back-up is present.
7	Decide where you will stop the vehicle. Above all, the place should be safe and well lit in a built-up area where you have plenty of room to move. For public safety, there should be: <ul style="list-style-type: none">• no obstructions• no risk of crash• room for the occupants to get out safely. Note: Avoid stopping on corners or outside licensed premises.



Alert the driver and position your vehicle

This section contains the following topics:

- [To alert the driver](#)
- [To position your vehicle](#)

To alert the driver

Once you have selected a suitable location to stop the vehicle, based on [TENR](#), alert the driver by following these steps.

Step	Action
1	<p>Activate your vehicle's blue and red lights and use the siren to indicate your intention to the target driver.</p> <p>Note: It is recommended that you always activate your siren, even if it seems unnecessary. It will assist you in supporting a case of failing to stop or failing to remain stopped. In such cases you must satisfy the court that the driver had clearly heard and seen the patrol vehicle.</p>
2	Where possible, while following the driver keep to the right so they have a clear view of you in their interior and exterior mirrors.
3	Use your indicators to signal your intention to pull over to the left. Then use a hand signal or the PA system to direct the driver to stop in a safe location.
4	Check the traffic behind you.
5	Once you have attracted the driver's attention, and it is obvious the driver is pulling over, immediately cover the brake and be ready to brake in a controlled manner.
6	Allow a safety margin in case the driver panics and brakes abruptly.
7	If you are in an unmarked car, allow a greater safety margin than usual because of a possible delay in the driver's response.
8	Keep a watch on activities inside the car at all times.

To position your vehicle

Once have you alerted the driver, position your vehicle by following these steps and applying [TENR](#) throughout.

Step	Action
1	Once the driver understands they are required to stop, allow them to stop safely.
2	Slow down carefully and position your vehicle approximately a car length behind the other vehicle and 1 metre to the right of their vehicle.
3	Position your vehicle to create a safety zone in which to walk towards the other vehicle.



Approaching a vehicle

Vehicle approach procedure

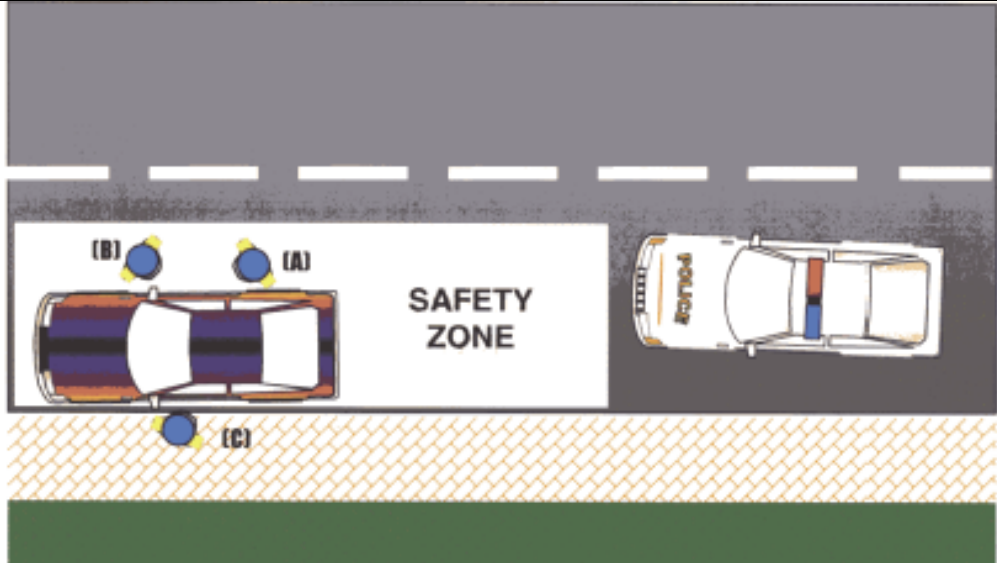
Follow these steps when initially approaching a vehicle and apply [TENR](#).

Step	Action
1	<p>Where appropriate use your Mobility device to log the 3T, prior to engaging with the driver. Do not hesitate to use the radio if any safety concerns arise, prior to or during the vehicle stop - communicate the location, event and concerns to the Communications Centre (Comms) via the radio.</p> <p>When notifying Comms of a 3T, advise Comms of any safety concerns, including:</p> <ul style="list-style-type: none"> • the person(s) who would commonly use the vehicle being stopped • an occupant of the vehicle • location • registration of vehicle stopped. <p>Using the radio also gives other patrols awareness of your location if you require assistance.</p>
2	<p>Before you get out of your vehicle, consider:</p> <ul style="list-style-type: none"> • your reason for the stop • the number or type of occupants • location • surrounding traffic • back-up availability.
3	<p>At night, use your forward facing 'take down' lights only briefly to scan the inside of the suspect vehicle.</p> <p>Caution: Do not leave the 'take down' lights switched on, as they reduce the contact officer's vision of the suspect vehicle.</p>
4	<p>Decide whether it is appropriate to turn your flashing blue and red lights down to the secondary setting; and check that ATIS has been activated (where fitted) before taking the keys out of the patrol vehicle ignition.</p>
5	<p>Use the contact and cover principle to approach the suspect vehicle. Discuss these roles with your partner, so each knows what the other is doing.</p>
6	<p>Always remove the patrol vehicle's ignition keys before leaving the vehicle.</p>
7	<p>Use the safety zone created by the patrol vehicle's position to protect you from passing traffic.</p>
8	<p>If you are the contact officer, it is usual to approach the driver's side of the vehicle scanning for hazards as you approach. Follow these steps:</p> <ul style="list-style-type: none"> • pause at position "A" (see diagram below) long enough to make contact with the driver and assess any danger • move past and stand at position "B" for any interview and interaction with the driver. Note: this position allows you to keep both the driver and approaching traffic in view • stand in position "C" in instances of heavy traffic flow. It may be safer to approach the vehicle from the passenger side.



Traffic patrol techniques, Continued...

Version : 12.0


	
9	Pause to reassess the risks.
10	Scan the condition of the suspect vehicle. In particular, take note of the boot lock, contents of seats and the demeanour of the occupants.



Approaching the driver

Driver approach procedure

Follow these steps when approaching the driver and apply [TENR](#).

Step	Action
1	Where there is risk of drive-off, instruct the driver to turn off their ignition.
2	<p>If a driver refuses your request to remain in the car, invite the driver to the side of the road near the rear of the car (see picture below). From this position, the cover officer can observe the interview and you can withdraw to the Police vehicle if necessary.</p> 
3	Never stand or conduct an interview in the area between the two cars. If your patrol vehicle is struck from behind, it may be shunted forward and into the suspect vehicle.
4	<p>If the driver gets out of the vehicle:</p> <ul style="list-style-type: none">• ask them to return and stay seated in the vehicle, and• if this request fails, follow step 2 above.



Interviewing the driver

This section contains the following topics:

- [Identify yourself](#)
- [Interview](#)
- [When interviewing](#)
- [Why this approach is successful](#)
- [How to interview](#)

Identify yourself

If the vehicle has been stopped because you believe an offence, other than a driving offence, has been committed, the contact officer must:

- if not in uniform, identify themselves by name
- produce evidence to show they are a Police employee (if not in uniform)
- if you intend to search the vehicle for a person or evidential material, you must comply with section [131](#) S&S Act 2012. You must:
 - identify yourself by name or unique identifier
 - if not in Police uniform produce identification
 - announce your intention to enter and search the vehicle
 - state the reason for the search
 - state the act under which the search is taking place (S&S Act).

See '[Vehicle search](#)' for further details.

Interview

The first 60 seconds are the most important, as this is considered the critical period in the officer/driver roadside interaction.

The incident or occurrence from the driver's perspective may be considered 'negative' from the point the vehicle is stopped until they are spoken to by the contact officer. The contact officer sets the scene for the interaction in the first 60 seconds.

When interviewing

Don't . . .	Do . . .
<ul style="list-style-type: none"> • apologise for the stop • show any outward signs of annoyance, anger or irritation • react to any smart, patronising or irritating remarks from the driver or occupants • be drawn into an argument (keep conversation to a minimum) • cause a driver to lose face, especially in front of their family or friends • threaten the driver • delay the driver unnecessarily. 	<ul style="list-style-type: none"> • be courteous, confident and positive without being confrontational • keep your approach neutral and fair • be alert for danger and constantly monitor the vehicle occupants' actions, as well as passing traffic and pedestrians • always 'keep your cool'.

Why this approach is successful

This approach is successful because:

- it reduces potential for conflict in traffic enforcement and helps maintain public co-operation
- when used consistently, the public knows what to expect and that reduces uncertainty and the potential for conflict
- it is sure and reliable and improves officers' confidence and professionalism
- it aligns with the principles of [Service First](#).



Traffic patrol techniques, Continued...

Version : 12.0

How to interview

Follow these steps when interviewing people stopped in their vehicles.

Step	Action
1	<p>Greet the driver by:</p> <ul style="list-style-type: none"> saying "Good morning, sir/madam/driver" (for example) until you find out their name. <p>Consider introducing yourself by name and station.</p>
2	<p>Explain firmly yet politely the reason for the stop. For example, "I have stopped you because I checked your speed at 70 km/h in a 50 km/h area".</p> <p>Note: Do not ask the driver if they know why the car has been stopped. This invites a denial and subsequent confrontation.</p>
3	<p>Ask for an explanation for the driver's actions and:</p> <ul style="list-style-type: none"> listen attentively without interrupting or commenting note the explanation in your notebook to use as evidence later if necessary.
4	<p>Ask for their driver licence to verify the driver's identity. Check the contents of the licence including that:</p> <ul style="list-style-type: none"> the picture is an accurate likeness it is not expired the driver has the appropriate class of licence to drive that vehicle any restrictions or conditions on the licence are complied with. <p>Keep the licence temporarily if you intend to issue an infringement offence notice (ION) or if you intend to prepare a charging document. Ask for the driver's particulars (section 114(3)(b) LTA):</p> <ul style="list-style-type: none"> full name full address date of birth occupation telephone number state whether they are the owner of the vehicle or not give the vehicle owners name and address. <p>After this, you may address the driver by name.</p> <p>Note: Mobility allows you to quickly scan a driver licence, Transport Service Label label or, Road User Charges label and vehicle licence label to enable quick check against details held in NIA (including Driver Licence version). This data can then be used to populate an ION or WTW if required.</p>
5	<p>Conduct a passive breath test on the driver. If appropriate, continue breath/drug test procedures in accordance with the 'Alcohol and drug impaired driving' chapter.</p>
6	<p>Inspect the vehicle for defects.</p> <ul style="list-style-type: none"> Check that the front registration plate number matches the rear. Check and note the Evidence of Vehicle Inspection (WOF or COF label) and licence label expiry dates, and that all relevant details match. Be alert for evidence of other offending, including criminal or drug related matters. <p>Note: Refer to the Safe Driver – Safe Vehicle video for further guidance.</p>
7	<p>If appropriate or necessary, return to the patrol vehicle to confirm the information and details given by a QV, QP or QDL.</p>

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Traffic patrol techniques, Continued...

Version : 12.0

8	Discretion - a certain level of discretion is permitted when considering what is the most appropriate action. See the ' Speed enforcement ', ' Traffic compliance scheme ' and ' Written traffic warnings ' chapters of the Police Manual for further information.
9	If an offence notice is required, tell the driver you are going to issue one. <ul style="list-style-type: none">• Fully complete the notice.• Explain the details of the notice to the driver.• Hand back the driver licence with the notice.
10	Leave your patrol car's warning devices on until the stopped vehicle has safely re-entered the traffic flow and you have moved off, or out of the safety zone position to the side of the road.

Note: These steps relate to exercising your powers as conferred by section [114](#) LTA, which gives Police the authority to stop and speak with a driver for traffic related offending. You need to be familiar with those powers.