

# **PINEVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

**SECTION: 12 TRAFFIC ENFORCEMENT**

**SUBJECT: 1204 PROFESSIONAL TRAFFIC STOPS POLICY**

**EFFECTIVE: 01/01/2015**

1. **PURPOSE.** The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

2. **DISCUSSION.** A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

This law enforcement agency is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

3. **POLICY.** It is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

4. **DEFINITIONS.** Racial profiling: The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics. Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

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5. PROCEDURE. The department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.

- A. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills.
- B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- C. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
- D. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop, the description of the person or vehicle being detained, and the statute number violated or other reason for the stop, and this information shall be logged.
- E. The department recognizes that with experience, individual officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:
- F. Give a greeting, such as "Good morning, ma'am", "Good even-ing, sir", etc. Identify yourself. Ex: "I am Officer Smith of the local Police Department. State the reason why the person is being stopped or detained. Ex: "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.) It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say", often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
- G. Politely ask for identification and any required documents. Ex: "May I please see your license, registration, and proof of insurance?" After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.
- H. Give an appropriate closing. For example, if the motorist was cooperative, "Thank you for your cooperation" may be in order. Do not use the trite

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expression, "Have a nice day", which would be inappropriate in these circumstances. "Please drive carefully, your safety is important to us" is more appropriate.

- I. Make sure the driver is able to merge safely back into the traffic stream. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. The proper form must be filled out by the officer, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
- J. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign", inserting initials and the signature of any witness in the signature block.
- K. If the police cruiser is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resume their journey.
- L. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- M. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.

6. **COMPLAINTS OF RACIAL/ETHNIC PROFILING.** Any person may file a complaint with the department if they feel they have been stopped or search-ed based on racial, ethnic, or gender-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

- A. Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form which may be mailed or delivered in person to headquarters, and shall record the person's name,

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- B. address, and telephone number, and report the contact to the officer's supervisor prior to the end of the shift.
- C. Supervisor receiving such a report shall forward it to the internal -affairs section<sup>3</sup> and all such complaints shall be reviewed, the complaint acknowledged to the -complain-ant in writing, and the complainant shall be informed of the results of the department's review within a reasonable period of time. The report and the reviewer's conclusion shall be filed with the Chief Executive Officer of the department, and shall contain findings and any suggestions for disciplinary action or changes in policy, training, or tactics.
- D. Supervisors shall review profiling complaints, periodically review a sampling of in-car video tapes of stops, reports filed on stops by officers, and respond at random to back up officers on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads.

### Endnotes

Departments may choose to gather this information in various ways, including but not limited to the use of mobile data terminals, cruiser logs, etc.

The type of information that is recorded, and how it is obtained, will vary from jurisdiction to jurisdiction.

Depending on the department and the seriousness of the allegation, incidents may be investigated at the level of the first line supervisor, by the Internal Affairs Unit, or by some other person or unit as appropriate.

**By order of**

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Darrell Basco  
Chief of Police