

HUNTINGTON WOODS DEPARTMENT OF PUBLIC SAFETY

GENERAL ORDER

	DATE OF ISSUE: 9-2-2020	EFFECTIVE DATE: 9-2-2020	NUMBER: 038
SUBJECT: WD.PROFESSIONAL TRAFFIC STOPS	BY ORDER OF: ANDREW PAZUCHOWSKI, DIRECTOR OF PUBLIC SAFETY		DISTRIBUTION: ALL PERSONNEL
REFERENCE: IACP GUIDELINE	AMENDS: 3-4-2018 8-4-2014 10-11-2004 9-21-2000		REEVALUATION DATE: ANNUALLY

PURPOSE

The purpose of this policy is to state unequivocally that racial profiling in law enforcement is totally unacceptable. This policy provides guidelines for officers to follow in preventing actual or perceived racial profiling, and to protect officers from unwarranted accusations when acting within the parameters of the law and policy.

DISCUSSION

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Along with this right is the right to be free from unreasonable searches, seizures, and unwarranted police actions. Citizens are free to walk and drive our streets, highways, and other places without unwarranted police interference. They are also entitled to be free from the acts of criminals, and to drive and walk through our neighborhoods, safe from the actions of law-breaking drivers.

The Huntington Woods Department of Public Safety, and each of its officers, is charged with protecting these rights for all people, regardless of race, skin color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of our business, we are required to be observant, to identify unusual circumstances and law violations, and act upon them. This proactive enforcement keeps our citizens free from crime, our streets safe to drive upon and leads to the detection and apprehension of criminals.

This policy is intended to assist our officers in accomplishing the mission of proactive patrol 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.

POLICY

'Bias Based Profiling', as a basis for any police action by this Department, is strictly prohibited. It is in the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, to investigate and prevent crime, and to actively enforce traffic laws, while insisting that persons only be stopped or detained when there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law.

I. Definitions

Bias Based Profiling: The detention, interdiction or other treatment of any person based solely on racial, ethnic, gender, sexual orientation, religion, age, economic status or any other identifiable group or status.

Reasonable Suspicion: Suspicion that 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 being committed, or is about to be committed by the person or persons under suspicion. Reasonable suspicion can be based on the officer's observations, combined with training, experience and information received from outside sources. Reasonable suspicion is more than a mere 'hunch'.

II. Procedures

- A. The Department's efforts shall be directed toward preventing and reducing crime and/or traffic crashes through proactive patrol.
- B. Motorists and pedestrians shall only be subjected to stops, detentions or searches upon reasonable suspicion that they are committing, have committed or are about to commit a violation of the law.
- C. Each time a vehicle is stopped, the officer shall notify the dispatcher of, at a minimum, the location of the stop, the license plate number of the vehicle and the general reason for the stop, i.e. traffic, suspicious, etc.
- D. The Department recognizes that, with experience, individual officers develop approaches that they find work best for them in minimizing conflict during officer/violator contacts. Absent some better approach, the following is recommended in the order specified:
 1. Give a greeting, such as "Good morning, ma'am", "Good evening sir", etc.
 2. Identify yourself, example: "I am Officer Smith of the Huntington Woods Police Department."
 3. State the reason why the person is being stopped.
 4. It may defuse tension to ask if there was a reason the person committed the violation. If you choose not to ask but the person wishes to provide the reason or excuse, listen politely, and provide an opportunity for the person to tell his or her story.
 5. Politely ask for identification and/or any require documents.
 6. After obtaining any necessary documents, inform the person of the action you will be taking, i.e. issuing ticket, warning, etc. In some instances, you may wish, because of circumstances, to be less specific, i.e. "I am going back to my car, I will be back in a few minutes," etc.
 7. After acting, inform the person of any action required of them, i.e. pay ticket, arrange court date, etc.

8. While appropriate to discuss the traffic violation with the motorist, officers should attempt to avoid the appearance of 'lecturing' which, with many persons, will escalate the level of tension.
 9. Give an appropriate closing. If the person was cooperative, for example, say "thank you for your cooperation." Do not use the trite expression, "have a nice day" which is often inappropriate in these instances. "Please drive carefully" is more appropriate.
 10. Assist a motorist in safely merging back into traffic.
- E. When a ticket is issued, it shall include the person's gender and race or ethnicity if reasonably ascertained by physical appearance or from provided documents. If not readily apparent, the officer shall not inquire further.
 - F. In every case where a person is stopped, the officer shall record the reason for the stop, the person's gender and race or ethnicity if reasonably ascertained by physical appearance or from provided documents, and date of birth on his or her activity log.
 - G. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity or gender of the person stopped is strictly prohibited and cause for disciplinary action.
 - H. NO PERSON, ONCE CITED OR WARNED, SHALL BE DETAINED BEYOND A POINT WHERE THERE IS NO REASONABLE SUSPICION OF ILLEGAL ACTIVITY.
 - I. No person shall be searched in the absence of a warrant or a legally recognized exception to the warrant process. In each case where a search is conducted, the officer shall complete a report that describes the reason for the search, the search process and the results the search.
 - J. If the police car is equipped with a video camera, it shall be used in accordance with the Department video policy.
 - K. In the absence of specific, credible information containing a suspect's physical description, race and gender shall not be a factor in determining reasonable suspicion or probable cause for a stop.

III. Supervision

- A. Traffic enforcement and investigation of suspicious persons shall be accompanied by consistent and ongoing oversight by Department supervisors.
- B. Supervisors shall closely inspect the actions of employees to ensure that actions do not go beyond the parameters of reasonableness. Such inspections shall take the form of periodic review of in-car videotapes, review of tickets and reports of traffic stops and arrests, and direct observation of officers while conducting traffic stops.
- C. Supervisors shall take immediate and appropriate action where they discover violations of this policy.

IV. Training

- A. Officers will receive initial training on *Bias Based Profiling* as part of the Field Training Officer program, then ongoing annual training in proactive enforcement tactics, including officer safety, traffic laws, courtesy, cultural diversity, search and seizure, and personal 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.

V. Complaints of Racial/Ethnic Profiling

- A. Any person may file a complaint with this Department if they feel they have been stopped or searched based on racial, ethnic, gender or status-based profiling. No person shall be discouraged, intimidated, or coerced from filing a complaint. No person shall be mistreated or otherwise discriminated against because of filing such a complaint.
- B. Any officer or supervisor contacted by a person wishing to file a complaint shall accept the complaint following procedures outlined in the Department's citizen complaint policy.
- C. All such complaints shall be investigated and resolved using the procedures outlined in the Department's citizen complaint policy.

VI. Annual Review

- A. The Director of Public Safety or his designee will conduct and document an annual review of agency activities in regard to bias-based profiling, including:
 - 1. An administrative log of any complaints and their status;
 - 2. An explanation of any corrective and remedial actions taken;
 - 3. Recommendations for training needs;
 - 4. A summary of any citizen concerns; and
 - 5. Recommendations for policy changes.