

5-09/520.00 CONSTITUTIONAL POLICING AND STOPS

As a public law enforcement agency, the Department is committed to ensuring that members of the public receive equal protection of the law without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation and in accordance with the rights secured or protected by the Constitution or laws of the United States. These ideals are engrained into our efforts and reflect our Department's continued commitment to Constitutional Policing.

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5-09/520.05 STOPS, SEIZURES, AND SEARCHES

Department members shall only conduct investigatory stops or detentions when they have reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Department members shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation.

Department members shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation.

Department members shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

Department members shall not conduct arbitrary searches. The request to conduct a consent search must be reasonable, and a deputy must be able to articulate a valid reason under law and policy for initially having stopped the individual.

Department members shall only conduct searches of individuals based on probation or parole status when knowledge of a probation or parole search condition has been established.

Department members shall immediately notify a supervisor when routine field activity or observations lead to consideration of a home search based on consent, and the supervisor shall either approve the search before it is conducted or, if appropriate, a search warrant should be sought.

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5-09/520.10 BACKSEAT DETENTIONS

A backseat detention occurs when an individual's freedom is restrained by placing the individual in the backseat of a patrol vehicle for investigative purposes for any period of time. Backseat detentions shall not be used except when the deputy has individualized reasonable suspicion that justifies a detention and an articulable reasonable belief that the detained person may pose a threat of physical harm or is an escape risk unless detained in the backseat. Backseat detentions are not permitted when based on unreasonable or factually unsupported assertions of deputy safety. Deputies shall not conduct backseat detentions as a matter of course during routine traffic stops or domestic violence situations.

In instances where the backseat detention is due to weather conditions or the individual's desire for privacy, the deputy will ask the individual whether he or she would like the option of sitting in the backseat of the vehicle and make clear that this placement is a courtesy and that the individual is free to exit the vehicle at any time.

Deputies shall explain to civilians in a professional and courteous manner why they are being detained in the backseat of patrol cars. If an individual complains about being detained in the backseat of a patrol car, the deputy shall call for a field sergeant to respond to the scene to address the individual's complaint. If the individual does not want to wait for the field sergeant to respond to the scene, the deputy shall provide the individual the deputy's business card.

Deputies shall not attempt to dissuade any individual from registering a complaint with a supervisor about a backseat detention, whether through their words, actions, or by delaying the notification to or the response from the supervisor.

The backseat detention contact type codes shall be used as the primary code in the Contact Type field to document all backseat detentions on the Deputy's Daily Work Sheet. The length of time of the backseat detention and the factual justification for the backseat detention "seizure" shall be articulated in the narrative portion of the deputy's log.

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5-09/520.15 CONSENSUAL ENCOUNTERS

Persons that are contacted during consensual encounters shall be free to leave at all times and the contact shall be voluntary. A consensual encounter can transform into a detention if a reasonable person believes that they are not free to leave.

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5-09/520.20 LOGGING PUBLIC CONTACTS

Field units performing regular field law enforcement duties shall create an electronic Deputy's Daily Work Sheet (DDWS) through the Mobile Digital Computer (MDC) or Computer-Aided Dispatch (CAD) system.

Units included in this classification include, but are not limited to:

- General patrol
- Traffic patrol
- Motorcycle patrol
- COPS teams
- Special Assignment Officers
- Gang Enforcement Team patrol units
- Special Enforcement Bureau directed patrol units
- Bicycle patrol
- Foot patrol
- Beach patrol units
- Associated field supervisors for the above units

Regular field law enforcement duties include, but are not limited to:

- Responding to calls for service
- Conducting vehicle, bicycle, and pedestrian stops for enforcement/investigatory purposes
- Assisting members of the public

The requirement to create a DDWS extends to units not equipped with an MDC. When a unit is not equipped with an MDC, the DDWS shall be created at the beginning of the shift by utilizing a station CAD terminal. Completion of the DDWS shall occur either during the course of the shift or prior to its conclusion.

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5-09/520.25 LOGGING FIELD ACTIVITIES

All significant public contacts and activity shall be appropriately logged on the Mobile Digital Computer's Deputy's Daily Work Sheet (DDWS). The Mobile Digital Computer's DDWS logs shall contain only accurate information including, but not limited to, the race of each individual detained or searched, the result of the stop, and the date, time, and location of the stop.

For the purposes of this policy, "significant public contacts and activity" are defined as:

- Calls for service;
- Self-initiated activity that results in arrest or citation;
- Self-initiated activity that is enforcement/investigative in nature but does not result in arrest or citation; and/or
- Self-initiated activity which is not enforcement/investigative in nature but results in Department personnel taking some form of constructive action, e.g., requesting a tow truck for a stranded motorist.

Each field incident shall be logged separately with its own unique “Tag” number. Deputies shall not log multiple unconnected incidents or traffic stops under a single “Tag” number. Multiple citations or activities resulting from the same traffic stop or incident shall be logged under the same “Tag” number. These concepts are equally applicable to vehicle, pedestrian, and bicycle stop contacts.

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5-09/520.30 STATISTICAL CODES FOR TRAFFIC, PEDESTRIAN, AND BICYCLE STOPS

The statistical codes 840 (Traffic Stop), 841 (Pedestrian Stop), and 842 (Bicycle Stop) shall be used when field personnel conduct vehicle, pedestrian, or bicycle stops based on probable cause, reasonable suspicion, or for other investigative purposes or to follow up on leads from prior incidents. The codes shall be used when logging vehicle, pedestrian, or bicycle stops which are associated with:

- Calls for service;
- Self-initiated activity that results in arrest or citation; and/or
- Self-initiated activity which is enforcement or investigative in nature but does not result in arrest or citation.

These codes shall be used in addition to any other statistical code(s) used to classify the incident. The narrative portion of the logged incident shall also include the reason for the contact and a brief description of the action taken by deputies.

The Mobile Digital Computer “Reasonable Suspicion” and “Pat Down” Contact Information Codes require justification for the stop or search and shall be noted in the narrative portion of the deputy’s log.

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