

2020 Unknown Risk Traffic Stop Training

Columbia Police
Department
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Goals and Objectives

By the end of this course, Columbia Police Personnel will be able to:

1. Identify key points of critical policies defining how officers will conduct themselves on traffic stops.
2. List minority groups defined by Missouri law
3. List key components of Missouri's racial profiling law on a written test
4. List the requirements for a Terry Stop on a written test.
5. List the components of a Terry Frisk on a written test.
6. Identify how implicit bias can affect an officer's decision making on a written test
7. Identify ways an officer can demonstrate procedural justice during a traffic stop
8. Participate in simunition tactics car stops that demonstrate sound tactical decision making
9. Participate in simunition tactics car stops as the driver of the vehicle
10. Demonstrate tactics and behaviors consistent with CPD Policy 506

...equally, fairly and without discrimination...

CPD Policy 402: The Columbia Police Department is committed to providing law enforcement services to the community with due regard to the racial, cultural or other differences of those served. **It is the policy of this department *to provide law enforcement services and to enforce the law equally, fairly and without discrimination* toward any individual or group.**

Source: Columbia Police Department Policy Manual

Minority Group Defined

590.650. 1.

As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

Source:

<http://www.moga.mo.gov/mostatutes/chapters/chapText590.html>

Minority Groups added

For purposes of our discussion today, we will also include the impact on:

Disabled

Elderly

Poor

LGBTQ

Muslim, Sikh & Arab

Any disaffected or culturally different community than the officer encountering them

Source: Producing Bias Free Policing A Science Based Approach Fridell

Racial Profiling

Racial profiling has been defined as the *inappropriate* use of race by law enforcement when making a decision to stop, search or arrest a motorist.

I don't care about what you are I care about what you did

Source: <https://www.ago.mo.gov/home/vehicle-stops-report>

Definitions

Detention-Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

- Source: CPD POLICY 440

Reasonable Suspicion

CPD Policy 440:

Reasonable suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Source: CPD Policy 440

Probable Cause

Probable Cause for Arrest

Probable cause for arrest exists when facts and circumstances within the police officer's knowledge would lead a reasonable person to believe that the suspect has committed, is committing, or is about to commit a crime. Probable cause must come from specific facts and circumstances, rather than simply from the officer's hunch or suspicion.

Probable Cause

Probable Cause (search warrant):

In determining probable cause, the Court is to look to the “totality of the circumstances and make a common sense practical decision whether there is a fair probability that contraband or evidence of crime will be found in a particular place.”

Source: Columbia Police Department PowerDMS Search and Seizure Law in Missouri - Guide to Search & Seizure Law in Missouri

Articulable

Articulable
articulable adj

: capable of being expressed, explained,
or justified

[police had observed drug sale and stopped defendant on
reasonable suspicion that he was dealing drugs "National
Law Journal "]

Source: Merriam-Webster's Dictionary of Law ©1996. Merriam-Webster, Incorporated. Published under license with Merriam-Webster, Incorporated.

Fourth Amendment

U.S. Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- Source: <http://constitutionus.com/>

Missouri Constitution

That the people shall be secure in their persons, papers, homes, effects, and electronic communications and data, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, or access electronic data or communication, shall issue without describing the place to be searched, or the person or thing to be seized, or the data or communication to be accessed, as nearly as may be; nor without probable cause, supported by written oath or affirmation.

- Source: Const. of 1875, Art. II, § 11.
- (Amended August 5, 2014)

Terry Stop

When an officer observes unusual conduct leading him to reasonably believe criminal activity may be afoot, he may stop that person, identify himself as a police officer, and make reasonable inquiries. “Reasonable suspicion” or “articulable suspicion” is all that is required, not probable cause. The Supreme Court has noted that the “level of suspicion” is considerably less than proof of wrongdoing by a preponderance of the evidence.

Exceptions to the Search Warrant Rule

The Fourth Amendment generally provides that a valid warrant is required in order for a search to be valid.

There are, however, several exceptions to the rule that permit a warrantless search. Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

Valid consent.

Frisk/Pat down search for weapons.

Vehicle searches under certain circumstances (exigency, automobile exception, etc.).

Vehicle Inventory.

Exigent circumstances.

Incident to a lawful arrest.

Seizure of evidence or contraband in plain view or by plain touch

source: CPD Policy 322

Terry Frisk

If a reasonably prudent man in the officer's position would believe his safety or that of others is in danger, he may go a step further and pat down the exterior clothing of the person for weapons, the wingspan of the suspect in the car.

The officer need not be absolutely certain the defendant is armed. The test is whether a reasonably prudent person in same circumstances would believe he was in danger.

CPD Policy 322

a. Terry v. Ohio, 392 U.S. 1 (1968) was a landmark decision by the United States Supreme Court which

held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer observes unusual conduct which leads him to reasonably conclude, based on his/her experience, that the person

(1) has committed, is committing, or is about to commit a crime;

and

(2) that person "may be armed

and

(3) presently dangerous."

Not us...other jurisdictions

WARNING: GRAPHIC CONTENT AND LANGUAGE Feel free
to leave the room & I'll come get you

Serve and Protect

More of this now than ever?

Thoughts?

Tools entrusted to us

The Fourth Amendment is where we draw our authority to act . The Fourth Amendment presumes that ALL government seizures are unreasonable...

[Terry V Ohio](#)

Terry Factors

1. The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
2. Where more than one suspect must be handled by a single officer.
3. The hour of the day and the location or area where the stop takes place.

But not limited to...

- 4. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- 5. The appearance and demeanor of the suspect.
- 6. Visual indications that suggest the suspect is carrying a firearm or other weapon

Know your limitations

Open Carry Encounter

Terry v Ohio case cite

Frisk and Search of Vehicles

Frisk: **Michigan v. Long**

Terry frisk applies to passenger compartment of a vehicle, valid even if occupants removed

Factors:

- facts for stop
- events during detention
- nervous behavior
- furtive conduct and movements
- evasiveness
- other incriminating info about vehicle or occupants

Frisk and Search of Vehicles

Search: **Arizona v. Gant**

Search incident to lawful arrest of vehicle if:

- arrestee unsecured and within reaching distance of passenger compartment at time of arrest

OR

- “reasonable belief” evidence relevant to crime of arrest will be found in the vehicle

Occupants of Vehicles

Pennsylvania v. Mimms

Officer may order drivers and passengers of lawfully stopped vehicle to exit the vehicle

Why?

When?

How?

Fair & Impartial intended outcome; to understand that

- well-intentioned people have biases that can impact their perceptions & behavior
- policing based on stereotypes/biases is ineffective, unsafe & unjust
- there are consequences of biased policing for community members & the police agency
- we can learn skills that help reduce/manage bias

Source: Producing Bias Free Policing A Science Based Approach Fridell

Implicit Bias

Implicit biases are pervasive. Everyone possesses them, even people with avowed commitments to impartiality such as judges.

Implicit and explicit biases are related but distinct mental constructs. They are not mutually exclusive and may even reinforce each other.

The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse. We generally tend to hold implicit biases that favor our own ingroup, though research has shown that we can still hold implicit biases against our ingroup.

Source: <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>

Implicit Biases

- ...categorize & link individuals to stereotypes or generalizations associated with their group.
- not based on animus or hostility & can impact perceptions & behavior outside of conscious awareness...discriminatory actions
- Even those who, at the conscious level, reject prejudice and stereotyping, can and do manifest implicit bias

- Source: Producing Bias Free Policing

Implicit Bias on video

- Unconscious Bias
- Bias by any other name

Managing Your Own Bias

Bias is a sum of your life experiences, beliefs and attitudes about people, groups and races.

Contact Theory: The notion that contact between members of different groups can, under certain conditions, reduce prejudice is one of the most prominent ideas underlying approaches to improve intergroup relations

Source: Producing Bias Free Policing

To Promote Bias Free Policing

- Give Serious consideration to complaints of operational bias
- Reduce the risk of bias in high-discretion, crime-control-focused activities
- Adopt policing models that promote bias-free policing and the perceptions of it
- Avoid profiling by proxy Source: Producing Bias-Free Policing a Science-Based Approach

Procedural Justice

...people want to have an opportunity to explain their situation or tell their side of the story to a police officer...

...to make arguments and present evidence before the police make decisions about what to do...

...they want to have a voice. This is true both when policies are being developed and when officers implement them on the street...

Source:

http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf

Procedural Justice

When people look back on an encounter with police, they focus on how they were treated, rather than the outcome (arrest, ticket).

Group Discussion: What ways can you act that create a positive memory of the way they were treated?

25,000 Traffic Stops

Just be a human being?