

**8.01**  
**CRAIG POLICE DEPARTMENT**  
**Office of Chief of Police**  
**General Order**

**Date Issued:** November 1, 1997

**Revision Date:** April 1, 2009

**Subject:** Traffic Law Enforcement &  
Citizen Stops

**Reference:**

**To:** All Officers

**I. POLICY:** It is the policy of the Craig Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while ensuring 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.

This Department establishes no quotas for the issuance of traffic citations by any officer. However, officer enforcement activity may be a part of the job performance consideration.

**II. PURPOSE:** To state unequivocally that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers of the Craig Police Department to prevent such occurrences, and to protect our officers from unwarranted accusation when they act within the law and policy.

**DISCUSSION:** A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right 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 as long as they obey the law. They also are entitled to be protected from crime and from the actions of reckless and careless drivers.

The Craig Police Department 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. As such, traffic stops and interactive foot patrols are vital law enforcement responsibilities. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and detects and apprehends criminals.

This general order is intended to assist personnel of the Craig Police Department 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. Further, it provides guidelines to ensure that officers take proper enforcement action and attempt to alter favorably the violator's future driving habits. The procedures should minimize conflict between the officer and the violator and facilitate a professional interaction.

Officers shall contact, stop, detain, search, and/or arrest persons only in accordance with established laws, legal and ethical guidelines, department policy and recognized training standards, and in a manner that is free from racial, cultural, biased or discriminatory intentions.

### **III. 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/her training and experience, and/or reliable information received from credible outside sources.

### **IV. PROCEDURE:**

#### **A. General Guidelines**

1. In an effort to prevent inappropriate perceptions of bias based law enforcement, officers shall utilize the following strategies when conducting any pedestrian and/or vehicle stops:
  - a. Be courteous, polite, and professional,
  - b. Introduce yourself and explain to the citizen the reason for the stop as soon as practical. In vehicle stops, provide this information before asking the driver for his license, registration, and proof of insurance,
  - c. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense,
  - d. Answer any questions the citizen may have, including explaining options for the disposition of a citation, if applicable.
2. 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.
3. This general order does not preclude an officer from stopping a vehicle to offer assistance, e.g., to inform a driver of an item left on the roof, or of a substance leaking from the car. Such actions should be reported as an "assist motorist" call.
4. Officers are prohibited from stopping, detaining, searching or arresting anyone because of the person's race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation -- unless they are seeking an individual with one or more of those identified attributes.

- a. Officers may consider a person's apparent age when investigating a possible curfew violation.
- b. Officers are frequently alerted to look for suspects and repeat offenders that fit a particular description.

5. Officers shall complete an incident report whenever:

- a. There is a search of the vehicle or occupants, except at authorized roadblocks.
- b. Any occupant is handcuffed or taken into custody.
- c. There is a use of force (other than verbal commands) by any officer.
- d. The driver or any occupant questions whether the stop was made because of profiling.

6. Officers shall treat every person with courtesy and respect. An officer shall provide his/her name, badge number and reason for a citizen stop whenever a pedestrian, motorist or passenger requests such information.

7. Whenever a person complains that an officer has engaged in practices prohibited by this directive, the officer will immediately notify the shift supervisor.

8. It is each officer's responsibility to recognize a violation when it is committed and take appropriate enforcement action.

9. Officers shall take appropriate action whenever a violation is detected. This includes provable violations determined as the result of accident investigation as well as officer observed violations.

10. Non-moving violations and parking regulations shall be effectively enforced.

11. 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.

## B. Violator Contact

Traffic enforcement is one of the many routine tasks performed by officers. For violators, however, it is frequently an emotionally traumatic experience. In many cases, this is the only contact that a person has with this department. Officers should be aware of these conditions and should strive to make each contact educational and leave the violator with the impression that the officer has performed a necessary task in a polite, professional manner.

## C. Warnings

1. Proper enforcement does not always require an official court citation. In many instances the ends of justice and the objective of enforcement are adequately served by issuance of a warning. Violations involving doubt should result in warnings, giving the violator the benefit of doubt. All warnings will be documented on a Warning Notice form and a copy given to the violator.

2. When no enforcement is taken (e.g. no summons issued), a Written Warning form should be issued. In the event a Written Notice form is not used, and as a courtesy to the members of our community, officers will provide the individual(s) with his/her business card with the date and time of contact written clearly on any part of the card. In order to establish uniformity, Craig Police Department business cards should provide some basic information. The following items should be printed on the business cards:

- a. Officer's name
- b. Officer's assignment
- c. Department administrative phone number

#### D. Citations

Citations are to be issued in the manner stated by the court. The copy designated for the defendant should be issued at the scene. The remaining copies will be submitted to the Records Division by the end of that shift. No citation shall be judged or dismissed by anyone in the police department after issuance. Should a citation be in question, the Chief shall be consulted and may confer with the Attorney and/or Court for a decision.

#### E. Voiding Citations

1. Citations are accountable to the department and must be processed as directed by the Court.
2. Replacing an incorrect mutilated or cancelled citation: Write in the word VOID diagonally across the form and initial the form. Write "Replace By" and the number of the citation being issued. A supervisor must approve and indicate the reason for voiding on the citation.
3. Mutilated unused citation forms must be returned to Records.
4. If the officer is interrupted by an emergency call while writing a citation, the officer shall explain to the violator that he/she must leave and the violator may be contacted at a later time for completion of the citation.
5. Citation forms are never to be discarded. All forms are to be returned to Records.

#### F. Parking Violations

Officers will enforce parking regulations within the City of Craig as provided by City Ordinances and Section 1204 of the Model Traffic Code. Officers will issue parking violation warnings or tickets utilizing the prescribed form.

1. The notice may be served by attaching a copy to the vehicle in violation or by personal service upon the operator or registered owner.

2. Payment of Parking Tickets: The penalty assessment may be paid by mailing the specified amount to the Craig City Court, 300 West 4th, Craig, Colorado, 81625; or by appearing in person at the Craig City Hall during normal business days and hours.

3. Completion of Parking Ticket

a. Officers shall complete each appropriate section of the Parking Ticket.

b. Officers shall consult the appropriate fine schedule for the amount of fine for the violation. The total fine shall appear on the ticket.

c. The ticket shall indicate that if the penalty is not paid the day before the scheduled City Court appearance, the violator must appear in City Court on the date and time indicated.

d. The appearance date shall be set for the prescribed day of the week and time as set forth by the City Court.

## **V. COMPLAINTS:**

A. Any person may file a complaint with the department if they feel they have been stopped or searched 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 of having filed such a complaint.

B. Any department employee contacted by a person who wishes to file a racial profiling complaint, shall provide the citizen with complete information on the process to file a complaint, and shall record the person's name, address and telephone number. The department employee will then report the contact to his/her supervisor prior by the end of their shift.

C. Any supervisor receiving such a report shall contact the complainant and initiate a complaint receipt form. The supervisor shall then conduct a preliminary inquiry. If, after conducting a preliminary inquiry, the supervisor determines the employee did not violate this policy, the supervisor will forward his/her investigation and recommendation through the chain of command.

D. All racial profiling complaints shall be reviewed, with the complainant being 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 of Police, and shall contain findings and any suggestions for disciplinary action or changes in policy, training, or tactics.

**VI. TRAINING:** 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 communication skills. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

**VII. DOCUMENTATION:**

A. Telephone comments received in response to the issuance of written warnings, or business cards on traffic or pedestrian contacts shall be reviewed during normal business hours on business days. Positive and negative comment information shall be documented on the Police Contact Concerns / Comments Form. When completed, this form shall be forwarded to the Chief of Police.

B. The Department shall initially keep the identity of the reporting person and the report of any comment that constitutes a complaint confidential to the extent permitted by law. The Department shall be permitted to obtain some identifying information regarding the complaint to allow initial processing of the complaint. It may become necessary for the complainant to provide additional information in order to process the complaint further. In the event this additional information becomes necessary, the complainant will be asked to divulge the additional identifying information at that time. If the complainant refuses to provide additional identification information, the complaint shall be documented. Absent the identification of the complainant, follow-up of the complaint may not be possible, and the complaint may be closed without further action.

C. Bias based profiling complaints received by a supervisor in any manner other than through the telephone number listed on business cards shall be processed as would any other 'citizen complaint', except when the complaint alleges bias based profiling, the complaint information shall be documented on the Police Contact Concerns / Comments Form and forwarded by the receiving supervisor to his Division Commander. The Division Commander shall review the information and forward the form to the Chief of Police for disposition as a bias based profiling complaint.

D. If bias based profiling occurs, corrective measures include all the provisions identified in [policy 3.03](#).

E. The Department shall, in January of each year, compile any information derived from the telephone calls received, or any other source, that allege bias based profiling due to the distribution of written warnings or business cards. The department shall make such information available to the public, but shall not include the names of police officers or the names of persons alleging profiling. The Department may also include in such information the costs to the agency associated with maintaining compliance with the provisions of the policy manual.

This directive provides general guidelines to personnel regarding improper practices and is for internal use only. It is not intended to enlarge an officer's criminal or civil liability in any way, except as to any disciplinary action that might arise. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims.

Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an employment-related proceeding.

Any officer or employee of the Craig Police Department who knows of, or has any information about conduct that would amount to a violation of this order, shall immediately report that information to a supervisor.

**Approved By:**



**Walter K. Vanatta**  
**Chief of Police**