



Chapel Hill Police Department



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RELATED POLICIES: 2-18 Low-level Misdemeanors
Merged with policy 3-14 (Vehicle Checkpoints) and policy 3-4 (Warning Tickets).

PHILOSOPHY: Research has shown that traffic stops result in disparate outcomes for some members of our community. The Chapel Hill Police Department actively works to eliminate any possibility of bias, implicit or otherwise, in the execution of its duties. Since research has also shown that regulatory stops have a disparate impact on marginalized individuals within our community, it shall be our policy not to use them as a basis for conducting a traffic stop. This policy will outline the procedures, record keeping, and analysis we conduct towards that end.

The Chief of Police will ensure that a quarterly review of all stops be conducted to examine the agency's progress towards providing fair and impartial policing.

Policy: It is the policy of CHPD that traffic stops are conducted in a consistent and equitable manner. This policy establishes expectations and procedures for conducting stops and recording data to ensure that applicable statutes, policies and philosophies are followed.

I. Definitions

- A. Traffic Stop: The seizure of a vehicle and its occupants by means of lights, siren or other demonstration of authority for the purpose of investigating violations of the law.
- B. Warning Ticket: An electronic warning ticket printed from E-citation.
- C. Traffic Stop Report (TSR) SBI-122: State form documenting demographic and search data.
- D. Consent to Search Form: CHPD form explaining a driver's rights regarding the search of their vehicle.
- E. Low-discretion searches: Searches conducted pursuant to applicable policies/directives/laws. These include: probable cause searches, search incident to arrest, search of a vehicle after its seizure, or a car frisk to determine if weapons are accessible by a driver or passenger. Low-discretion searches are generally not influenced by bias.

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- F. High-discretion searches: Searches conducted pursuant to an officer's request. These are often referred to as "consent searches" and employees should note that high-discretion searches could be influenced by bias.
- G. Demographic Tracking Report: Quarterly report submitted to the Chief of Police summarizing the analysis of procedures and outcomes resulting from traffic stops conducted during that quarter.
- H. Regulatory Stops: Any non-moving, non-safety related traffic stops (example, expired registration, cracked windshield, broken taillight, broken license plate light and other laws not connected to safe operation of a motor vehicle).

II. Procedures

- A. Officers must have a lawful reason for making a traffic stop. A regulatory stop cannot serve as the basis for conducting a stop.
- B. Officers may only issue verbal or written warnings for regulatory or equipment violations discovered during a lawful traffic stop.**
- C. Officers are prohibited from stopping, detaining, arresting, searching, or attempting to search anyone based solely upon the person's race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed a motor vehicle violation or other offense.
- D. Officers shall treat every person with courtesy and respect.
- E. Officer shall notify the driver of the reason for the stop on every traffic stop, interdiction, detention, arrest, or other non-consensual interaction unless doing so will interfere with an investigation or create a safety concern.
- F. Officers shall identify themselves and provide their supervisor's name whenever either is requested.
- G. All traffic and citizen stops shall be limited to the amount of time necessary to reasonably complete the transaction.
- H. All supervisors shall ensure that employees do not engage in discriminatory practices. This shall include clearly stating to employees that discriminatory practices are not tolerated, conducting ongoing reviews of enforcement activities, quarterly reports to identify possible profiling patterns, and encouraging appropriate enforcement tactics.

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- I. All traffic stops will be called into Orange County Communications on the primary channel.
 1. When making the decision to stop a vehicle, officers are encouraged to consider the following:
 - i. Traffic flow and congestion: Officers should select locations where the stop is less likely to interfere with the flow of traffic.
 - ii. Lighting: If possible, traffic stops conducted at night should be done in areas that are well lighted.
 - iii. Characteristics of the roadway: Officers should avoid curves or hills that could obstruct passing motorists' view.
 - iv. Severity of the violation: The driving behavior of the motorist should be considered when deciding when or if to make a stop.
- J. Traffic stops shall be conducted by officers in full police uniform. If an officer wearing plain-clothes must stop a vehicle, he/she will immediately identify themselves as a Chapel Hill police officer and summon a uniformed officer to the scene as soon as is practical.
- K. If an officer has in-car or body worn audio and video recording equipment, he/she will make sure that it is activated and recording whenever a vehicle is stopped in accordance with CHPD Policy 3-09 – In-car Audio/Video Equipment.
- L. All traffic stops will be documented in one or more of the following ways:
 1. Citation: A NC Uniformed Citation may be issued for any infraction or misdemeanor for which probable cause exists.
 2. Arrest Report: In certain circumstances an arrest report may be completed in addition to a citation.
 3. Written/verbal warning: A verbal warning or warning ticket shall be given in place of a citation when the officer believes that a warning will suffice and/or when follow-up to a violation is desired. All such stops will be documented in the Field Contact module of our RMS system.

III. Documentation

A. Warning Tickets

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1. Warning tickets may be issued to motorists, cyclists or pedestrians. Once issued, the warning will be documented using the Field Contact module in RMS. Prior to issuing a verbal warning or warning ticket, officers will check the department's records database to determine if the person has been previously warned for the same or similar violation. The officer issuing the verbal warning or warning ticket will be responsible for any follow-up required, such as in the case of equipment violations.
2. When determining if a warning is appropriate, officers are encouraged to consider the following:
 - i. Severity of the violation: Citation or arrest should be reserved for instances when dangerous driving has been observed. All other instances should suggest that a warning is appropriate.
 - ii. Has the driver been warned for similar violations?
 - iii. Does the driver have a documented dangerous driving history?
 - iv. Does the driver have a documented history of failing to appear in court?
3. Officers may consider a citation if one or more of the elements described above are present.
4. Warning ticket records will be maintained in the Field Contact module of the department's record keeping system. A paper copy will be stored in the Records Division.

IV. Procedures:

- A. History Check: Officers will check the department's records database to determine if the person has already received a warning ticket for the same or similar violation.
- B. Bicyclists: A warning ticket may be issued to a bicyclist who is found to be in violation of a State law or Town ordinance.
- C. Pedestrians
 - i. Checking the block marked "Other" in the first category of the warning ticket will indicate that the ticket was issued to a pedestrian.

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- ii. Officers will inform the violator that the violation will be documented and recorded at the Chapel Hill Police Department.

D. Traffic Stop Reports (TSR) SBI-122

i. Supervisors are responsible for conducting regular reviews of the demographic tracking report data submitted by their officers and for submitting a quarterly report to their division commander documenting that the review was completed. As part of this review, the supervisor will compare the number of traffic stops recorded in CAD with the number of citations/ warnings issued. In accordance with CHPD Policy 1-6, Fair and Impartial Policing, discrepancies in these totals will be reported in the quarterly review and appropriate corrective action taken.

ii. North Carolina General Statute 143B-903 requires police agencies to keep statistics on traffic stops. A Traffic Stop Report (SBI-122) must be completed for every traffic stop. Every officer will be issued a unique identification number to be used on the Traffic Stop Report (SBI-122) The department must submit this report to the SBI on a regular basis.

iii. Officers are not required to complete a Traffic Stop Report (SBI-122) for vehicles stopped at a checking station unless one of the following incidents occur:

- (1) An occupant of the vehicle is arrested.
- (2) A citation or warning ticket is issued.
- (3) Contraband is found in the vehicle or on one of the occupants.
- (4) Property is seized.
- (5) A search of a vehicle or its occupants.
- (6) Physical resistance by an occupant of the vehicle.
- (7) An occupant of the vehicle is injured.
- (8) Force is used against an occupant of the vehicle.
- (9) An investigation occurs as a result of the checking station stop.

iv. When completing a Traffic Stop Report, officers will:

- (1) Insert their name at the top of form or add it if it is not already there.

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(2) Add their unique TSR number and the date and time of the traffic stop.

(3) Add the initial purpose of the traffic stop. Ex: if a vehicle was stopped for speeding and the driver is DWI, the initial purpose for the stop would be speeding and not DWI.

(4) Add driver's information. Officer will completely fill in the driver's information to include race, sex, age and ethnicity.

(5) Check the appropriate block in the enforcement action taken section. If an arrest is made indicate whether it was the driver or a passenger.

(6) Complete the "resistance encountered" block, if necessary. If an officer encountered physical resistance, engaged in use of force, and/or if any injuries occurred either to the officer or any occupants of the vehicle. The officer will check all blocks that apply.

(7) If a search was initiated subsequent to the traffic stop, the officer will check the box. If you fail to check the box, none of the data collected below will be reported to the State.

(8) Check appropriate box for the type of search conducted. You can only check one box. If an officer gets consent to search a vehicle, the consent will be documented on a written consent form. An officer can search incident to arrest if they are searching for additional evidence of the crime they are investigating. If an officer has probable cause to search a vehicle and asks for consent to search and receives it, this will still be labeled a probable cause search.

(9) Check the basis for the search. The officer will check all blocks that apply.

(10) Check whether the vehicle, driver, passengers, and/or personal effects of the driver or passengers were searched. The officer will check all blocks that apply.

(11) Add the age, sex, race and ethnicity of each passenger searched.

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(12) Check whether or not contraband was found. If contraband is found, indicate whether it was drugs, alcohol, money, weapons, or other. The officer will also indicate the amount of contraband found based on the proper measurements. The officer will check all blocks that apply.

(13) Check whether or not property was seized during the traffic stop. If property was seized, the officer will check all blocks that apply.

v. There are two user-defined fields under the miscellaneous tab of the form. The officer will complete the prior stop and patrol type fields.

(1) Prior stop will indicate whether the officer making the stop has personally stopped this individual before.

(2) The patrol type field has four choices:

(a) Directed Patrol: If an officer has been assigned to a directed patrol to deter criminal activity.

(b) Directed Traffic: If an officer has been assigned to a directed patrol to deter motor vehicle violations.

(c) Routine patrol: if an officer on routine patrol makes a stop for a criminal violation.

(d) Routine traffic: If an officer on routine patrol makes a stop for a motor vehicle violation.

E. Consent to Search Forms

F. There are two categories of searches that may be conducted following a traffic stop: low discretion and high discretion. Low-discretion searches do not require the completion of the Consent to Search form. Consent to Search forms are required for high-discretion searches.

G. Officers must read the form to the driver, must ensure that the form has been understood (including the right to refuse the search), and must complete the form as indicated. Forms must be submitted pursuant to

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the guidelines found in SOP 400.16 Consent to Search forms and supervisors shall spot-check these interactions as part of their 28-day video reviews. Failure to correctly document and submit the search form may result in serious disciplinary action.

H. Mere nervousness on the part of the driver or an occupant is not enough to request a search. An officer's experience, training, and skills all contribute to his or her ability to assess the totality of the circumstances and consider the request to search.

I. Demographic Tracking Report

vi. Patrol supervisors shall submit a quarterly report to their Division Commander certifying that they have reviewed the stops, documentation, videos and other indicators to look for any disparities or irregularities in terms of race, gender and ethnicity.

J. Training & Awareness

vii. All Chapel Hill Police Department employees will complete the departments' course on Fair & Impartial Policing.

viii. Supervisors will review and discuss each officers stop statistics from the Demographic Tracking Report as part of their employees annual performance review.

V. Vehicle Checkpoints: It is the policy of the Chapel Hill Police Department to conduct vehicle checkpoints in compliance with Chapter 20 of the North Carolina General Statutes. **Checkpoint authorization** is the Chapel Hill Police Department form that is completed and signed by the Police Chief, or his designee, prior to each checkpoint