


<b>LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 221	Section: OPERATIONS	Effective Date: SEPTEMBER 2022
Title: <b>PROFESSIONAL POLICE CONTACTS</b>		
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I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect citizens observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, disability, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of citizens (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of citizens. Officers shall not stop, detain, arrest, search, or attempt to search anyone based **solely** upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, disability, age, or religion. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and citizens.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias  
Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased-Based Policing  
Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of individuals or persons based on individual demographics.

- C. **Ethnicity**  
A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. **Gender**  
Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. **Disability**  
As defined in the Americans with Disabilities Act (ADA), with respect to an individual, a disability is “a physical or mental impairment that substantially limits one or more major life activities of such individual;” “a record of such an impairment;” or “being regarded as having such an impairment”. 42 U.S.C. §12102.
- F. **Pretextual**  
Refers to the officer's pretext or reason for making a stop.
- G. **Probable Cause**  
Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- H. **Profile**  
A legitimate profile, sanctioned by the department, is a very specific attribute, or cluster of attributes or characteristics, that form the basis for reasonable suspicion of criminality. A profile is only valid for a limited time and under limited circumstances, most often for drug trafficking. These attributes or characteristics are established in writing based on considerable training and experience. A legitimate profile will not be based solely on a person's race, sex, sexual orientation, gender, national origin, ethnicity, disability, age, or religion.
- I. **Race**  
A category of people based on common physical or genetic traits or characteristics. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to the group of people under a classification.
- J. **Racial Profiling**  
The unlawful detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics. "Racial profiling" refers to practices prohibited by this department.
- K. **Reasonable Suspicion**  
Articulable, objective facts which lead an experienced officer to suspect that a person stopped has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a citizen. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- L. **Sex**  
A biological classification, male or female, based on physical and genetic characteristics.
- M. **Stop**  
The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is **investigative detention**. Refer to GO #103 for a description of the circumstances that may give rise to reasonable suspicion for a stop. A citizen may not conclude a stop; the officer concludes the stop when his or her articulable concerns are satisfied.
- N. **Fair and Impartial Treatment**  
The belief that persons, irrespective of race or other distinctions, shall be treated in the same basic

manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

#### O. Individual Demographics

For the purposes of this policy, personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.

#### P. Police Services

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

### IV. PROCEDURES

It is policy of the Leesburg Police Department to accomplish lawful objectives by conducting voluntary field contacts, investigative stops, and frisk during the course of officer interactions within the community. Additionally, it is the policy of the department to conduct all non-consensual investigative detentions, traffic stops, and arrest based on the standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers are mandated to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrest, searches, and property seizures.

#### A. Voluntary Field Contacts

1. Field contacts may be initiated when an officer wants to approach someone to talk or to ask questions for identification.
2. Officers do not violate an individual's Fourth Amendment rights if they merely approach a person and ask if that person is willing to answer some questions, or if they put questions to a person who is willing to listen. An individual's voluntary answers to such questions may be offered in evidence in a criminal prosecution.
3. The key to maintaining a voluntary field contact from becoming an investigative stop is that the person does not have to answer any questions and may leave at any time.
4. Voluntary field contacts may be initiated any place where an officer has a legitimate right to be and generally include:
  - a. Town owned or controlled property that is normally open to the public.
  - b. Areas intended for public use or normally exposed to public view.
  - c. Places to which an officer has been admitted with the consent of a person empowered to give such consent.
  - d. Places where circumstances require immediate law enforcement presence to protect life or property.
  - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
  - f. Any other areas in which an officer may effect a warrantless arrest.
5. While conducting voluntary field contacts, officers shall consider the following factors as relevant in determining the voluntariness of the contact:
  - a. Physical contact – slightest application of physical force in stopping or holding a person.
  - b. Display of weapons – display of weapons is inherently coercive, and displaying weapons and/or threatening their use.
  - c. Advising a person that they have the right to refuse – officers, if asked should advise a person that they have a right to refuse, leave, or deny to cooperate.
  - d. Movement from the initial site of contact – officers shall be cognizant that moving a person from the initial site of the voluntary contact can influence the person's

- e. perception of the encounter.
  - e. Interference with freedom of movement - officers shall position themselves and their vehicles in a manner that allows for a path of egress during voluntary encounters.
  - f. Number of officers – officers shall be cognizant of the perception of a voluntary person when multiple officers are on-scene of a voluntary encounter.
  - g. Demeanor and appearance – officers shall be cognizant of their demeanor and appearance and communicate in a manner that the person has a choice and that compliance is not required.
  - h. Retention of personal property – officers shall be cognizant of the retention of a voluntary person’s property (identification) and the person’s limited ability to leave when property is in the officer’s possession.
- B. Investigative Stops
- 1. The temporary detention of a subject when an officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.
  - 2. When conducting investigative stops, courts have ruled that officers may consider the following factors in building foundations to stop a person:
    - a. Valid knowledge that a person has a prior felony record.
    - b. A person fits the description of a wanted notice.
    - c. A person has exhibited furtive conduct as defined by the courts.
    - d. The appearance of a person is similar to the description given in a lookout for a known offense or criminal incident.
    - e. A person exhibits unusual behavior (staggering, appearing to be in need of medical attention, etc.)
    - f. The area and time of day, such as a person observed in a public area which has a history of recurring crime during the same time period as the time of the stop.
    - g. Hearsay information based on its degree of credibility and reliability.
- C. Frisk – if an officer reasonably suspects that a person may be armed and constitutes a danger to the officer or other person, the officer may conduct a limited search of the person’s outer clothing.
- D. Period of Detention – Courts have generally held that the period of detention is a brief intrusion upon a person’s movement. If the detaining officer determines that the basis for reasonable suspicion no longer exist, the person detained should be immediately released. If probable cause for an arrest does not develop in a reasonable time period, the officer shall immediately release the person.
- E. Use of force in Investigative Stops – Generally, officers may use the force reasonably necessary, such as moderate pressure to stop, turn or guide a person during an investigative stop. Courts have permitted the following types of force in stopping a person, when the force was reasonable on the basis of the circumstances:
  - a. Blocking a suspect’s vehicle with a police vehicle
  - b. Pointing a service weapon at a suspect for the officer’s protection.
  - c. Making a suspect lie on the ground.
  - d. Ordering a suspect or other occupant out of a vehicle.
  - e. Handcuffing a suspect for the officer’s protection.
- (Officers using force in an investigative stop for officer safety reasons must be prepared to articulate why their actions were reasonable under the circumstances)
- F. Contexts of Bias
- Bias occurs most often in field interviews, stops (for traffic or investigative detention), or in narcotics cases. The following topics are those that most frequently relate to bias. The applicable general orders should be consulted for detailed guidance.
- 1. Arrests
  - 2. Checkpoints
  - 3. Complaints/internal investigations
  - 4. Field interviews
  - 5. Interviews/interrogations

6. Juvenile procedures
7. Narcotics enforcement
8. Patrol tactics
9. Personnel evaluation
10. Prisoner handling/transportation
11. Searches/seizures
12. Traffic stops
13. Training/field training manuals
14. Use of force
15. Searches Incident to Arrest

G. General Responsibilities

1. Officers are prohibited from stopping, detaining, searching or arresting anyone **solely** because of the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, disability, or religion. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Citizens shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all citizens.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. See GOs #103, #201 and #208 for further guidance. How the officer disengages from a traffic stop may be crucial to a citizen's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the citizen's person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat citizens with the same courtesy and respect that they would have citizens observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate citizens' access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the chief of police through the chain of command any complaints made by citizens against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.
  - c. Some information collected by or stored at the department may be releasable to the public. Information dissemination shall be accomplished per the requirements of G.O. 118 (Public Information).
5. When feasible, personnel shall offer explanations to citizens of the reasons for enforcement actions or other decisions that bear on citizens' well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter with a citizen, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a citizen requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. Unless required by law, a citizen's refusal to cooperate or provide information does not create any justification for further enforcement action. Refusal to sign a summons or failure to obey a lawful order of an officer are examples of exceptions to voluntary cooperation.
8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

H. Fair and Impartial Treatment

1. Biased-based policing is prohibited both in enforcement of the law and the delivery of police services.
2. Officers shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.

3. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.
4. In treating all with dignity and respect officers will practice speaking to people and not speaking at people
  - a. Speaking to people means people are more likely to positively engage with the officer and is a technique that can be used to defuse situations
  - b. Speaking at people can cause people to distance themselves and often times become confrontational.

#### I. Compliance

1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.
2. Depending on the nature and seriousness of the incident, supervisors may provide the involved officer(s) with informal, non-punitive intervention such as training and counseling.
3. All external complaints and internal complaints that cannot be resolved effectively and appropriately by supervisory personnel—or that are determined to be potentially serious in nature—shall be forwarded through the chain of command to the Chief or designee.
4. The Office of the Chief of Police shall maintain data relating specifically to complaints of biased policing. Information shall be provided to the chief executive officer or designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.

#### J. Supervisory Responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to managing community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Any criminal profiling requires supervisory participation and oversight. Any criminal profiles used in enforcement shall be authorized by the chief of police per a detailed, written analysis. All criminal profiles shall be authorized in writing and shall be self-canceling after a specified date. Upon cancellation, supervisors shall prepare a report on the utility and results of the profile and submit it to the chief of police via the chain of command.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
7. Supervisors shall facilitate the filing of any citizens' complaints about law enforcement service.

#### K. Pretextual Traffic Stops

1. Pretextual traffic stops, or those in which the explanation to the citizen of the reason for the stop may not reflect all of the officer's actual reasons, are legal and in some circumstances are necessary.
2. Note that the officer's subjective intent (pretext) is irrelevant when stopping a vehicle; the legitimacy of the stop will be gauged by its objective reasonableness. As long as an officer has at least one legal reason for stopping a vehicle (such as a minor traffic violation), then it is irrelevant that the officer had some suspicion unrelated to the traffic stop.

#### L. Documenting Investigative Stops, Frisks, and Maintenance of Records

Information obtained and collected as the result of conducting investigative stops and frisks can be fully utilized only if the information is properly documented, maintained, and available for analysis through the departments Records Section. The availability of this information allows greater efficiency in crime analysis and criminal investigations and also serves to ensure the proper exercise of law enforcement authority, as well as enhancing an officer's ability to reconstruct, at a later time, events surrounding the investigate stop or frisk.

1. Officers conducting an investigative stop are required to document the following pertinent data in either an Incident-Based Report (IBR), Incident Report, traffic summons, or written warning. All searches and/or frisk of persons shall require the same pertinent information documented on either an Incident-Based Report (IBR) or Incident Report.
  - a. Race (**W**-white/**B**-black/**I**-American Indian or Alaska Native/**A**-Asian/**U**-Unknown)
  - b. Ethnicity (**H**-Hispanic or Latino/**N**-Not Hispanic or Latino/**U**-Unknown)
  - c. Age (Date of Birth)
  - d. Gender (**F**-female/**M**-male/**O**-other)
  - e. English speaking (**Y/N**)
  - f. Initial reason for stop/frisk (**T**-traffic violation/**E**-equipment violation/**C**-calls for service/**S**-terry stop/**P**-check point/**O**-other)
  - g. Location of stop/frisk (Intersection/Address/Highway or Interstate)
  - h. Stop resulted in warning/summons/written citation (**W**-warning/**S**-summons/**A**-arrest/**N**-no enforcement)
  - i. Vehicle searched (**Y/N**)
  - j. Person searched (**Y/N**)
  - k. Physical force used by police to conduct stop (**Y/N**)
  - l. Physical force used by subject towards police (**Y/N**)
2. Officers shall complete an Incident-Based Report (IBR), in lieu of an Incident Report, whenever force is used to conduct an investigative stop and/or frisk of a person.
3. It is the responsibility of supervisory personnel to ensure that their respective subordinates Community Policing Data is accurately collected, recorded, and transmitted to the department's Record Section in the timely prescribed manner.

#### M. Training

All sworn employees will receive initial and refresher in-service training every two years, and where deemed necessary or required, remedial training on subjects related to police ethics, cultural diversity, disability awareness, police-citizen interaction, standards of conduct, conducting motor vehicle stops, implicit bias, and related topics suitable for preventing incidents of biased policing.