

Police Civilian Oversight Board Comments and Recommendations on “Professional Traffic Stops” (General Order 521)

Legal Authority for the Board’s Recommendation

Sections 2-452(c)(4) Section 2-462(a) of the Charlottesville City Code grant the Charlottesville Police Civilian Oversight Board the authority: “...To investigate policies, practices, and procedures of the Department and to make recommendations regarding changes to such policies, practices and procedures...” The authority of municipalities to grant such powers to oversight organizations is found in VA Code 9.1-601(a)(4).

Board Comments and Recommendations

The Board’s comments on CPD General Order 521 “Professional Traffic Stops” are organized by Section as follows:

§ 521.2 POLICY

1. Modify the language about “aggressively investigating” traffic violations. (Maybe “proactively” would be better) and reformat the paragraph so that the need for reasonable suspicion is given equal emphasis with vigorous enforcement.
2. As currently written, this section refers only to “enforcing motor vehicle laws” However, the full General Order also deals with “Felony Stops.”

§ 521.3.1 TRAFFIC STOPS

1. Define the differences between a “Traffic Stop” and “Felony Stop” because procedures can differ so much between them. (“Felony Stops” probably need its own General Order; see below.)
2. The procedure should list the steps in initiating a stop (lights, siren, etc.)
3. There should be some discussion of officer discretion in initiating a stop. (If it is mentioned in another General Order, that document should be cited here.) Discretion should be clearly limited; if any individual is seen to have committed a traffic violation or broken any other law, a stop should be initiated. Doing otherwise opens the potential for patterns of behavior that could give the appearance of bias or favoritism.
4. Throughout this section, individuals that are stopped are referred to as “suspects” and vehicles that are stopped are referred to “violation” or “suspect” vehicles. This should be changed to “subjects” and “subject vehicles.”
5. No mention is made of traffic stops related to juveniles, people with special circumstances (e.g., anyone with designated immunity, military, incompetence, etc.)
6. § 521.3.1(b). assumes that traffic stops will be performed on a highway when that is not always the case. Instead, more general language should be used relating to preferred stop locations. As an example, "The actual stop should be made in a location that will afford the officer and subject the greatest safety available.”
7. § 521.3.1(p). What does “the trunk should be checked” mean?

8. § 521.3.1(r). Discuss what to do when defiant, belligerent subjects are encountered. Cite guidance on use of force and de-escalation as necessary.
9. § 521.3.1(r)(3). Officers should be polite and careful when interacting with subjects. While Officers may “ask a violator [sic] if there is a particular reason for a violation,” the procedure should caution officers that they should not insist that the subject admit to the violation.
10. Add a sentence to this section that signing a summons does not constitute an admission of guilt.
11. § 521.3.1(u). This section should include instructions to turn on dash cams as soon as a violation is detected. It’s our understanding that dashcams have a 30-second loop so that turning them on immediately will have a good chance of capturing the violation. This will provide an additional level of documentation when stops are challenged.

521.3.2 FELONY AND HIGH-RISK TRAFFIC STOPS

1. Define “Felony and High-Risk Stops” so that officers know when to apply this guidance. When they see someone commit a crime? When they see a car that is reported stolen or whose owner has an outstanding felony warrant?
2. Is this very brief section enough to cover all the issues that might arise while conducting these more dangerous stops? A separate General Order might be useful.
3. If these stops are to be covered here, then the relevant use of force and de-escalation GOs should be cited.