

**Unit Goal: History and Training Requirements**

**37.1 Discuss the Community Safety Education Act (SB 30, 85<sup>th</sup> Regular Session).**

Senate Bill 30, titled the "Community Safety Education Act".

- Passed by the 85<sup>th</sup> Regular Session of the Texas Legislature in 2017.
- Goal: to provide information to drivers, the public, students, and training for members of law enforcement, on the expectations that each should have during a contact between officers and motorists.
- Includes instructions to drivers on how they should react and communicate with officers during a traffic stop. **The proper responses by the driving public are to be included in training for new officers and continuing education courses for veteran patrol officers.**
- Officers, in turn, receive best practice instruction on their expected behaviors and reactions during a citizen contact.
- The same type of information under SB 30 would be part of instructional materials taught to high school students and provided to driver training and driving safety course instructors.

**37.2 Discuss the required law enforcement training requirements under the Community Safety Education Act.**

The Community Safety Education Act amended Occupations Code Sec. 1701.268 to include the following:

**CIVILIAN INTERACTION TRAINING PROGRAM**

- (a) In this section, "board" means the State Board of Education.
- (b) The commission and the board shall enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing a training program, including training and testing materials, on proper interaction with civilians during traffic stops and other in-person encounters. The training program must include information regarding:
- (1) the role of law enforcement and the duties and responsibilities of peace officers;
  - (2) a person's rights concerning interactions with peace officers;
  - (3) proper behavior for civilians and peace officers during interactions;
  - (4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and
  - (5) how and where to file a complaint against or a compliment on behalf of a peace officer.
- (c) In developing the training program under this section, the commission and the board may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the training program.
- (d) Before finalizing a training program under this section, the commission and the board shall provide a reasonable period for public comment.

**Required Training Deadlines:**

- The Civilian Interaction Training course is a **required course** to be completed no later than the second anniversary of the date the officer is licensed unless the officer completes the training as part of the officer's basic training.

- A peace officer or reserve law enforcement officer who holds a license under Chapter 1701, Occupations Code, issued on or before January 1, 2018, shall complete a training program established under Section 1701.268, Occupations Code, as added by this Act, not later than January 1, 2020.

**Unit Goal: Role of law enforcement and the duties and responsibilities of peace officers.**

**37.3. Review of the Seven Step Violator Contact method.**

**Instructor note:** The Seven Step Violator Contact method is required to be taught by Texas Commission on Law Enforcement-licensed academies in the Basic Peace Officer Course. This section should be a review for Texas peace officers. This traffic stop method will also be taught in high schools and driver's education and safety training courses; as such, it will be the expected method used for traffic stops.

**The Seven Step Violator Contact method:**

Step One: Greeting and identification of the police agency:

- The greeting may be accomplished in the most natural way for the officers. They may introduce themselves, or use only a "Good Morning," "How do you do?" or other natural greeting. This is a courtesy we owe to every citizen stopped.
- Regardless of whether the officers are in a marked car and in uniform, they should identify themselves and name the agency.
- The objectives in the greeting are to employ business courtesy, to help make the subject feel at ease, and to establish a common ground free of unnatural actions, superiority, or deference. Smile and speak in a normal tone.
- Remember there are many citizens, and a great number may not reside in the locale and therefore do not recognize the uniforms. A greeting and identification of the agency represented are important, not only to the violator, but to the success of the contact.

Step Two: Statement of violation committed:

- The officers owe the driver the courtesy of telling the at once the reason they have been stopped. This step should emphasize the seriousness of the violation and serve to create a proper effect upon the violator.
- If the case is one of speeding, the officers should ascertain whether attending circumstances might morally justify such speed to a normal, prudent person.
- After being told of the violation for which they have been stopped, the question, "Is there any reason for your excessive rate of speed?" offers the subject an opportunity to justify their actions if a reason exists, and if none, places them in a position of admitting the violation.
- However, with the above exception, one should refrain from asking questions concerning the subject's knowledge of the violation committed. Remarks made by the officer should be in the form of a statement rather than a question.

Step Three: Identification of driver and check of conditions of violator and vehicle:

- The officer should identify every violator stopped by requesting their driver's license.
- If the subject does not have a license, the officer should ask for other identification, preferably one that carries the subject's description. If the subject has none, the officer should write down a brief description of the person: age, height, weight, eyes, hair, identifying marks, and address.

- The officer, after identifying the subject, should call them by name during the remainder of the interview.
- Should a violator hand an operator's license to the officer in a purse or billfold, have them remove the license themselves so that no accusations can be made about loss of money or important papers.
- A close comparison should be made between the description of the individual and the description of the subject on the driver's license.

Step Four: Statement of action to be taken:

- The officer should make a clear statement, in a firm but calm manner that will leave no doubt as to the action planned. Example: "You will be charged with the offense of speeding in the Justice of the Peace Court in Austin.
- You will be given ten (10) days (Specify Procedure) in which to answer this charge. You are going to be charged with the offense of passing with insufficient clearance. You will be warned for the violation, which you have committed.
- A record of this violation has been made and we ask that you cooperate by driving your vehicle in compliance with traffic regulations."
- Patrol officers should practice the technique of refraining from using the word "I" during the violator interview. Place the emphasis on the violator, and the violation committed, by using the word "you." When the patrol officer states that, "I am going to..." the action shifts from the violation committed to the action to be taken by the officer and affords the violator an opportunity to shift the blame from the offense committed to the action taken by the arresting officer. When the "you" technique is practiced, much unpleasantness is avoided.

Step Five: Take that action:

- Write the citation, take the violator into custody, or call their attention to the seriousness of the violation and possible consequences (warning), therefore performing the action in the manner the officer has decided.

Step Six: Explain what the violator must do:

- Explain to the violator exactly what action they must take.
- That is, they must get into the patrol car, follow the patrol car, appear at a certain court by a certain time and before a certain magistrate, or refrain from repeating the violation.
- A short explanation serves to dispel much uncertainty in the mind of the violator. Make the explanation clear and be sure the violator understands.
- Remember, they may not be familiar with the courts and the locations involved as you are. A little extra time here may result in more appearances on time and less warrant service.

Step Seven: Leave:

- Closing the contact with the violator is awkward for many officers. It is an opportunity to create a feeling of friendliness if the proper technique is used. Gloating attitude should be avoided. The leave taking should be as firm and impersonal as the approach. A parting comment spoken in a sincere, yet business-like tone is sufficient.
- This is an appropriate time to notify the driver that they are free to leave. When the violator contact has been broken, immediately return to the patrol car.

The Seven Step Violator Contact procedure will be taught to citizens for the first time through training in high schools, driver's education courses and driver safety courses (defensive driving) as a result of the Community Safety Education Act. This will increase citizen expectations that officers will use the procedure.

**Instructor note:** This portion of the course may be supplemented with scenario-based practice of traffic stops. In-car or body camera video may be used as case studies of proper expected performance to enhance student learning and reinforce agency expectations of officer behavior.

**37.4. Identify expectations of officer demeanor on traffic stops.**

- Officers should treat motorists with dignity and respect. Most traffic stops are simple business transactions between a citizen and peace officer. Citizens have a reasonable expectation of being treated fairly and with courtesy.
- Officers are not required by state law to provide their names or badge numbers to a driver but may be required to do so by agency policy. Citations and warnings at most agencies contain the officer's name and identification number on the citation. It is common courtesy for an officer to identify themselves when asked to do so by a citizen.
- It is recommended that an officer explain to a driver that when a citation is issued, it is with the implied agreement that the driver will appear in court or make the arrangements necessary to satisfy the court appearance. The officer may instruct drivers to read the information provided on the citation regarding the driver's obligation to appear in court.
- When seeking to perform a consent search, officers should elicit clear consent for the search, including, when practicable, a signed statement or video-recorded affirmative consent to the search from the motorist. Consent to search must be voluntary, not coerced through threats or deception. Remember the person consenting to the search must be present during the search and in a position where they can retract or cancel their consent at any time.
- While it is not required by law, it is recommended that an officer inform a driver or passenger(s) of when they are no longer being detained. Many drivers are unsure of themselves and nervous when stopped.

**Unit Goal: Proper civilian behavior during a traffic stop.**

**37.5. Explain how uncertainty and ignorance may lead to unnecessary tension during traffic stops.**

**Instructor note:** This would be a good time to show the video, "Flashing Lights: Creating Safe Interactions Between Citizens and Law Enforcement." This video was produced to support this specific training initiative and will be shown as part of the civilian training programs. The video should be available for download/streaming from the TCOLE website [www.tcole.texas.gov](http://www.tcole.texas.gov) or Texas Department of Licensing and Regulation website [www.tdlr.texas.gov](http://www.tdlr.texas.gov).

- Tension on traffic stops comes from officer uncertainty and/or driver ignorance. A driver may be attempting to comply with the requirement to show identification and

insurance by rummaging around in their vehicle to obtain documents. An officer viewing this behavior through a safety/self-preservation lens may be concerned for safety and respond with gruff, concise commands to stop the behaviors. The driver may be offended by the officer's blunt demeanor because they don't understand why the officer was so abrupt leading to a more confrontational interaction.

- Texas drivers traditionally received very little, if any, training on how to act when being stopped by law enforcement. Sometimes the training received was contradictory and led to behavior that officers perceive as threatening their safety. The Community Safety Education Act (SB 30) seeks to change this by standardizing the training received by Texas drivers and law enforcement officers. The Act mandates that high school students and students receiving driver education and driver safety training receive consistent training in expected behaviors.

### **37.6. Explain how civilians are being taught to act on traffic stops.**

**INSTRUCTOR NOTE:** The following section is an excerpt from the Texas Drivers Handbook 2017. The Handbook is routinely revised, and instructors should refer to the newest version to ensure that current information is relayed to students.

When Stopped by Law Enforcement (from Texas Drivers Handbook 2017):

If you are stopped by law enforcement, it is suggested you:

- Slow down and move the vehicle safely to the right of the road.
- Park your vehicle as far to the right of the main traffic lane as possible. If available, park on the right shoulder or, if unavailable, park on a nearby well-lighted side street or parking lot away from high volume traffic.
- Place the vehicle in a parking position, set the emergency brake, turn the engine off, and activate the hazard warning lights.
- If at night, turn on the interior dome light.
- Remain in the car, lower the driver's window if you feel safe to do so. Keep both hands clearly in sight on the steering wheel. Wait for the law enforcement officer to give you instructions. An officer may approach from either side of the vehicle.
- Before reaching into your glove box or under the seat to retrieve your proof of insurance or driver's license, inform the officer of where the items are located and follow the officer's directions.
- If asked to exit the vehicle, check for passing vehicles to exit safely.
- Advise passengers to remain in the car unless other instructions are given by the law enforcement officer, and
- At the conclusion of the traffic stop, give the appropriate signals and safely return to the proper lane of traffic when released by the law enforcement officer.

Obligations, Responsibilities, Courtesy and Safety:

- State law requires a driver to immediately stop when approached by an authorized emergency vehicle and you may be arrested if you do not stop immediately. If you feel the area is unsafe to stop immediately or if you have concerns the vehicle is not a real police vehicle, you can take the following steps to minimize the risk of being arrested or charges being filed against you: turn on your hazard lights and drive slowly and

carefully below the posted speed limit; you may call 9-1-1 and remain on the phone with the operator while you stop and verify the officer's identity; you may drive to a nearby well-lighted, populated place to stop. It is important to understand that law enforcement jurisdictions overlap, and a local 9-1-1 call center operator may not be able to immediately determine what officer is working in that area at that time. If you stop in an unsafe location, such as on a bridge or a high traffic roadway, an officer may direct you over the public address speaker to move to a safer location. Follow the officer's directions.

- Law enforcement officers, drivers, and passengers should respond with courtesy during traffic stops and other officer/citizen interactions. Drivers and passengers should not exit the vehicle unless asked to do so. Exiting your vehicle may be perceived as aggressive behavior and a threat to the officer's safety. Drivers and passengers inside a vehicle should not attempt to reach, dig, or search for their license or insurance documents before or while an officer is approaching. Drivers who transport handguns in their vehicles are encouraged to keep them in a separate location from license and insurance documentation.
- During a traffic stop, the driver and any passengers are subjected to an investigative detention, which may only last for a reasonable amount of time. Passengers can ask the officer if they are free to leave and do so if the officer agrees. Law enforcement may ask questions during this time. You cannot be punished for refusing to answer questions; however, drivers are required by law to display a driver license when requested by an officer. If you are lawfully arrested, you are also required to give your name, residence address, and date of birth. A driver or a passenger who gives law enforcement a false or fraudulent identity or false answers may be arrested. It may be to your benefit to speak to law enforcement, such as to convey the reason you may have an emergency or for the driver to provide the officer your name, address, and date of birth if you do not have your driver license with you.
- Law enforcement may also ask for consent to search your vehicle or person. You may grant or deny the request to search; however, if an officer has probable cause to believe that your vehicle contains evidence of a crime, it can be searched without your consent. If an officer reasonably believes that you have a weapon, the officer can conduct a pat down search of your person and the immediate area around you, including areas of your vehicle. It is unlawful to physically resist a search, but you have the right to notify the officer that you do not consent to any search.

#### Complaints or Concerns:

- If you believe an officer has acted inappropriately during a traffic stop or other encounter, you should report that conduct to the officer's superiors and follow agency guidelines for submitting complaints against officers as soon as possible. Officers will normally provide their names and badge numbers on request, when practical. Due to the overlapping of jurisdictions, drivers should make sure they identify the correct agency as well as any identifying aspects of the officer and law enforcement vehicle.
- Drivers should refrain from arguing the validity of a charge during the traffic stop or detention. Signing a citation is not admitting guilt. It simply confirms your promise to pay the fine or contact the court. If you do not agree with the charge brought against

you and wish to contest it, you should argue your case before a judge or request a jury trial and acquire the services of an attorney to represent you.

**Instructor note:** SB 1849 (85<sup>th</sup> R) Sandra Bland Act Section 5.01 amended Article 2.132, Code of Criminal Procedure to require all agencies to “provide public education relating to the agency’s compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.” Agency complaints contact information is now contained on citations and warnings, provided along with citations and warnings, or published on the agency’s public website.

False Identification Offense:

- A person commits an offense if they give a false or fictitious name to a law enforcement officer who has lawfully arrested or detained the person.

Evading arrest or detention:

- A person commits an offense if they intentionally flee from a person they know is a peace officer or federal special investigator attempting to lawfully arrest or detain them. You will be subject to higher penalties if you use a vehicle or watercraft while evading arrest or cause injury to another person.

**37.7. Describe visual or audio recording of traffic stops.**

- Most traffic stops are recorded by law enforcement officers using a body-worn camera, an in-car camera, or a combination thereof.
- Many companies and citizens now have installed digital video cameras in their company and personal vehicles to document the behavior of other drivers or other phenomena they encounter while driving the Texas roads.
- Many cyclists have helmet or bicycle/motorcycle mounted cameras as well. These are perfectly legal and becoming increasingly common. All modern smart phones are equipped with video and audio recording capabilities.
- In Texas, citizens have the right to make video or audio recordings of almost any transaction to which they are an active participant or witness. This includes interactions with law enforcement, such as traffic stops. Witnesses may legally record video of peace officers as they interact with the public in much the same way that officers record the same transactions. Citizens may not, however, do so in a manner that physically impedes an officer’s or other public servant’s ability to perform their duties. For example, they cannot physically place themselves between an officer and someone the officer is attempting to search or arrest. It is reasonable for officers to ask them to stand a safe distance from the officer or others or to remove them from an active crime scene to protect the integrity of crime scene.