

# BEAVERTON POLICE DEPARTMENT

# GENERAL ORDER

NUMBER: 9.05.00  
SUBJECT: PERSON STOPS  
EFFECTIVE: NOVEMBER 21, 2005  
REVIEW: NOVEMBER 2006, 2007, 2008, 2009, 2010

The 1997 Oregon Legislature passed a bill increasing the authority of law enforcement relating to person stops. This bill requires law enforcement agencies to adopt or implement policy regarding person stops. This General Order adopts, with limited modification, the model policy.

1. PURPOSE. To insure that all stops, detentions, and searches of persons, including persons in vehicles, by this department are lawful and do not violate a person's rights on the basis of race, color, sex, age, or national origin, and

- A. To provide a process for persons who feel this Order has been violated to initiate a complaint;
- B. For the prompt acknowledgment and proper investigation of those complaints; and
- C. For the reporting of data related to this Order to the Asset Forfeiture Oversight Advisory Committee.

2. POLICY. Because it is the fundamental duty of every member of this department to observe, respect, and protect the constitutional rights of every person with whom we come in contact:

- A. No person shall be subject to any stop, detention, or search by members of this department when such stop, detention, or search is based solely and impermissibly on the person's race, color, sex, age, national origin, or upon the member's perception of any person's race, color, sex, age, or national origin.
- B. The department and its members shall encourage the prompt and courteous reception of information, offered by any person, related to the operations of this department, or related to the actions of any department member concerning this Order. All such reports or information shall be promptly acknowledged, where appropriate proper investigation will occur without undue delay.

C. No member shall conceal information related to the violation or alleged violation of this Order nor shall any members of any rank impede, influence, or interfere with the reporting of investigation of any violation or alleged violation of the Order.

A. The department will cooperate fully and expeditiously in the collection and reporting of data related to this Order.

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2. DATA COLLECTION REQUIRED. Members shall document all self-initiated stops (both traffic and pedestrian) not related to dispatched calls for service. The documentation shall be a 5-digit demographic/search code entered into the disposition remark field of the MDT. Each member shall cause the 5-digit code to be entered into the CAD system either by personal data entry or via the radio to dispatch. The 5-digit demographic/search code is based solely on the officer's perception of the subject stopped and will be described in the following manner:

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1<sup>st</sup> Digit = Race

A = Asian

B = Black

L = Latino (Hispanic, Mexican, Cuban, etc.)

N = Native American

W = White

O = Other/ Not Apparent

2<sup>nd</sup> Digit = Gender

F = Female

M = Male

U = Unknown

3<sup>rd</sup> Digit = Age

A = Adult

J = Juvenile

4<sup>th</sup> Digit = Reason for the Stop

C = Criminal Code

M = Municipal Code (non-traffic)

T = Vehicle Code

A = Written ATL, Directed Patrol, BOLO

5<sup>th</sup> Digit = Search Result

N = No Search Conducted

0 = Nothing Found

1 = Weapon Found

2 = Drugs/ Narcotics Found

3 = Alcohol

4 = Contraband

5 = Inventory Search, nothing found

In cases where there are multiple persons stopped in a vehicle, the 5-digit code will reflect the driver of the vehicle. When multiple pedestrians are stopped at one time, the first 5-digit code entered will reflect the pedestrian that brought attention to the officer to make the stop. Additional 5-digit codes will be entered reflecting the other remaining pedestrians stopped at the scene.

NOTE: In those cases where officers make contact with people, engage in "mere conversation," and take no enforcement action; only the first three fields will be required. Calling out via radio or MDT is required on all contacts, even those that only involve conversations with people.

3. USE OF COLLECTED DATA. Data collected will be used to assist in evaluating fair and equal application of the State of Oregon's stop and search laws, as well as other violations of law or municipal code. Data collection establishes a factual and quantifiable accounting of those stopped, and does not alone provide an analysis. In order to be properly interpreted, analysis requires careful consideration of influencing factors and must be viewed within the context of

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the community it reflects. Data reported to the State of Oregon, under their data collection model, will not identify individual officers. Data collected will not be used to initiate discipline.

4. RESPONSIBILITY FOR DISCIPLINE. Every violation of this Order shall be regarded as a serious matter. Every supervisor or command officer will employ the most appropriate and effective means necessary to correct and prevent the recurrence of any violation of this Order. Repeated instances of violation of this Order may be dealt with through discipline, up to and including termination if appropriate. Every supervisor and command officer will be held responsible for the conduct of all of his or her assigned personnel in carrying out this Order.

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Agency personnel will have an understanding of current biased-based policing issues through department training. Every law enforcement officer in the department must understand that failure to comply with this Order is failure in the performance of the fundamental duty of a law enforcement officer.

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Chief of Police

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Date