





CHAPTER 5

COP STOP

The traffic stop is one of the most common interactions that takes place between citizens and the police. Practically every driver has experienced those anxious feelings when flashing police lights appear in the rearview mirror. The red and blue lights cause most of us to instantly glance at the speedometer. If you have been going much more than five miles per hour above the posted limit, there's probably a speeding ticket in your immediate future.

It is possible to get a break from the officer and escape with just a warning, which actually occurs more often than people think. Of course, the direction a traffic stop takes depends on factors such as the severity of the infraction and the attitudes of both the driver as well as the officer. While it's unlikely that anyone gleefully accepts a speeding ticket, a bad attitude can worsen your experience far more than necessary.

In my young, lead-footed driving days, I probably set some kind of nefarious record for traffic stops. As much as I used to repeat the old saying “I was stopped for driving while Black,” I knew that *usually* I’d done something to draw attention to myself. The bad driving of my past included tickets for speeding, illegal U-turns, expired tags, no seat belt, and even some failures to yield the right of way—resulting in a few accidents. Thankfully, my stupidity-behind-the-wheel days are behind me, but my point is this: *Most* of the time you are stopped by the police, you did something to stand out.

Unfortunately, there are occasions where a person will stand out merely due to the color of their skin. For many in the Black community, the feeling that a traffic stop is due to racial profiling adds to the anxiety of the stop. That anxiety can easily turn into frustration and anger if the Black citizen feels the stop is totally unjustified. Many Black men, including myself, have heard that their car “fits the description” of a stolen vehicle. That statement is used so frequently by police officers, it has reinforced the belief that it is the driver, not the car, that “fits the description.”

One morning, during the writing of this book, I found myself speeding down I-70 past a slightly hidden police car. While driving only about seven miles per hour over the speed limit, I became very anxious when the police car began moving. I immediately began wondering and worrying about being stopped. Due to the recent headlines and research I was engaged in for this book, I wondered if I was about to encounter a good cop or a bad cop. I wondered if my life would be in danger.



"After Police Killing of Unarmed Man, Tulsa Chief Promises to 'Achieve Justice.'"
National Public Radio. [www.npr.org/sections/thetwo-way/2016/09/20/494697359/
after-police-killing-of-unarmed-man-tulsa-chief-promises-to-achieve-justice](http://www.npr.org/sections/thetwo-way/2016/09/20/494697359/after-police-killing-of-unarmed-man-tulsa-chief-promises-to-achieve-justice)
(accessed April 10, 2017).

Studies and statistics show that African-American drivers are stopped far more often than their White counterparts. Whether due to systematic racial profiling or an unconscious bias, this contributes to a tumultuous relationship between Blacks and the police (Bureau of Justice Statistics; Traffic Stops, 2011).

Should officers who stop Black motorists more frequently be considered bad cops? Perhaps. Maybe it's their superiors who are to blame for condoning or encouraging such behavior. Maybe these traffic stops should be considered the byproduct of a bad system—a system where racial profiling is considered an acceptable norm.

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The fact that Blacks in the United States are stopped by the police more often than Whites has been substantiated by numerous studies, such as the 2011 Bureau of Justice Statistics and the 2016

Department of Justice Investigation of the Baltimore City Police Department. According to the 2011 Bureau of Justice Statistics report, 84 percent of White drivers believed the police stopped them for a legitimate reason, while only 68 percent of Black drivers believed the reason given by the police for the stop was legitimate. The Bureau of Justice Statistics report went further to say that Black drivers are not only stopped far more than their White counterparts but are subject to more police vehicle searches as well.

Police authority is not to be taken lightly. Thinking you've been stopped because of your ethnicity is not an excuse for any type of anger display whatsoever—especially during a traffic stop. The justice system is the place for that debate—not on a street or highway. To forget who's in charge can be costly and, as recent video footage has shown us, deadly. Belligerent attitudes increase the chances of a simple ticket escalating into a life-threatening situation. Both the motorist and the police officer have the same end-of-the-day goal, which is to get home safely. The escalation of each party's attitude when a weapon is on the scene increases the chances of a volatile and possibly deadly encounter.

The obvious way to decrease your chances of a police stop escalating is to avoid the police stop altogether. Erratic or illegal driving earns unwanted police attention. That type of bad driving will cause a cop to notice you, regardless of your race, gender, or any other factor.

Once a traffic stop begins, the motorist's goal should be to get through it with the least amount of damage possible—both legally and physically. With damage control in mind, here are 10 best practices the cop-stopped motorist should adhere to.

10 BEST PRACTICES WHEN PULLED OVER BY POLICE

1. **IMMEDIATELY AND SAFELY MANEUVER YOUR VEHICLE TO THE SIDE OF THE ROAD.** Do not try to find the perfect spot. It's more important to show you are not trying to evade the traffic stop. The officer will instruct you where to move your vehicle if they feel the location is unsuitable.
2. **TURN OFF THE IGNITION AND ANY MUSIC YOU MAY HAVE BEEN PLAYING.** The motor being off will indicate to the police officer that you have no intention of taking off. Music playing while the officer is attempting to communicate with you can be interpreted as disrespectful, which is *not* the impression you want to give an authority figure at that moment.
3. **ROLL YOUR WINDOW DOWN AND PLACE YOUR HANDS ON THE STEERING WHEEL IN PLAIN VIEW.** There's no need to frantically search the glove box for your registration, proof of insurance, or even driver's license. If those items aren't readily available, it's better to wait for the officer to request them. A lot of frantic movement and searching can increase an officer's suspicion of what you're looking to pull out or rushing to hide. If your stop takes place during the darkness of night, turning on the interior lights is a good gesture to make the officer feel more at ease.

- 4. IF YOU SUSPECT THAT THE PERSON WHO PULLED YOU OVER IS NOT A REAL POLICE OFFICER, POLITELY ASK TO SEE THEIR IDENTIFICATION AND BADGE.** If the police car is unmarked, or has strange markings, a polite request to see the officer's identification is definitely warranted. A real police officer should have no problem with that request. Visually inspect their uniform as well as the make and model of the vehicle. Cops usually don't use older model cars, and very few states use unmarked cars for traffic stops. Call 911 with your exact location if you are suspicious, and roll down your window only enough to communicate. Inform the cop that you're on the phone with a 911 operator.
- 5. NARRATE YOUR SMOOTH AND METHODICAL MOVEMENTS AS YOU SUPPLY THE COP WITH THE REQUESTED DOCUMENTS.** Calmly announce where you are about to reach for documents. Then, smoothly and methodically get the documents. Your vehicle registration and proof of insurance should be stored in one envelope, inside your glove compartment. If you have your permit to carry a concealed weapon, *do not* store that weapon in the same area as your documents! If you cause that officer to feel less than safe in any way, your life is in danger!
- 6. MAKE EYE CONTACT DURING THE CONVERSATION AND LET THE OFFICER TELL YOU WHY HE STOPPED YOU.** If you awkwardly avoid eye contact or display a bad attitude, the cop's own anger or suspicion is likely to be aroused. Regardless of whatever traffic laws you may have violated, it is that officer's job to explain why you were stopped. *Do not* incriminate yourself. If you are asked, "Do you know why I stopped you?" your polite answer should be, "No, sir. Would you mind telling me?" Being respectful in your tone at all times is important.

- 7. DO NOT GET OUT OF THE VEHICLE UNLESS INSTRUCTED TO DO SO.** If you start to get out, the police officer may immediately suspect there is something or someone in the car you don't want him to see. The officer may believe you are about to run, or even worse, fight them. For that reason, it is especially dangerous to jump out of your vehicle and approach the officer—doing so may cause them to immediately draw their weapon!

- 8. NEVER CONSENT TO A SEARCH OF YOUR VEHICLE NOR OF YOUR BODY.** Neither your vehicle nor your body can be searched without probable cause, *unless you consent*. Even though you may not have anything to hide, it's never a good idea to give permission for an officer to search your vehicle. You don't know what previous owners, or even your own passengers, may have dropped behind, beside, or under your seats. Regardless of how passionate your denial, anything in your vehicle is assumed to be yours. If the officer asks to search your vehicle, politely reply, "No, I do not consent to searches," which should be witnessed by the police car's dash cam if you are standing outside your vehicle. Visibly shaking your head "no" isn't a bad idea either. Always remember that your polite denial of permission is only verbal. *Never physically resist the officer's movements*, even if they search without consent.

- 9. IF YOU ARE BEING DETAINED OR QUESTIONED, ASK THE OFFICER IF YOU ARE FREE TO GO.** If you are not under arrest, the cop may allow you to immediately leave. If you are being detained and not arrested, respectfully ask for permission to leave every five minutes or so, depending on your judgment of the situation and the officer's temperament. It may feel awkward, but if there's no probable cause for them to continue "investigating" you, they will eventually allow you to go.

10. DO NOT ANSWER ANY QUESTIONS THAT MAY BE INCRIMINATING. Despite the cop's intimidation or the awkwardness of the situation, your stating, "I do not wish to answer questions at this time" is better than lying to the officer. Never lie to a police officer. That can be considered obstruction of justice and you may incur a fine or even jail time.

Seek legal advice from a lawyer as soon as possible if you believe there was, or will be, a problem resulting from the encounter. The best tactic to avoid cop stops is obvious—refrain from breaking traffic laws. Especially bad is driving "dirty" by drinking, smoking weed, or engaging in any drug use before getting behind, *or during* your time behind the wheel. That is the quickest way to be stopped, arrested, and to possibly lose your driving privileges. Despite marijuana becoming legal in some states, it is never legal to indulge before or while driving. Remember that most of the time it will not be racial profiling that gets you stopped. Instead, it will be your own behavior behind the wheel.

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Regardless of what you believe is the reason for a traffic stop, you must show the police officer total courtesy and respect. It's important to remember that attitudes are contagious—consequently, the worse your attitude, the worse your traffic stop experience will be. It never ceases to amaze me

how many seemingly intelligent people get mouthy and disrespectful toward an armed authority figure!

It's never a good idea to test the patience of a police officer. There shouldn't be anyone trying to "set that officer straight!" A traffic stop is not the time to pick an argument about your constitutional rights. If you *are* stating your rights, such as the right to remain silent, do so in a calm and respectful manner. During a traffic stop, the wisest actions are those that demonstrate calmness. It makes sense that you'd want to calm a person with a pistol, stun gun, baton, and mace as well as extensive knowledge of physical restraint and take-down techniques. Do not forget that both you and the police officer have the same end-of-the-day goal: Getting home safe.

