

## **Proper Interaction with Law Enforcement**

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Video

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## Tips for Educators

- Partner with a school resource officer or a representative of local law enforcement to provide instruction.
- Use the pre-test and post test provided to assess students' understanding of the content.
- Prior to sharing information, assess students' knowledge about toward traffic stops.
- Prior to sharing information, assess students' attitudes toward traffic stops.
  - Assess whether attitudes have shifted following instruction.
  - Make sure to address any misperceptions
- During the question and answer portion of the video, periodically pause after a question is asked and before the officer answers. Ask students what they think the answer will be.

## Section 1 – The role of law enforcement and the duties and responsibilities of peace officers

Complete this section with students prior to showing the videos.

### Guiding Questions

- ❖ What do you expect will happen during a traffic stop?
- ❖ Has anyone experienced a traffic stop? Tell the class what happened during the traffic stop. How did you feel at the time?

This is what you should expect from an officer when you experience a traffic stop:

- Officers should treat motorists with dignity and respect.
- Officers are not required by state law to provide their names or badge numbers to a driver but may do so if required to by agency policy.
- 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. Or, the officer should instruct drivers to read the information provided on the citation regarding the driver's obligation to appear in court.
- When seeking to perform a consensual 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.

## Section 2 – Rights concerning interactions with peace officers

Complete this section with students after showing the first portion of the video (2:47 minute mark).

### Guiding Questions

- ❖ What are some things you think you should do when interacting with a peace officer during a traffic stop?
- ❖ What are some of the things you think you shouldn't do when stopped?

Notes for drivers:

- Law enforcement and drivers should respond with courtesy during traffic stops and other officer/citizen interactions.
- Although it is lawful for you to remain silent during a traffic stop, you are required by law to truthfully identify yourself when asked to do so by an officer. A driver or passenger can be arrested for giving false identifying information to an officer.
- Although you have the right to remain silent, it may be beneficial to verbally provide identifying and address information to an officer if you cannot present your license.
- An officer may conduct a nonconsensual search based on an officer's observation that you have responded in a way to make the officer believe that you have engaged in a criminal act or are about to engage in a criminal act.
- If an officer suspects that a weapon is on your person, the officer may conduct a pat-down search of your clothing. A driver may not physically resist the search but has the right to notify the officer that he or she does not consent to any further search. Consent to a search may later be used in court.
- If you are placed under arrest, it is an offense to refuse to identify yourself, to not provide your address, or to refuse to give your date of birth to an officer.

Notes for passengers:

- Law enforcement and passengers should respond with courtesy during traffic stops and other officer/citizen interactions.
- A passenger in a vehicle should receive instructions advising him or her that he or she can be asked questions by an officer while being detained. However, a passenger can ask an officer if he or she is being detained or if he or she is free to leave. A passenger has the right to leave if he or she is not being detained.
- Although it is lawful for you to remain silent during a traffic stop, you are required by law to truthfully identify yourself when asked to do so by an officer. A driver or passenger can be arrested for giving false identifying information to an officer.
- Although you have the right to remain silent, it may be beneficial to verbally provide identifying and address information to an officer if you cannot present your license.
- An officer may conduct a nonconsensual search based on an officer's observation that you have responded in a way to make the officer believe that you have engaged in a criminal act or are about to engage in a criminal act.
- If you are placed under arrest, it is an offense to refuse to identify yourself, to not provide your address, or to refuse to give your date of birth to an officer.

## Section 3 – Proper behavior for civilians and peace officers during interactions

Complete this section with students after showing the first portion of the video (2:47 minute mark).

### Guiding Questions:

- ❖ How do you feel when you are stopped?
- ❖ How do you think the officer feels? Why do you think that?
- ❖ What should you do when you are pulled over?
- ❖ What should you NOT do when you are pulled over?
- ❖ How should passengers behave during a stop?

While being stopped by an officer, you should do the following:

- Slow down immediately and pull over to the right side of the road as soon as possible.
- Park your vehicle on the right shoulder or to the right of the road as far and as safely possible. If safe parking is unavailable at roadside, move slowly to a side street or parking lot away from high volume traffic.
- When visibility is limited, activate your vehicle hazard lights and/or interior dome lights.
- Drivers should be advised that an officer may approach their vehicle from the passenger side for reasons of safety.

Once your vehicle is stopped, you should do the following:

- Place the vehicle in park, engage the emergency brake, and turn your engine off.
- Keep both of your hands visible on the steering wheel and passengers should keep their hands in plain sight.
- Lower your window. This is required by state law.
- Before attempting to your access license or insurance documents, notify the officer of the location of your items and advise the officer that you are going to get the items.
- Follow the officer's instructions. When the officer approaches your vehicle, certain movements such as reaching and searching for required documents, could be interpreted as a threat to the officer's safety or indicate possible criminal activity.
- Remain inside the vehicle unless you are instructed to exit by the officer. If instructed to exit the vehicle, check traffic and do so safely.
- Notify the officer if there is a firearm inside your vehicle. You should store all required documents in a different location from the firearm.

When your vehicle is stopped, you should NOT do the following:

- Reach or search for your license or insurance documents before or while the officer approaches the vehicle
- Attempt to leave a traffic stop until it has been indicated by the officer that the stop is complete. At that time, you should give the appropriate signal and re-enter traffic safely.

\*\* If you are not sure that the vehicle performing the traffic stop is a police car, you should drive slowly and carefully, below the speed limit, to a well-lighted and populated location. You may contact 9-1-1 and remain on the line until the officer's identity is verified.

NOTE: It is a violation of state law and you can be arrested for not stopping when the vehicle performing the stop is a marked law enforcement or emergency response vehicle.

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## Section 4 – Filing a complaint against or a compliment on behalf of a peace officer

Complete this section with students after showing the final portion of the video.

Note to instructor: Find the relevant information from local law enforcement information and provide that information to students in addition to showing the following samples.

- The time to make an argument or complain is not during the traffic stop. There are formal processes and procedures that you can and should follow to file a complaint.
- You can also file a formal compliment when you have a positive experience.
- You can complete an online search to find specific complaint and compliment instructions for your local law enforcement.

Here are samples of complaint and compliment websites.

### **Texas Department of Public Safety (DPS)**

<http://www.dps.texas.gov/complaintCompliment.htm>





## Texas Commission on Law Enforcement (TCOLE)

<https://www.tcole.texas.gov/content/complaint-procedures>

The screenshot shows the TCOLE website with a navigation menu on the left and a main content area. The navigation menu includes: Open Records Request, Complaint Procedures, FAQ, Legal FAQ, Non-Compliance FAQ, Rules and Policy, Publications, Racial Profiling Reports, Financial Reports and Compensation Information, and External Resources. The main content area is titled "Complaint Procedures" and contains the following text:

**Overview / Jurisdictional / Complaints / Contact With Texas**

The Commission (TCOLE) does not have direct authority to investigate complaints against law enforcement officers or agencies except in cases where a violation of law or rule occurs related to licensing, training, certification, appointment, or other related standard, or upon conviction of or placement on court-ordered supervision or probation for a covered criminal offense. Examples of non-jurisdictional complaints include: unprofessional conduct, and improper investigations. For non-jurisdictional matters, please direct your complaint to the agency holding the licensee's appointment. If you believe your complaint has been unreasonably or handled improperly at the departmental level, you may contact the agencies both that oversees the agency, such as the city manager, the school board, or the county commissioner's court.

If the matter involves an allegation of criminal misconduct, you may also direct your concerns with the office of the county or district attorney and/or the Department of Public Safety. Other offices of the Texas Department of Criminal Justice, including the Texas Department of Corrections, may conduct its own investigation.

You may also wish to discuss the matter with a private attorney. The Lawyer Referral Service of the State Bar of Texas can assist you in contacting an attorney in Texas with relevant expertise. The Lawyer Referral Service can be reached at (800) 251-8899.

A jurisdictional complaint for which the Commission may investigate includes: violations of law or rules that relate to the licensing, training, certification, appointment of a licensee holder, or the conviction or placement on deferred adjudication of a licensee holder for a covered criminal offense. An example of a jurisdictional complaint includes the following:

Example: Officer Smith was arrested for driving while intoxicated. This is a jurisdictional complaint because conviction or placement on deferred adjudication for driving while intoxicated is a covered criminal offense (Class B Misdemeanor) for which the Commission may take action on Officer Smith's peace officer license.

A jurisdictional complaint for which the Commission may also investigate includes: fraudulent or nonstandard training by a person, training provider, or law enforcement academy.

**Jurisdictional Complaints / Complaint With Texas / Overview**

Anyone may register a complaint against an individual, agency, or training provider regulated by the Commission. Complaints are reviewed by investigators who are commissioned by TCOLE as peace officers. If sufficient information is obtained during a preliminary investigation to indicate that a violation of Chapter 1791, Texas Occupations Code, Commission rules, or another applicable law relating to the Commission's mission has occurred, an administrative or criminal case will be opened by the enforcement division.

If an allegation related to the Commission's jurisdiction is investigated and sufficient evidence is developed to determine that a criminal offense has occurred, the Commission may proceed with criminal charges and/or disciplinary action on the subject's license as appropriate.

In instances involving a licensee convicted or placed on deferred adjudication for a covered criminal offense, the enforcement division will request certified court records from the applicable court regarding the final disposition for the criminal offense. If the final disposition reflects a conviction or placement on deferred adjudication for a covered offense, the case will be forwarded to the legal division for possible disciplinary action. Depending on the nature of the offense and the user's final disposition, a licensee may be subject to license revocation, suspension, or reinstatement. For further information on disciplinary actions, please see Commission Rules.

## Dallas Police Department

<http://www.dallaspolice.net/division/internalaffairs/complaint>

The screenshot shows the Dallas Police Department website with a navigation menu and a main content area. The navigation menu includes: Home, About, Divisions, Community, Reports, Resource, and Map. The main content area is titled "File A Complaint" and contains the following text:

**Internal Affairs Division**  
File A Complaint  
Commend an Officer  
Request Satisfaction Decision

**Contact**  
Dallas Police Department  
Internal Affairs Division  
1400 S. Lamar Street,  
Dallas, Texas 75215  
Phone: (214) 671-3086  
Fax: (214) 670-8219  
E-mail: [tcas@ci.dallas.tx.us](mailto:tcas@ci.dallas.tx.us)

**HOME / DIVISIONS / INTERNAL AFFAIRS / FILE A COMPLAINT**

### File A Complaint

Texas law requires that all complaints against police officers must be in writing and signed by the person making the complaint. Complaints must be made within 60 days of the incident complained about, except in special cases (such as criminal misconduct or when good cause can be shown by the person making the complaint). Complaints must be made by the person aggrieved (perjured). Other persons may give statements as witnesses.

The Department's goal is to make this process available to all persons who believe they have been aggrieved during an interaction with an employee of the Dallas Police Department. A formal complaint may be made in one of several ways:

- A person may come to the Internal Affairs Division, Monday - Friday, 8:00 a.m. - 5:00 p.m., on the second floor of the Jack Evans Police Headquarters. Check-in at the front desk, and ask to speak with an Internal Affairs Detective. A detective will come get you and help walk you through the entire process.
- A person may go to any of the seven police stations around the City of Dallas and ask to speak to a supervisor. The supervisor will help you initiate the complaint process and provide you with a complaint form to complete.
- A person may print off a Citizen's Complaint Form available at the links provided below and return it to us in one of four ways:
  - E-Mail: [DPD@ci.dallas.tx.us](mailto:DPD@ci.dallas.tx.us)
  - Fax: 214-670-8219
  - Mail it directly to our contact address
  - Deliver to any police supervisor at any City of Dallas police facility

**\*\*\* CITIZEN COMPLAINT FORM \*\*\***

### Racial Profiling Complaints

In 2001, the Texas Legislature passed a law prohibiting "Racial Profiling." Police Officers may not take any enforcement-initiating action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Examples of "Racial Profiling" include but are not limited to:

- Initiating a traffic stop on a particular vehicle because of the race, ethnicity, or national origin of the driver a vehicle.
- Stopping or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model.
- Stopping or detaining an individual based upon the determination that a person of that race, ethnicity, or national origin is unlikely

## Austin Police Department

<http://www.austintexas.gov/online-form/police-complaint>

The screenshot shows the Austin Police Department's online complaint form page. The browser address bar displays <http://www.austintexas.gov/online-form/police-complaint>. The page header includes navigation links for various city services and a search bar. The main content area features a sidebar with links for Home, Services, About, and Programs. The central section is titled "Office of Police Monitor" and "Oficina del Monitor de Policia". It contains a "POLICE COMPLAINT" section with instructions on how to file a complaint, an "IMPORTANT NOTICE" section with a radio button for "IDENTIFIABLE" complaints, and an "INITIATE A COMPLAINT" section with a form for "First and Last Name", "Date of Birth" (Month, Day, Year), "Age", and "Address".

## Houston Police Department

<http://www.houstontx.gov/police/contact/iad.htm>

The screenshot shows the Houston Police Department's Internal Affairs Division (IAD) complaint page. The browser address bar displays <http://www.houstontx.gov/police/contact/iad.htm>. The page features a header image of Houston Police Department vehicles with the text "HOUSTON POLICE DEPARTMENT". Below the image, there are two main sections: "How Do I Make a Complaint?" and "What Happens To My Complaint After It is Received?".

**How Do I Make a Complaint?**

State law requires that complaints involving police officers be sworn under oath and notarized. For your convenience, a complaint form can be printed from the attached link titled "Complaint Sworn Affidavit | Complaint Sworn Affidavit Spanish." It does not require an appearance at headquarters or a substation. Complaints against members of the Houston Police Department may be initiated in person to a supervisor at any police substation throughout the City of Houston, 24 hours a day, 7 days a week. They may also be made in person at the Internal Affairs/Central Intake Office, which is open Monday through Friday, 8:00 a.m. to 5:00 p.m. (except during City holidays). The Internal Affairs/Central Intake Office is located at Police Headquarters, 1200 Travis, Suite 2001, Houston, Texas, 77002. There is also the option of filling out the form, getting it notarized and then mailing it to the address above. Community organizations, including LULAC, the Urban League, and the NAACP have the same form and staff that have been trained to assist with the filing of a complaint. Information on filing a complaint can be obtained by contacting the Central Intake Office at (713) 308-0040 or by contacting any police substation or supervisor.

**What Happens To My Complaint After It is Received?**

All complaints received by the Department are processed through the Central Intake Office. When a complaint is received, it is reviewed to determine the nature of the allegations. The most serious type of complaints are investigated by the Internal Affairs Division. These complaints involve allegations such as excessive force, any discharge of firearms, or criminal activity such as theft. Complaints comparatively less serious in nature, such as rude behavior or improper procedure, are forwarded to the individual officer's division for investigation. In every case, the person making the complaint will be contacted during the investigation for additional information, and will be notified by mail of the final disposition.

## TEXAS GOVERNMENT CODE

### SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

#### Section 614.021. APPLICABILITY OF SUBCHAPTER.

- (a) Except as provided by Subsection (b), this subchapter applies only to a complaint against:
  - (1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;
  - (2) a fire fighter who is employed by this state or a political subdivision of this state;
  - (3) a peace officer under Article [2.12](#), Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or
  - (4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state.
- (b) This subchapter does not apply to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by a meet and confer or collective bargaining agreement under Chapter [143](#) or [174](#), Local Government Code, if that agreement includes provisions relating to the investigation of, and disciplinary action resulting from, a complaint against a peace officer or fire fighter, as applicable.

#### Section. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT.

To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

#### Section. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE.

- (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.
- (b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.
- (c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:
  - (1) the complaint is investigated; and
  - (2) there is evidence to prove the allegation of misconduct.