



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Suspicious Persons Response	Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts; Biased Based Policing
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by the Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Applicable Oklahoma Statutes:	
CALEA Standard: 1.2.9	
Date Implemented:	Review Date:

- I. **Purpose:** The purpose of this policy is direct members of the Pawnee County Sheriff's Office in recognizing the signs of suspicious persons, vehicles and activities and the appropriate agency response to citizen's calls for service and officer encounters with members of the public.
- II. **Policy:** Suspicious people may often be identified by their behavior. The role of a concerned citizen and good neighbor is to report whatever they think is wrong or suspicious to the Pawnee County Sheriff's Office. Public awareness campaigns such as the Department of Homeland Security's **"If You See Something, Say Something"** have heightened the public's awareness of suspicious activities. The role of the Pawnee County Sheriff's Office is to receive the initial information and follow-up with additional inquires to gain an accurate and detailed account of the events. Members of the Pawnee County Sheriff's Office must recognize that the Pawnee County Sheriff's Office responds to behaviors and actions of individuals that appear suspicious, threatening, illegal, etc., and not to situations based solely on "personal criteria". Deputies who during the course of their duties make their own observations of persons and activities shall be guided by this policy when contemplating investigatory stops and consensual stops of citizens.
- III. **Definitions:**
 - A. **Personal Criteria-** may include but are not limited to, race, ethnicity, immigration status, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, religion, and socio-economic level.

- B. Probable Cause (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of a crime exists and that the evidence exists at the place to be searched.
- C. Probable Cause (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- D. Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- E. Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

IV. Procedure:

- A.** As required by the Kansas Constitution and Amendment IV of the United States Constitution, all law enforcement actions by law enforcement Deputies, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., must be based on reasonable suspicion, probable cause, or other required standards.
- B.** No officer will detain any person or stop any motor vehicle when such action is motivated by racial profiling and the action would constitute a violation of the civil rights of the person stopped. Law enforcement Deputies must be able to articulate specific facts, circumstances and conclusions which support the required standard for enforcement actions.
- C. While no one behavioral activity is proof that someone is planning to act inappropriately (and many of the following behavioral indicators are perfectly consistent with innocent behavior), these factors can help an officer or dispatcher of the Pawnee County Sheriff's Office assess whether someone is acting suspiciously.**
- D. Recognizing Suspicious Activity: Suspicious Vehicle:**
 - a.** Slow moving vehicles, vehicles without lights, and/or the course followed appears aimless or repetitive. This is suspicious in any location, but particularly in areas of schools, parks, and playgrounds.
 - b.** Vehicles being loaded with valuables are suspicious if parked in front of a closed business or untended residence, even if the vehicle is a legitimate looking commercial unit - possibly even bearing a sign identifying it as a repair vehicle, moving van, etc.
 - c.** Abandoned Vehicles that have not been moved are covered in dirt or debris, flattened tires, broken window, or plowed in by snow.

E. Suspicious Behavior Involving Vehicles:

- a. Persons attempting forcibly to enter a locked vehicle, especially at night or in a parking lot.
- b. Persons detaching mechanical parts or accessories from a vehicle especially at night or in a parking lot.
- c. Apparent business transactions conducted from a vehicle especially if around schools or parks, and if juveniles are involved.
- d. Persons being forced into vehicles, especially if juveniles or females.
- e. Objects thrown from a vehicle, especially while traveling at a high speed.

F. Suspicious Behavior Involving Property

- a. Property carried by persons on foot, especially questionable if the person is running. May be significant if the property is not wrapped as if just purchased.
- b. Property being removed from or being placed into vehicles or buildings if removed from closed residences whose owners are known to be absent.
- c. A person is offering to sell something for significantly less than the market value.
- d. Items that accumulate in private garages, storage areas, that pose a health risk such as barrels containing chemicals, gasoline, fertilizers.
- e. The sound of breaking glass or loud noises – it could mean an accident, burglary or vandalism.

G. Suspicious behavior Involving People

- a. Someone going door-to-door in a residential area if after a few houses are visited, one or more of the subjects goes into a back or side yard. This may be more suspicious if another remains in the front when this occurs.
- b. Someone waiting in front of a house or business when the owners are absent, or if it is a business and the establishment is closed.
- c. Someone forcing entrance to or tampering with a residence, business, vehicle, etc.
- d. A non-resident going into a back or side yard.
- e. A person running who does not appear to be exercising, especially if something of value is being carried.

H. Other Suspicious Activity

- a. Continuous "Repair" operations at a non-business location, such as vehicles being dismantled.
- b. Open or broken windows at closed businesses or residences whose owners are temporarily absent.
- c. Unusual noises such as gunshots, screaming, abnormally barking dogs, or any noise that is suggestive of foul play.
- d. Unusual smells or fumes coming from location that worry you.
- e. Continuous traffic that comes and goes to the same location, usually staying for very short periods of time.

I. Communications or Dispatcher:

- a.** When taking a call from a citizen who is reporting a suspicious person or suspicious activity it is critical that the dispatcher first be aware of this policy and that appropriate questions regarding the conduct of the person be asked.
- b.** Dispatchers or the officer contacted by a citizen regarding a suspicious person or activity should ask:
 - i. What action is the person taking?
 - ii. Can you particularly describe the suspicious behavior or activity?
 - iii. Do you live, work or reside in the area? How familiar are you with daily activity in this area?
 - iv. Does the person have a weapon?
 - v. What is the physical description of the person?
 - vi. Do you know this person?
 - vii. Do you know the owner of the property?
 - viii. Is the suspicious person acting alone?
 - ix. Where and when did it occur?
 - x. Is anyone injured?
 - xi. Description of vehicle(s)
 - xii. License plate number(s)
 - xiii. Time and direction of travel of suspect(s)
 - xiv. Description of suspect(s), including clothing
- c.** Dispatchers should inform the caller that while it may seem as though they are being asked a lot of questions, the information is for the safety of the responding Deputies, that the radio dispatcher is attempting to gather as much information about the situation as possible so the Deputies will have a clearer picture of what they may encounter when they arrive at the scene.
- d.** After dispatchers receive answers to their questions the information should be provided to the responding Deputies and a supervisor if available.
- e.** If any member of the Pawnee County Sheriff's Office receives a call for service, whose only foundation has to do with an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, gender identity, marital status, religion, disability, socio-economic level, immigration status, or other potentially improper personal criteria, the employee will attempt to explore if there is any specific behaviors that call for police response. If no specific behavior is identified, the caller's contact information will be obtained and he/she will be advised that the member in charge of the shift will contact him/her.
- f.** The member will contact the shift supervisor and provide the circumstances of the call. The shift supervisor will contact the caller and explain that the Pawnee County Sheriff's Office does not respond to calls for service that are based solely on an individual's "personal criteria".

- g.** The shift supervisor should attempt to educate the caller on the Pawnee County Sheriff's Office's bias free policy and procedures. The supervisor should explain that the Pawnee County Sheriff's Office responds to behaviors and actions of individuals that appear suspicious, threatening, illegal, etc., and not to situations based solely on "personal criteria". The shift supervisor will document this interaction in the call record.