



## FROM THE DESK OF THE CHIEF OF POLICE

### **THINGS YOU SHOULD KNOW WHEN STOPPED IN YOUR VEHICLE BY POLICE**

One thing that most drivers will experience at some point is being pulled over by the police. This can be an unexpected inconvenience at the least and something that can change your life at the worst. Knowing what to expect, your rights as a citizen, rights, and authority of police and how to conduct yourself during a traffic stop can ensure your safety, the safety of the public and police officers and help to make the experience as positive as possible.

I have listed some areas that you should be educated in with regard to contact with police during a traffic stop. The following contains excerpts from an article written by Knoxville Attorney Brandon D. Ferstin

#### **POLICE OFFICERS MAY RUN YOUR TAG WITHOUT PROBABLE CAUSE**

In Tennessee, and across the United States, have the authority to run your license plates without probable cause. This action can be part of a routine traffic stop or even while an officer is patrolling. They don't need specific reasons to check the information connected to your vehicle's tags.

Running a license plate allows officers to access various details, such as registration status, owner information, or any potential alerts connected to the vehicle. This information may help them assess whether there are legal issues concerning the car or its owner.

While some may find this practice intrusive, courts generally regard this as a lawful exercise of police duties, balancing the state's interest in regulating roads and public safety against individual privacy concerns. However, an officer cannot pull you over solely based on personal dislike or discriminatory reasons; they must observe a violation of the law or have reasonable suspicion of criminal activity.

#### **BEING ASKED TO ROLL YOUR WINDOW DOWN DURING A TRAFFIC STOP**

In Tennessee, during a traffic stop, you are generally required to roll your window down enough to communicate with the officer and hand over necessary documents such as your driver's license, registration, and proof of insurance. However, it's advisable to roll your window down all the way as a sign of cooperation and good faith.

Rolling your window all the way down helps facilitate clear communication and demonstrates to the officer that you are willing to comply with their requests. While it's not a legal requirement to roll it down completely, doing so can foster a more positive interaction. In interacting with officers, it is always important to be polite, respectful, and cooperative.

Officers prioritize their safety and that of others during traffic stops, so following their instructions and showing willingness to cooperate is in your best interest.

### **INFORMATION YOU ARE LEGALLY REQUIRED TO PROVIDE DURING A TRAFFIC STOP**

During a traffic stop in Tennessee, you must provide specific information to comply with the law. This includes your driver's license, which confirms your identity and legal driving status, your vehicle registration (which verifies the vehicle's lawful possession), and proof of insurance to confirm that the vehicle is insured in accordance with state regulations.

Officers may ask additional questions during his investigation. While you are not required to answer these additional questions, you should in a spirit of cooperation, listen to all lawful commands of the officer. As such, comply with officers' request for your license, registration, proof of insurance and any requests to get out of the vehicle.

### **RECORDING THE POLICE DURING A TRAFFIC STOP**

In Tennessee, civilians have the legal right to record police officers during a traffic stop, thanks to protections under the First Amendment. This provision ensures the public's ability to document the actions of public officials, especially when they're performing their official duties.

If you choose to record, it's always a good practice to inform the officer. Respectfully making the officer aware can set a cooperative tone for the interaction. By being courteous and clear about your intentions, you can often navigate these situations more smoothly and ensure a more positive interaction for both parties.

As you record, be mindful not to interfere with the officer's duties. Your actions, including how you hold or manipulate your recording device, should not obstruct, or hinder the traffic stop process. While the act of recording is protected, causing any hindrance could potentially lead to complications.

Many police departments in Tennessee equip their officers with body cams or dash cams. These devices continuously record interactions, including traffic stops. Such official recordings can serve as invaluable evidence in legal proceedings and, if needed, can be accessed with the help of a

criminal defense lawyer. This is why it is generally a better idea not to record the officer because recording the officer will generally only result in the officer being more frustrated and difficult with you.

## **BEING ASKED TO EXIT YOUR VEHICLE DURING A TRAFFIC STOP**

During a traffic stop, it is possible for drivers to be asked to step out of their vehicle. The legal backing for this directive can be traced back to the 1977 U.S. Supreme Court case *Pennsylvania v. Mimms*. In this decision, the Court established that officers have the right to ask drivers to exit their vehicles following a lawful stop. They based this on the premise that the minor inconvenience to the driver is outweighed by the significant safety considerations for the officer.

When faced with such a request during a traffic stop in Tennessee, it is essential for drivers to respond calmly, avoiding any sudden actions. This cooperation not only ensures the situation remains as controlled as possible but also helps establish a rapport with the officer.

## **WHAT TO DO IF YOU HAVE A FIREARM IN YOUR VEHICLE**

In Tennessee, a state with strong support for Second Amendment rights, many individuals legally carry firearms in their vehicles. It would be wise to proactively inform the officer if you have a firearm in your vehicle. While Tennessee law doesn't require you to disclose the presence of a firearm during a traffic stop, such transparency can potentially reduce tensions. An officer discovering a gun without prior knowledge might perceive it as a threat, leading to an escalated situation.

However, if you choose to disclose the firearm's presence, it's imperative to meticulously follow the officer's directions. Refrain from sudden movements or reaching towards the firearm unless expressly instructed. Both your safety and the officer's are paramount.

In summary, when being stopped by the police remember to stop as soon as possible in a safe place. Roll your window all the way down. Keep your hands visible by placing them on the steering wheel in plain view. Follow all lawful instructions and provide your drivers license, vehicle registration and proof of insurance and always remain calm and respectful.

By understanding these things, any contact with law enforcement can be more pleasant and less stressful and help keep everyone safe during a traffic stop.

Anthony Brown, Chief of Police