

An individual's constitutional and other legal rights during a traffic stop

In accordance with 11 Del. C. §1902 an individual must provide his/her name, address and an explanation as to why he/she is driving on the roadway and where he/she is going. Similarly, passengers in a vehicle must also provide their information and/or exit the vehicle, if requested to do so by the officer. An individual may ask the officer to identify them self and the agency that employs him/her.

An individual's vehicle may be searched on-scene if consent is provided to the officer to do so, if the officer believes he/she has probable cause to do so, or as part of an inventory assessment of a vehicle that is being towed. During roadside investigations a person does not have a right to an attorney; however, that right will present itself later in the process.

Laws regarding questioning and detention by a law-enforcement officer, proof of identity and consequences for failure to comply

No person shall drive a motor vehicle on a public street or highway of this State if he/she does not have a license to operate it. Failure to have the proper license or endorsement may lead to, at a minimum, fines and/or the loss of driving privileges. A person who fails to provide identification or who fails to explain his/her actions to the satisfaction of the officer, may be detained, further questioned, and investigated. A detention does not mean a person is under arrest. At the end of the detention period, which may not exceed two hours, the person will either be released, or arrested and charged with a crime. You may refer to 11 Del. C. §1902, 21 Del. C. §2701 and 21 Del. C. §2721 for additional information.

The role and procedures of a law-enforcement officer in general and during a traffic stop

An officer will initiate a traffic stop by giving a visible or audible signal, which could include using his/her emergency lights or sirens. The officer may approach your vehicle from either the driver or passenger side, identify him/herself and his/her agency, and state the reason for the traffic stop. Many times the officer will ask the driver if he/she has any reason for committing the traffic violation.

Driving a motor vehicle is a privilege, not a right. To comply with the law both the operator and the vehicle they are driving need to satisfy certain requirements. One of the roles of an officer is to enforce those safety requirements. The officer will ask for your driver license, proof of insurance, and vehicle registration. The officer may ask a series of questions. The officer may return to his/her vehicle to conduct inquiries. You and your passengers should remain in your vehicle at all times unless instructed otherwise by the officer.

What to Do and Expect When Stopped by Law Enforcement

Law enforcement officers conduct traffic stops because they observe a traffic violation or are conducting a police investigation. Being stopped by a law enforcement officer can be a stressful experience but knowing what to do during the stop will help ensure your safety, the safety of other motorists, and the safety of the officer. When you see emergency lights behind you, stay

calm, activate your turn signal, and pull off or to the side of the roadway as soon and safely as possible. When pulling over for an emergency vehicle, movements should be made to the right side of the roadway, whenever possible. Turn off the ignition and radio, and stay in your vehicle unless directed by the officer to exit. During a traffic stop, both of your hands should be on the top of your steering wheel and remain visible to the officer at all times. Ask your passengers to remain calm and to stay in the vehicle while keeping their hands in plain view as well. Give the officer your full attention. Do not make sudden moves or search for your driver's license or vehicle documents – wait for the officer to give you instructions. If you have a weapon(s) in the vehicle, inform the officer upon first contact. If it's nighttime, the officer may direct a spotlight at your vehicle once stopped. To assist with visibility, turn on your interior lights as soon as you stop to help the officer see inside your vehicle. The officer will usually explain why they stopped you and may ask you questions about your trip. If the officer isn't in uniform they will show you their law enforcement credentials or you may ask to see them. Follow all instructions the officer gives you or your passengers. The officer may ask to see your driver license, proof of insurance, and vehicle registration. If the documents are out of your reach, tell the officer where they are before you reach for them. If you have questions, politely ask for clarification. If the officer asks you to exit the vehicle, stay safely away from traffic and keep your hands in plain view. When the officer completes their interaction with you they may issue a warning or a traffic ticket which may include a fine. The officer will typically explain whatever action is being taken. If you have questions, respectfully ask the officer to clarify. If you disagree with the officer's decision to issue a traffic ticket, don't prolong the contact by arguing with the officer. If you wish to contest the ticket, you will have the opportunity to explain your point of view of what happened in court. Your acceptance of a traffic ticket is not an admission of guilt. If you believe the officer acted inappropriately, document the officer's behavior and report it to the officer's agency in a timely manner. The name of the officer and law enforcement agency will be on the ticket or you may ask the officer to provide this information. The enforcement of traffic laws is an effective tool in changing unsafe driving behavior and reducing crashes. If you receive a warning or a ticket for a traffic violation, its purpose is to deter illegal and/or unsafe behavior. Good communication from all involved parties can make a traffic stop a safe experience for all parties involved.

How and where to file a compliment on behalf of or a complaint against a law-enforcement officer

You should contact the officer's agency via means determined by such agency. Most agencies have a website with contact information.

It is the goal of law enforcement to protect the public and conduct traffic stops in a manner that protects the safety of everyone involved. Your cooperation with law enforcement is the best way to ensure that your safety, and that of others, is not compromised during the stop.

The Division is providing this information in order to provide general direction and education to the citizens of this state. Nothing in this document is intended to establish a rule of law or procedure enforceable by any third party. Similarly, nothing in this document shall create any enforceable right, entitlement, or privilege to a specific outcome in any criminal or civil matter, nor shall it constitute a

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