CITY OF \_\_\_\_\_\_\_\_ POLICE DEPARTMENT

GENERAL ORDER 64-15

EFFECTIVE: MARCH 23, 2015 CANCELS: GENERAL ORDER 64-03

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| --- | --- | --- | --- |
| TO: | ALL PERSONNEL | INDEX AS: | BIASED POLICING |
|  |  |  | CITIZEN CONTACTS |
|  |  |  | CONSENSUAL INQUIRIES |
|  |  |  | FIELD INTERVIEWS |
| SUBJECT: | BIASED POLICING |  | INVESTIGATIVE DETENTION |
|  |  |  | RACIAL PROFILING |

1. PURPOSE

The purpose of this General Order is to emphasize the Department’s policy establishing a prohibition on all forms of biased policing for all encounters between police officers and the public during arrests, traffic stops**,** investigative detentions and consensual inquiries. Proactive field interviews are an effective and important law enforcement function. Enforcement efforts are critical in saving lives**,** reducing injuries, and keeping the community as free from crime and disorder as possible. Field interviews are an effective tool in gathering evidence, apprehending fugitives and combating illegal drugs, illegal weapons and other criminal activity. However, all such police activities shall be free of any biased policing

1. POLICY

It shall be the policy of the \_\_\_\_\_\_\_\_ Police Department to strictly prohibit any and all forms of biased policing (also known as biased based profiling or racial profiling) by its personnel. This prohibition of Biased Policing shall apply to all encounters between police officers and the public including arrests, traffic contacts, suspicious vehicle stops, field contacts, investigative detentions, consensual inquiries and forfeiture efforts. The agency expects & demands that its personnel carry the responsibility of conducting all field interviews in a courteous manner, always maintaining a professional image. The Department guarantees the respect and protection of the civil rights of every individual and pledges to treat everyone fairly and without favoritism in all enforcement actions.

Other Departmental Written Directives have been issued to all employees pertaining to traffic stops, arrests, use of force, or search and seizures, and should be referred to for additional guidance.

1. DEFINITIONS
	1. Biased Policing - The selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.
	2. Field Interview – The stopping and questioning of a person by a law enforcement officer because the officer:

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* + 1. Has reasonable suspicion that the subject may have committed, may be committing or may be about to commit a crime
		2. Believes the subject may be a hazard or
		3. Believes the interview may have a preventative effect.

This practice may include an officer’s activity relative to traffic enforcement &

stops, investigative detentions, consensual inquiries, and the like.

* 1. Investigative Detention – A stop and temporary detention based on reasonable suspicion supported by objective facts and the logical conclusion of an officer’s experience. If nothing that occurs during the detention gives an officer probable cause for an arrest, the individual being detained must be allowed to continue on his or her way.
	2. Consensual Inquiry – The practice of briefly questioning an individual regarding his or her general actions at a particular time, as long as under the circumstances, a reasonable person would believe that he or she was free to terminate the encounter at any time. Such inquiries may include requesting an individual’s name & other pedigree, requesting they show identification, asking where they are going or where they have come from, and the like.
1. PROCEDURE
	1. All investigative detentions, traffic stops, arrests, searches and seizures of property, by commissioned police officers shall be based on a standard of “reasonable suspicion” or “probable cause” as required by the Fourth Amendment of the U.S. Constitution and Missouri statutory authority.
	2. All investigative detentions, traffic stops, arrests, searches or seizures of property based on race, ethnicity, gender, sexual orientation, religious beliefs, or economic level conducted without probable cause or reasonable suspicion, are strictly forbidden. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for the arrest, traffic stop, investigative detention, and/or seizure. Officers may make consensual inquiries of any individuals as long as under the circumstances, a reasonable person would believe that he or she was free to terminate the encounter at any time.

Officers shall not engage in illegal biased policing, bias based profiling or racial profiling as a pretext for investigating other violations, rather only on the behavior of that individual or intelligence that leads to the specific individual coming under suspicion.

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1. SUPERVISORS AND COMPLIANCE
	1. Supervisors and commanders shall routinely monitor the self-initiated traffic enforcement contacts and other field interviews of their subordinates and be alert to any indication of biased policing; such as officers with a pattern of stopping members of minority groups for vehicular law violations in numbers disproportionate to the minority populations residing**,** working and/or traveling within \_\_\_\_\_\_\_\_\_\_\_. Supervisors and commanders should likewise take steps to assure that the actions of their subordinates in all field interviews comply with all other constitutional rights requirements**.** One means of accomplishing this is through the department’s weekly in-car camera audits which shall be conducted by all supervisors in the Patrol, Traffic & SEU units**.**
	2. If supervisory review indicates a pattern of illegal biased policing or other constitutional rights violations or a citizen complaint alleges biased policing, an internal affairs investigation shall be conducted.
	3. All investigations into allegations of biased policing shall include a comprehensive review of the officer’s vehicle stop data for the previous year to include a comparison of the department averages for the same data during the period. The review shall include analysis of this data in a narrative form (see Departmental Bulletin 40-15 for examples of the necessary elements of a biased policing internal affairs investigation).
	4. An officer determined to have engaged in biased policing or other illegal contacts shall be subject to discipline, appropriate counseling and/or training.
	5. An annual administrative review of agency practices and citizen concerns shall be conducted by the Commander of the Bureau of Criminal Investigations.
2. REPORTING PROCEDURES

# Missouri Revised Statutes, Section 590.650 states each time a peace officer stops a driver of a motor vehicle, that officer shall report the following information to the law enforcement agency that employs the officer: the age, gender and race or minority group of the individual stopped; the reasons for the stop; whether a search was conducted as a result of the stop; if a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search; whether any contraband was discovered in the course of the search, the type of any contraband discovered; whether any warning or citation was issued as a result of the stop; if a warning or citation was issued, the violation charged

or warning provided; whether an arrest was made as a result of either the stop

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# or the search; if an arrest was made, the crime charged; and the location of the stop**.**

* 1. All \_\_\_\_\_\_\_\_\_- police officers shall submit the vehicle stop information as detailed in section VI. A. (above) **every time** they stop a driver of a motor vehicle **to include traffic stops, suspicious vehicle stops or vehicle stops initiated in connection with a suspect vehicle description broadcast, wanted bulletin, victim description of suspect vehicle and the like.** This shall be accomplished by each office r entering the information into the REJIS “Traffic Analysis” system via their in-car computers.
	2. Traffic Stop Data to Attorney General

The REJIS “Traffic Analysis” system automatically compiles all data on traffic enforcement contacts for the preceding calendar year and makes the information available to the department so that it can be submitted by March 1st of each year to the Attorney General of Missouri, meeting all state statute requirements. The Attorney General analyzes the data each year and provides a report of the findings for review to each law enforcement agency.

* 1. Regional Field Interview Reports (FIR)

In order to provide other officers, investigators and crime analysts with information concerning suspicious persons and situations field interviews may be documented by utilizing the REJIS FIR form or by utilizing the FIR application of the LEWEB via an officer’s in-car computer. Information gathered on FIRs may be considered criminal intelligence and shall be processed in accordance with all relative legal and departmental standards.

* + 1. Officers must submit all FIRs that are not directly entered into the REJIS system via LEWEB at the end of each shift. These FIRs will be directed to the Record Room for entry into the REJIS computer data base.
		2. The “hard copy” of FIRs that have been entered into the REJIS database shall be destroyed by police record room personnel, in a manner that would prevent the accidental disclosure of the information contained on the FIR.
		3. In accordance with Department policy, all computer FIR entries will be purged from the computer database by REJIS personnel after a period of two years.

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1. TRAINING

Officers of this Department shall annually receive training regarding biased policing issues including newly enacted legislation and other legal aspects.

1. CONCLUSION

This Order is for Department use only and does not apply in any criminal or civil proceedings. This Order should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims

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BY ORDER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_, Chief of Police Date

APPROVED BY:

\_\_\_\_\_\_\_\_\_\_\_\_, City Administrator Date

cc: City Attorney ~