

## Operational

### **DEPARTMENTAL POLICY**

**General Orders**

**O-26**

#### **Racial Profiling Prohibited**

##### **I. Prohibition Statement**

- (A) Law enforcement officers of The UAMS Police Department shall be prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the sole factors in making law enforcement decisions

##### **II. Policy**

- (A) It shall be the policy of The UAMS Police Department that officers base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the **U.S. Constitution and Arkansas Constitution.**

##### **III. Purpose**

- (A) Members of The UAMS Police Department shall protect the constitutional rights of all persons, regardless of race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system. All persons shall be free to walk and drive our streets and highways and other public places without law enforcement interference so long as they are law abiding in their actions and behaviors.
- (B) This policy serves to (1) reaffirm The UAMS Police Departments commitment to unbiased law enforcement practices, (2) further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and (3) reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable fashion

(Continued)

### **Racial Profiling Prohibited**

#### **IV. Definitions**

- (A) **A Standard of Reasonable Suspicion** identifies “a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion,” However, this standard shall prohibit stops based on race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system when non-group members would not be stopped.
- (B) **Biased Law Enforcement** is the practice of a law enforcement officer relying on age, race, color, creed, disability, ethnicity, gender, national origin, sexual orientation, religion, any other belief system, and/or any other individual attribute other than a standard of reasonable suspicion or probable cause in the selection of persons to subject to routine pedestrian or motor vehicle stops, detentions, investigative activities, or arrests.
- (C) **Reasonable Belief** means a belief based on reasonable cause to believe.
- (D) **Reasonable Cause to Believe** or **Probable Cause** means a basis for belief in the existence of facts that, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements.
- (E) **Unbiased Law Enforcement** is the practice of a law enforcement officer relying solely on a standard of reasonable suspicion, probable cause, or “...taking into account the reported race or ethnicity of a specific suspect[s] based on [reliable], locally relevant information that links a person(s) of a specific race or ethnicity to a particular unlawful incident(s)...”

## Operational

**General Orders**

**O-26**

(Continued)

### **Racial Profiling Prohibited**

#### **V Procedures**

##### **(A) Training**

Law enforcement officers shall receive initial and annual roll call training in operating procedures that prohibit biased law enforcement. It is recommended that officers receive annual training in the following areas, if possible:

- (a) Basic Spanish or another foreign language that best represents your community
- (b) Cultural Competence
- (c) The Arkansas Rules on Criminal Procedure specific to Search and Seizure
- (d) The Fourth Amendment to the U.S. Constitution
- (e) Interpersonal Communication Skills

##### **(B) Field Officer Responsibilities**

- (1) Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- (2) Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on *a standard of reasonable suspicion or probable cause*.
- (3) Upon initial contact, each law enforcement officer shall provide his or her full name, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused, and, when possible, written identification. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information.

## Operational

### General Orders

O-26

(Continued)

#### **Racial Profiling Prohibited**

- (4) When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a traffic citation.
- (5) The following dialogue, or similar, shall be recommended as a guideline for use by officers in the field to minimize conflict during interactions with accused violators:
  - (a) Officer Greeting: *Good morning, afternoon, or evening.*
  - (b) Officer ID: *I am Officer Smith of the \_\_\_\_\_ Law Enforcement Agency.*
  - (c) Reasoning: *I stopped you because...\_\_\_\_\_.*
  - (d) Listen politely and give the accused ample opportunity to tell their story.
  - (e) Ask for identification and any required documents: *May I please see your driver's license, registration, and proof of motor vehicle insurance?*
  - (f) Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as pay a fine, obtain a court hearing, etc.
  - (g) Closing: *Please drive safely or thank you for your cooperation.*
  - (h) Make sure the driver is able to merge safely back into traffic.

#### **(C) Allegation of Biased Law Enforcement Practices by a Citizen**

- (1) When accused of biased law enforcement practices, the Field Officer shall first contact their immediate Supervisor for advisement on the situation.
  - (a) In some instances, the Supervisor shall report to the scene to mediate the situation.
- (2) Field Officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact

name and telephone number of the Agency Head or his or her designee, or the Supervisor of the Internal Affairs Unit, if applicable.

## Operational

### General Orders

O-26

(Continued)

#### **Racial Profiling Prohibited**

- (3) Field Officers shall complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her Supervisor.
- (4) Along with their written report, Field Officers shall submit the Mobile Video/Audio Recording (MVR) tape containing the encounter in question, if applicable, to his or her Supervisor.

#### **(D) Supervisor Responsibilities**

- (1) Each Supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures therein.
- (2) Each Supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her Field Officers, either on the scene or by telephone.
  - (a) If the complaint is not resolved, the Supervisor shall offer to provide the complainant a Citizen Complaint Form.
    - (i) If the Supervisor arrives at the scene of the allegation, then s/he shall provide a Citizen Complaint Form and collect the MVR tape, if applicable, from the Field Officer.
  - (b) The Supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint

- (3) Upon receipt of a complaint, each Supervisor shall address the matter in a timely manner.
  - (a) Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Agency Head or his or her designee or the Internal Affairs Unit, if applicable.

## Operational

### General Orders

**O-26**

(Continued)

#### **Racial Profiling Prohibited**

- (i) Written report shall be completed within twenty-four (24) hours of filing by complainant.
- (b) Evaluate, copy, and submit a written report to the Agency Head or his or her designee detailing the review of the MVR tape, if applicable.
  - (i) Each Supervisor shall maintain a copy of the MVR tape, if applicable and written report prior to submitting to the Agency Head or his or her designee or the Internal Affairs Unit.
  - (ii) The written MVR Tape Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the Agency Head or his or her designee or the Internal Affairs Unit for investigation.

#### **(E) The Use of Mobile Video/Audio Recording (MVR) Equipment**

- (a) If MVR equipment is available within the law enforcement agency, please refer to Section 100.0, *The Use of Mobile Video and Audio Recording Equipment in Vehicles*.

#### **(F) Review and Reporting Requirements**

- (1) Members of this law enforcement agency shall implement a systematic review process to generate quarterly analyses of the statistical information collected from the Citizen Complaint Form.
- (2) These analyses shall identify allegations specific to biased law enforcement practices.
- (3) If a pattern is identified, the Agency Head or his or her designee or the Internal Affairs Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and

## Operational

**General Orders**

**O-26**

(Continued)

### **Racial Profiling Prohibited**

- (4) procedures

Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, and/or other discipline in a timely manner and may be subject to dismissal from this law enforcement agency.

#### **(G) Retaliation**

- (1) No member of this law enforcement agency, regardless of rank or stature, shall retaliate against officers, civilian, or volunteer employees for reporting incidents of biased law enforcement practices.
- (2) Actions or behaviors found to constitute retaliation shall be immediately disciplined and may lead to dismissal.

#### **(H) Application**

- (1) This order constitutes agency policy and is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.