


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 1104
	BIASED LAW ENFORCEMENT ACTIVITIES	EFFECTIVE DATE 01/01/2004
	CHAPTER: ETHICS	AMENDED DATE 02/09/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 5

I. PROHIBITION STATEMENT

Law Enforcement Officers of the Pine Bluff Police Department shall be prohibited from utilizing race, color, creed, ethnicity, national origin, gender, age, sexual orientation, disability, or religion, or any other belief system as the sole factors in making law enforcement decisions.

II. POLICY

It shall be the policy of the Pine Bluff Police Department that officer's 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 the Arkansas Constitution.

III. PURPOSE

Members of the Pine Bluff Police Department shall protect the constitutional rights of all persons, regardless of race, color, creed, ethnicity, national origin, gender, age, sexual orientation, disability, or 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.

- A.** This policy serves to (1) reaffirm this agency's 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 that the Pine Bluff Police Department is providing service and enforcing laws in an equitable fashion.
- B.** This policy complies with the provisions of A.C.A. 12-12-1401 et. seg.
- C.** Nothing in this policy shall prohibit an officer seeking to detain, apprehend or otherwise be on the lookout for an individual, which include some or all of these factors, relating to a specific crime or group of crimes.
- D.** In accordance with Arkansas Rules of Criminal Procedures an officer may detain any individual whom he reasonably believes has, is in the process of, or is about to commit a crime.

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 solely on the utilizing of race, color, creed, ethnicity, gender, age, sexual orientation, disability, or 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 solely on race, color, creed, ethnicity, national origin, national origin, gender, age, sexual orientation, disability, or religion, or any other belief system, and/or any other individual attribute rather than a standard of reasonable suspicion or probable cause in the selection of persons to be 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 or probable cause in the selection of a person or persons to be subject to routine pedestrian or motor vehicle stops, detentions, investigative activities, or arrests **regardless** of their race, color, creed, ethnicity, national origin, gender, age, sexual orientation, disability, or religion, or any other belief system, and/or any other individual attribute.

V. PROCEDURES

A. TRAINING

1. Law enforcement officers shall receive initial and annual training in operating procedures that prohibit biased law enforcement.
2. The Pine Bluff Police Department shall provide initial annual training to all officers that:
 - a. Emphasizes the prohibition against racial profiling;
 - b. The course or courses of instruction shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences.
 - c. If possible, and when deemed necessary, to provide foreign language instruction to ensure adequate communication with the residents of this community.

B. FIELD OFFICER RESPONSIBILITIES

1. Members of the Pine Bluff Police Department, 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 number or badge number by the pedestrian or driver of the motor vehicle, the officer shall oblige by providing their payroll number or such information required to satisfy the request.
4. When stopping a pedestrian or a driver of a motor vehicle for an alleged 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, or similar, dialog shall be recommended as a guideline for use by all law enforcement officers who initiate pedestrian or motor vehicle stops to minimize conflict during interactions with accused violators:
 - a. Officer Greeting: *Good morning, afternoon, or evening as appropriate.*
 - b. Officer Identification: *I am Officer John Doe of the Pine Bluff Police Department.*
 - 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 see your driver's license, registration, and insurance please?*
 - f. Complete paperwork and advise the driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result, such as, the court date, if it is a mandatory court appearance, 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 officer shall first contact their immediate supervisor for advisement of the situation.
2. If possible, the supervisor shall report to the scene to access the situation and conduct a preliminary investigation.

3. All officers shall provide complainant[s] with their full name and advise how to contact their immediate supervisor and/or that a complaint can be filed through The Office of Professional Standards.
4. Officers shall complete a written report detailing the incident, the allegations[s] made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to their immediate supervisor.
5. Along with their written report, officers shall submit the Mobile video/Audio Recording (MVR) tape containing the encounter in question, if applicable, to their 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 their officers, either on the scene or by telephone.
3. If the complaint is not resolved, the supervisor shall offer to provide the complainant with a Citizen Complaint Form.
4. If the supervisor arrives at the scene of the allegation, he or she shall provide the complainant with a Citizen Complaint Form and collect, from the officer, the DVR/MVR tape, if applicable.
5. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint.
6. Upon receipt of the complaint, each supervisor shall address the matter in a timely manner.
7. Supervisors shall evaluate, provide a written report, and process each civilian complain alleging biased law enforcement practices, to include the officers report, prior to the end of shift.
8. If applicable, the supervisor shall include in his/her report any information gained from reviewing the MVR tape.
9. The original complaint, along with the DVR/MVR tape, and all pertinent documentation will be forwarded directly to the Office of Professional Standards.
10. A copy of the complaint and all pertinent documentation will be forwarded to the office of the Chief of Police.

E. THE USE OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

Refer and adhere to Pine Bluff Police Department Policy 240 (Mobile Video/Audio Recording Equipment) when utilizing DVR/MVR equipment.

F. REVIEW AND REPORTING REQUIREMENTS

1. A systematic process shall be implemented to generate a quarterly analysis 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 Office of Professional Standards shall be responsible for conducting an investigation to determine whether officers have violated the provisions of this policy and procedures.
4. Violations of this policy shall be considered a Cardinal Offense.
5. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, and/or other disciplinary action up to and including termination.

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. Officers who exhibit actions or behaviors found to constitute retaliation shall be immediately disciplined up to and including dismissal.

H. APPLICATION

This order constitutes agency policy and is not intended to enlarge the employee's existing civil or criminal liability in any way. Either the employee or any third party shall not construe it as the creation of an additional cause of action.

I. PUBLIC INSPECTION

A copy of this policy shall be posted at the Pine Bluff Police Department's Official Web Site (www.pbpd.org) for public inspection. The Department's web site can also be accessed by going to the City of Pine Bluff's web site and selecting the police department.