

Section 112
Bias Based Policing

I. Purpose

- (A) Members of the Jonesboro Police Department shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin or religion, color, creed, gender, age, sexual orientation, disability or any other belief system.
- (B) This policy serves to (1) reaffirm the Jonesboro Police Department'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 this agency is providing service and enforcing laws in an equitable and lawful fashion.

**II. Prohibition and Prevention of Racial / Bias Profiling;
Departmental Policy:**

- (A) Officers of the Jonesboro Police Department shall not violate citizens' equal protection rights. Toward this end, officers are prohibited from engaging in racial / bias profiling in any aspect of law-enforcement activity as defined by this policy.
- (B) It shall be the policy of the Jonesboro 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 United States and Arkansas Constitutions as well as federal and Arkansas state law.
- (C) Officers of this agency shall be prohibited from utilizing race, ethnicity, national origin, or religion as the sole factors in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect.

III. Definitions

- (A) "Probable Cause" means that set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed, is threatening, or is about to commit some criminal violation of the law.
- (B) "Reasonable suspicion" means a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause 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.
- (C) "Reasonable cause to believe" means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is

substantial, objective, and sufficient to satisfy applicable constitutional requirements.

- (D) "Reasonable belief" means a belief based on reasonable cause to believe.
- (E) "Racial Profiling" means the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant.

IV. Field Officer Responsibilities

- (A) Officers of the Jonesboro 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.
- (B) Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.
- (C) Upon initial contact, when feasible and reasonable to do so, each officer shall provide his or her full name, written identification, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a badge number by the pedestrian or driver of a motor vehicle, the officer shall oblige by providing his or her departmental computer number when feasible and reasonable to do so.
- (D) When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each 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 citation.
- (E) In an effort to minimize conflict during interaction with accused violators when stopping and or detaining persons, it is recommended that officers attempt, where feasible and reasonable, to:
 - 1. Extend a customary greeting to each person such as: *Good morning, afternoon, or evening.*
 - 2. Identify themselves by name. For instance: *I am Officer Smith of the Jonesboro police Department.*
 - 3. Explain the reason for the stop or detention: *I stopped you because_____.*
 - 4. Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.

5. Politely ask for identification and any required documents: *May I please see your driver's license, registration and proof of motor vehicle insurance?*
6. 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 pay a fine, appear in court, etc.
7. Extend a departing pleasantry such as: *Please drive safely or thank you for your cooperation.*
8. Make sure the driver is able to merge safely back into traffic.
9. Remain courteous and project a professional demeanor during the interview, questioning or contact.
10. Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial / bias-related profiling, including but not limited to racial slurs or derogatory references about a minority group.
11. Officers shall report any acts of racial / bias based profiling to their immediate supervisor as is more specifically defined herein.

V. Supervisor responsibilities

- (A) 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 procedure herein.
- (B) Each supervisor shall be responsible for making contact, when possible, with any any known complainant alleging biased based law enforcement practice by his or her field officers, wither on the scene or by telephone and documenting the same in writing using departmentally approved forms.
 1. If the complaint is not resolved, and the forms have not already been filled out, the supervisor shall offer to provide the complainant a complaint form.
 2. If the supervisor arrives at the scene of the allegation, then she/he shall provide a complaint form and collect the mobile video/ audio recording (MVR) tape, if applicable, from the field officer.
 3. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy and in particular the investigative process.
- (C) Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
 1. Evaluate, provide a written report, an process each Complaint form alleging biased law enforcement practices to the Agency head or his/her designee or to the Internal Affairs Unit/ Investigator, if applicable.
 - a. Written reports shall be completed within twenty-four (24) hours of

- of filing by complainant.
2. 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.
 - a. 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/Investigator.
 - b. 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 / investigator for review.

VI. Allegations of Biased Based law Enforcement Practices

- (A) When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advisement on the situation.
 1. When practical to do so, the supervisor shall report to the scene to mediate the situation.
 2. Field officers shall provide complainant(s) with the full name and departmental phone number of his or her immediate supervisor, and the contact name and departmental telephone number of the Chief of Police or his or her designee, or the supervisor of the Internal Affairs unit / Investigator, if applicable.
 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.
- (B) Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- (C) All allegations of biased based law enforcement practices shall be investigated by the Jonesboro Police Department in a like and consistent manner.

VII. Review and Reporting Requirements

- (A) The staff of the Jonesboro Police Department shall implement a systematic review process to generate annual analyses of the statistical information collected from the complaint form.
- (B) These analysis shall identify allegations specific to biased based law enforcement practices.
- (C) If a pattern is identified, the agency head or his or her designee or the Internal Affairs Unit / Investigator, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and / or other department policies and procedures.

- (D) Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner.

VIII. Documentation and Record Keeping

- (A) Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:

1. A physical description of each person detained as a result of the stop, including:
 - a. The person's gender;
 - b. The person's race or ethnicity.
2. The traffic law or ordinance alleged to have been violated or the suspected offense:
3. Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
4. Whether any contraband was discovered in the course of the search and the type of contraband discovered: (If arrest is not made)
5. Whether the officer made an arrest as a result of the stop or search, including a statement of the offense charged;
6. The street address or approximate location of the stop;
7. The date and time of the stop; and
8. Whether the officer issued a verbal warning, written warning or citation for as a result of the stop.

- (B) Every year, no later than April 1, the Jonesboro Police department will compile the above information relating to the race/ethnicity of the individuals stopped.

- (C) The information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/ or percentage categories of ethnicity, stops, reasons for the stops, searches resulting from the stops, disposition of the stops, and duration of the stops.

- (D) The Jonesboro Police Department shall also compile data on individual officers to be

used in evaluation and as an early warning system for possible racial/bias profiling.

- (E) The data and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights or of state or federal law.

IX. Training

- (A) Training in compliance with Ark. Code Ann. 12-12-1404 and regarding this policy. This training shall include:

1. Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
2. Annual in service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
3. Input from those classes of persons identified in the agency policy in development of curriculum; and
4. Specific lesson plans for patrol officers, supervisors, etc.;
5. A review of our departmental operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy, and
6. If necessary and possible, foreign language instruction to insure adequate communication with residents of the community.

X. Communication to the Community of this Policy

- (A) The Jonesboro police Department shall be responsible for providing public information relating to the agency's efforts to comply with governmental mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not limited to, any of the following:

1. Pamphlets developed by the agency;
2. Public service announcements concerning this policy and additional outreach efforts on local radio stations, television stations and local newspapers;

3. Community meetings and public forums in which bias/racial profiling is discussed, and

4. News/press releases.

(B) Where appropriate to meet the goals of this policy, communication of this policy with the community shall be available in English and in Spanish.

XI. Retaliation

(A) No member of the Jonesboro Police Department, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting Incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents

(B) Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to dismissal.

X. The Use of Mobile Video / Audio Recording (MVR) Equipment.

(A) See Policy Section 113 *The use of Mobile Video and Audio Recording Equipment.*