

PROHIBITION OF BIASED LAW ENFORCEMENT PRACTICES

PURPOSE: The purpose of this policy is to affirm the Department's commitment to *bias-free policing* in all encounters between an officer and any person. To reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable manner and protect our officers from unwarranted accusations of misconduct when they act within the rule of the law and Department policy. (2.01)

POLICY: It is the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to enforce traffic laws, while insisting that citizens will only be stopped or detained where there exists reasonable suspicion or probable cause.

Employees of this Department will base pedestrian or motor vehicle stops, investigative activities, detentions, searches, property or asset seizures, and arrests of persons upon the *standard of reasonable suspicion or probable cause* in compliance with the United States and Arkansas Constitutions.

PROHIBITION STATEMENT: Employees of this Department are prohibited from utilizing race, color, creed, ethnicity, gender, age, disability, religion or any other belief system in making law enforcement decisions, unless part of the description of the suspect, and the description is thought to be reliable and locally relevant. Employees shall not engage in racial profiling.

DEFINITIONS:

- I. **BIASED POLICING:** A law enforcement action based on an individual's race, color, creed, ethnicity, gender, age, disability, religion or any other belief system rather than on the individual's behavior or on information identifying a specific individual as having engaged in criminal activity.
- II. **RACIAL PROFILING:** A law enforcement action based 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. Racial profiling does not include reliance on these 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.
- III. **BIAS-FREE POLICING:** The practice of law enforcement officers relying solely on a standard of reasonable suspicion or probable cause.
- IV. **REASONABLE SUSPICION:** Is a legal standard of proof in United States law that is less than probable cause; the legal standard for arrests and warrants, but more than an inchoate and unparticular suspicion or hunch. It must be based on specific and articulable facts, taken together with rational inferences from those facts. (13.15)
- V. **PROBABLE CAUSE:** 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. In regards to warrants, even hearsay can supply

probable cause if it is from a reliable source or supported by other evidence, according to the Aguilar-Spinelli test.

- VI. AGUILAR-SPINELLI TEST: Is also known as the two-prong test. The test is applied in situations where a search warrant is necessary for law enforcement and a magistrate signs the warrant. The two-prongs of the test are:
- A. The magistrate must be informed of the reasons to support the conclusion that such an informant is reliable and credible;
 - B. The magistrate must be informed of some of the underlying circumstances relied on by the person providing the information.
(Reliability of both the information and the informant must be independently shown. [Aguilar v. Tex., 378 U.S. 108 (U.S. 1964)]

PROCEDURES:

I. OFFICER RESPONSIBILITIES (13.15)

- A. Officers shall conduct their duties in a responsible and professional manner, without bias.
- B. Biased policing, including racial profiling, is strictly prohibited.
- C. Officers will base pedestrian or motor vehicle stops, investigative activities, detentions, searches, property or asset seizures, and arrests of persons upon the standard of reasonable suspicion or probable cause.
- D. Officers will consider the reported race or ethnicity of a specific suspect based on reliable, relevant information that connects a person of a specific race or ethnicity to a particular crime or unlawful incident.
- E. Officers will identify themselves by saying their rank, name and Department during first contact with the person (Example: I'm Officer John Doe with the Jacksonville Police Department.). If possible, the Officer will present written identification.
- F. Officers will state the reason for the contact, to the person, after identifying themselves during the stop. (Example: Sir, I stopped you for speeding 45 in a 25.)
- G. Officers will state the disposition of contact, to the person, at the conclusion of the stop. (Example: Sir, I'm issuing you a verbal warning for No License Plate Lamp.)

II. SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure that the officers under their command understand the content of this policy and operate within its procedures.
- B. Supervisors will conduct a review of any citizen complaints received by them and will provide timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be committing biased policing practices, including racial profiling.
- C. The Office of Professional Standards, in conjunction with the Command staff, will conduct a documented annual administrative review of agency practices including citizen's complaints.
- D. The Office of Professional Standards will include a copy of this Prohibition of Biased Law Enforcement Practices policy in the annual report that is submitted to the Division of Legislative Audit when required. (13.16)
- E. This policy shall be available for public inspection.