



I. **Purpose and Scope [2.01, 2.17, 13.15A]**

The purpose of this policy is to reinforce procedures that assure the public this agency is providing service and enforcing law in an equitable and lawful fashion, to clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions and to reaffirm the Jonesboro Police Department's commitment to unbiased law enforcement practices. Biased based profiling is unethical and it is illegal, and serves to foster distrust of law enforcement by the community we serve.

II. **Policy [2.01, 2.17, 13.15A]**

Officers of the Jonesboro Police Department shall not violate citizens' equal protection rights. It is the policy of the Jonesboro Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Jonesboro Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Jonesboro Police Department prohibits the use of bias based profiling in traffic contacts, field contacts, investigative activities, searches, arrests and in asset seizure and forfeiture.

III. **Definitions**

- A. *Bias Based Policing*: The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- B. *Racial Profiling*: 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 who race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant.
- C. *Probable Cause*: A set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows or 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.
- D. *Reasonable Suspicion*: 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. [13.15C]

- E. *Reasonable Cause to Believe*: A basis for belief in the existence of facts, which, in view of the circumstances, is substantial, objective, and sufficient to satisfy applicable constitutional requirements.
- F. *Reasonable Belief*: A belief based on reasonable cause to believe.

IV. Field Officer Responsibilities

- A. All members 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 investigative detentions, traffic stops, arrests, searches, and seizures of property on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority and in doing so shall not violate this policy. Officers must be able to articulate facts, circumstances and conclusions, which support probable cause or reasonable suspicion for an arrest, traffic stop, or investigative detention. **[13.15B,C]**
- C. Officers may take into account the *reported race, ethnicity, or national origin* of a specific suspect or suspects based on *credible, reliable, locally relevant information* that links a person of a specific race to a particular criminal incident or links a specific series of crimes in an area to a group of individuals of a particular ethnicity.
- D. Except as provided in section C above, officers shall not consider race, ethnicity, or national origin in establishing either reasonable suspicion or probable cause. **[13.15C]**
- E. In an effort to minimize conflict and prevent inappropriate perceptions of biased law enforcement, it is recommended that members of the Jonesboro Police Department shall attempt to utilize the following strategies when conducting pedestrian and vehicle stops:
 1. Extend a customary greeting.
 2. Introduce himself or herself, providing name and agency name. If asked for a badge number, the officer shall oblige by providing his or her departmental computer number when feasible and reasonable to do so. **[13.15D]**
 3. Explain to the citizen the reason for the stop as soon as practical, unless providing this information will compromise the safety of officers or other persons. **[13.15D]**
 4. Listen politely and give the person many opportunities to tell his or her story and explain his or her behavior.
 5. Politely ask for identification and any required documents.
 6. Complete paperwork and advise the driver or pedestrian 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. Appropriate enforcement action should always be completed and documented, in the form of a written warning / field contact slip, citation, or an arrest.
 7. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense and consideration should be given to providing an explanation if it is determined that the reasonable suspicions were unfounded. (e.g., after a BOLO stop).
 8. Extend a departing pleasantry.
 9. Make sure the driver is able to safely merge back into traffic.
 10. Remain courteous and project a professional demeanor, refraining from participating in or encouraging and statements that could be reasonably perceived as racial or 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 [13.15E]

- 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. An on-duty supervisor shall be responsible for making contact, when possible, with any known complainant alleging bias based law enforcement practices by any officer under their command, either on the scene or by telephone and shall document the content of the complaint 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. The supervisor shall collect the mobile video / audio recording (MVR), if applicable;
 3. and provide further guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy in particular, the investigative process.
- C. Upon receipt of a bias based policing complaint, each supervisor shall address the matter in a timely manner by:
 1. Providing a written evaluation and report of the complaint to the Chief of Police or his/her designee and/or to the Office of Professional Standards/Internal Affairs. All reports regarding bias based policing complaints shall be completed within twenty-four (24) hours of the filing of the complaint.
 2. Evaluate, copy and submit a written MVR tape report to the agency Head or his/her designee detailing the review of the MVR tape, if applicable, within 24 hours. Maintain a copy of the tape.
- D. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias based profiling and treatment of individuals. Supervisors should provide timely assistance, remediation or discipline when applicable. Supervisors will be apprised of all other bias based profile complaints involving personnel under their command that are originally filed with the Office of Professional Standards Internal Affairs. [13.15F]

VI. Allegations of Bias Based Policing

- 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 will report to the scene to mediate the situation.
 2. Field officers shall provide the complainant(s) with the full name and departmental phone number of his/her immediate supervisor, and the contact name and telephone number of the Chief of Police or his/her designee, or the supervisor of the Office of Professional Standards / Internal Affairs, if applicable.
 3. Field officers shall complete a written report detailing the incident, the allegation(s), the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his/her supervisor.
- B. Along with their written report, field officers shall submit a Digital Video Request form, indicating the encounter in question, if applicable, to his or her supervisor.
- C. All allegations of bias based law enforcement practices shall be investigated by the Jonesboro Police Department in a like and consistent manner.

VII. Review and Reporting Requirements

- A. Dependent on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to training, counseling, policy review, and discipline up to and including termination of employment.
- B. Annually, a summary of all bias based complaints, which will include the findings as to whether each case was sustained, not sustained, or exonerated, will be compiled and submitted to the Chief of Police for review. Supplemental statistical data may be obtained from the Communications Unit's CAD system, from Mobile Data Computer logs and inquiries, and activity reports. **[2.01]**
- C. The summary will be used in an annual administrative review of these complaints, which will take into account a review of agency policy and practices, and citizen's complaints. **[2.01]**
- D. If a pattern is identified, the agency head or his/her designee or the Office of Professional Standards shall be responsible for conducting an investigation to determine whether officers of the Police Department have violated the provisions of this policy and /or any other department policies and procedures.

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 because 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 because 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 because 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 a citation because of the stop.
- B. All officers operating units equipped with mobile video recording devices shall adhere to JPD Policy 504 regarding the use of such equipment and shall not deviate from the standards set forth in that policy regarding activation, deactivation and officer record keeping responsibilities. **[13.15H]**

IX. Retaliation [13.15G]

- 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. Training [2.01]

- A. Training in compliance with applicable state laws (Ark. Code Ann. 12-12-1404) and accreditation standards shall include the following:
 - 1. Training of all current and future sworn personnel employees as to this policy and the prohibition against racial / bias based 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
 - 4. Specific lesson plans for patrol officers, supervisors, etc.
 - 5. A review of the Department's operating procedures that implement the prohibition against racial profiling and the affirmation by Department employees that they have copies of, understand, and are following the policy.
 - 6. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.

XI. 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 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 police, communication of this policy with the community shall be available in English and Spanish.