

# POCOLA POLICE DEPARTMENT

## POLICIES AND PROCEDURES

|                               |                            |                        |                   |
|-------------------------------|----------------------------|------------------------|-------------------|
| <b>SUBJECT</b>                | <b>BIAS BASED POLICING</b> |                        |                   |
| <b>NUMBER:</b>                | <b>11.000</b>              | <b>EFFECTIVE DATE:</b> | <b>12/15/2015</b> |
| <b>SCHEDULED REVIEW DATE:</b> | <b>06/15/2016</b>          | <b>ISSUE DATE:</b>     | <b>12/15/2015</b> |
| <b>DATE REVIEWED:</b>         |                            | <b>REVISION DATE:</b>  |                   |
| <b>APPROVED BY:</b>           | <b>Chief Steve Howard</b>  |                        |                   |

### I. Purpose and Scope

- A. The purpose of this policy is to unequivocally state that the Pocola Police Department will not tolerate nor condone law enforcement activities that are the result of biased based profiling. Biased based profiling is unethical and it is illegal, and serves to foster distrust of law enforcement by the community we serve.

### II. Policy

- A. It is the policy of the Pocola 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 Pocola Police Department to protect the fundamental rights of all citizens, and to provide equal protection under the law. Therefore, the Pocola Police Department prohibits the use of bias based profiling in traffic contacts, field contacts, 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.

|                              |                            |
|------------------------------|----------------------------|
| Page   1 OF 5                | Effective Date: 12/15/2015 |
| Subject: Bias Based Policing | Number: 11.000             |

- B. Enforcement Activities: Activities both on and off-duty, undertaken by Pocola Police Department personnel that arise from their authority related to employment, oath of office, state statute, or federal law. Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.
- 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.
- 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.

**IV. Field Officer Responsibilities**

- A. All members of the Pocola 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. All investigative detentions, traffic stops, arrests, searches, and seizures of property by members of the Pocola Police Department will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, traffic stop, or investigative detention.
- C. If an officer is operating a patrol vehicle that is outfitted with audio/video recording equipment, the officer will activate the equipment for investigative detentions, traffic stops, arrests, searches and seizures.
- D. 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.
  - 1. The criteria of locally relevant information requires that the information linking race to crime be based on local conditions. That is, officers could not rely on widely held stereotypes or even the fact that in many areas of the country a certain race is linked to a certain crime. Officers must have information that supports the link between race and specific criminal activity in their area.

|                              |                            |
|------------------------------|----------------------------|
| Page   2 OF 5                | Effective Date: 12/15/2015 |
| Subject: Bias Based Policing | Number: 11.000             |

- E. Except as provided in section D above, officers shall not consider race, ethnicity, or national origin in establishing either reasonable suspicion or probable cause.
- F. In an effort to prevent inappropriate perceptions of biased law enforcement, members of the Pocola Police Department shall utilize the following strategies when conducting pedestrian and vehicle stops:
  1. Introduce himself or herself, providing name and agency name, and 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. However, due to the nature and purpose of the operations, undercover officers or officers acting as decoys are exempt from identifying themselves until the point that arrest, detention, or enforcement actions are being attempted. In vehicle stops, provide this information before asking the driver for his or her license and registration.
  2. Appropriate enforcement action should always be completed and documented, generally in the form of a written warning, citation, field interview report, or an arrest.
  3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
  4. Answer any questions the individual may have, including explaining options for the disposition of the traffic citation, if relevant.
  5. Provide his or her name and badge number when requested to do so, in writing or on a business card.
  6. Officers shall provide an explanation if it is determined that the reasonable suspicions were unfounded. (e.g., after a BOLO stop).
  7. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited, and is a cause for disciplinary action consistent with Departmental policy.

**V. Supervisor Responsibilities**

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this document. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias based policing activity.
- 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.
- C. Upon receipt of a bias based policing complaint, each supervisor shall address the matter in a timely manner by providing a written evaluation and report of the complaint to the Chief of Police. All reports regarding bias based policing complaints shall be completed within twenty-four (24) hours of the filing of the complaint.

|                              |                            |
|------------------------------|----------------------------|
| Page   3 OF 5                | Effective Date: 12/15/2015 |
| Subject: Bias Based Policing | Number: 11.000             |

- D. Supervisors will be apprised of all other bias based profile complaints involving personnel under their command that are originally filed with the Office of the Chief of Police.
- E. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias based profiling and treatment of individuals.

**VI. Allegations of Bias Based Policing**

- A. Whenever a person complains that an officer has engaged in practices prohibited by this policy, the officer will immediately notify his or her supervisor for advisement of the situation
  - 1. When practical to do so, the supervisor will report to the scene to mediate the situation.
  - 2. Officers accused of bias based activity shall provide the complainant(s) with the full name and telephone number of his/her immediate supervisor, and the contact name and telephone number of the Office of the Chief of Police.
  - 3. Officers accused of bias based activity shall complete an Inter-Office Memorandum detailing the incident, the allegation made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest. The Memorandum shall be directed to the Office of the Chief of Police.
- B. Any person may file a complaint with the Pocola Police Department if they feel that they have been stopped, detained, or searched based solely on a biased base profile.
- C. Investigations of allegations of bias based policing shall be conducted in a like and consistent manner by the Office of the Chief of Police, or as designated by the Chief of Police.

**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. A statistical summary will be used in an annual administrative analysis of these complaints, which will take into account a review of agency policy and practices, and citizen's complaints.
- C. If a pattern is identified, the Office of the Chief of Police shall be responsible for conducting an investigation to determine whether officers of the Pocola Police Department have violated the provisions of this policy and/or any other department policies and procedures.

|                              |                            |
|------------------------------|----------------------------|
| Page   4 OF 5                | Effective Date: 12/15/2015 |
| Subject: Bias Based Policing | Number: 11.000             |

**VIII. Retaliation**

- A. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. No member of the Pocola Police Department, regardless of rank, shall retaliate against any fellow officer, official, civilian, or volunteer for reporting incidents of bias based policing or for participating in or cooperating with the investigation of those incidents.
- C. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to disciplinary action up to and including termination.

**IX. Training**

- A. Training in compliance with applicable state laws shall include the following:
  - 1. Training of all current and future Department 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. A review of the Department’s operating procedures that implement the prohibition against racial profiling and the affirmation by Pocola Police Department employees that they have access to, understand, and are following the policy.
  - 4. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.

|                              |                            |
|------------------------------|----------------------------|
| Page   5 OF 5                | Effective Date: 12/15/2015 |
| Subject: Bias Based Policing | Number: 11.000             |