

PROFESSIONAL STANDARDS

PROFESSIONAL BIAS-FREE TRAFFIC AND TERRY STOPS

Purpose: The purpose of this policy is to affirm the department's commitment to unbiased policing and reinforce procedures that ensure public confidence and mutual trust through the provision of services fairly and equitably. Also, to provide guidelines for officers and protection from unwarranted misconduct claims when performing duties within the law and departmental policy.

Policy Statement: Members of the North Little Rock Police Department will base pedestrian or motor vehicle stops, investigative detentions, searches and seizures, and arrests of persons upon the standards of reasonable suspicion or probable cause in compliance with the Fourth Amendment to the U. S. Constitution. All persons are free to walk and drive city streets, highways, and other public places without law enforcement interference. All police services and measures will be applied equally under the law to all persons. Traffic stops and Terry Stops are vital to police duties. In addition to deterring traffic violations, they provide police visibility which helps prevent criminal activity. This department's policy is to patrol proactively, investigate suspicious activity, and enforce laws. At the same time, insisting citizens will only be stopped or detained when reasonable suspicion or probable cause exists.

Prohibition Statement: Members of the North Little Rock Police Department are prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the motivating factor in making law enforcement decisions. Members will not engage in racial profiling. [CALEA 1.2.9a]

Summary of Changes: Reasonable Suspicion added to the listed of definitions, statement of biased policing being prohibited moved under 1.2, full name added to 1.2.3, removed redundant information previously under 1.3.1 & 1.3.2 regarding biased policing, ninety (90) day time added to 1.4 regarding recordings, 1.6 reworded to "casual encounters," complaint investigation and supervisor responsibilities combined under number 2, moved roll call training under the responsibility of Training Unit or designee, and added CALEA chapter citations.

Definitions:

Biased Policing: A law enforcement action based on an individual's race, age, color, creed, disability, gender, sexual orientation, religion or other belief system or any other individual attribute, ethnic status and characteristic, or national origin rather than on the individual's behavior or on information identifying a specific individual as having engaged in criminal activity.

Unbiased Policing: The practice of law enforcement officers relying solely on a standard of Reasonable Suspicion or Probable Cause.

Reasonable Suspicion: A suspicion that is less than probable cause but based on facts or circumstances that justifies further investigation that criminal activity may be afoot.

Racial Profiling: Means the practice of a law enforcement officer's 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 (AR Criminal Code 12-12-1401a). "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 (AR Criminal Code 12-12-1401b).

Procedure:

1. General Conduct

1.1 Members will conduct themselves in a dignified and respectful manner when dealing with the public.

1.2 Biased policing is strictly prohibited as defined by this policy and Arkansas Criminal Code. Officers will conduct their duties responsibly and professionally, without bias.

1.2.1 Officers will base pedestrian or motor vehicle stops, investigative detentions, or arrests on a standard of reasonable suspicion or probable cause.

- 1.2.2 Officers will consider a suspect's reported race or ethnicity when based on reliable, relevant information that connects the person to a particular crime or unlawful incident.
- 1.2.3 Officers will identify themselves by full name jurisdiction and state the reason for the stop and, when possible present written identification.
- 1.2.4 Officers will present North Little Rock Police Department identification upon request when contacting the public.
- 1.3 No motorist, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of other criminal activity. Officers will search no person or vehicle without a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
- 1.3.1 Officers should only undertake consent searches with written consent. Officers should use the proper department consent to search form. If a person will consent to a search but refuses to sign the consent form, "verbally consented to the search, but refused to sign" will be written on the signature line. The officer will initial above the signature line on the consent form.
- 1.3.2 Officers will attempt to have a witness sign the consent form to verify the verbal consent.
- 1.4 If the police vehicle is equipped with a video camera, officers will activate the video and audio before the traffic stop to record the behavior of the person(s) in the vehicle. It will remain activated until the person(s) is released and allowed to continue on their journey. Video recordings will be downloaded to the department servers and stored for ninety (90) days.
- 1.4.1 Members will handle Mobile Video Recording (MVR) data following North Little Rock Police Department Policy Directive 25-08.
- 1.5 This policy does not preclude an officer from conducting a stop to offer assistance, i.e., to inform a driver of an item left on the vehicle's roof or of a substance leaking from a vehicle.
- 1.5.1 Motor vehicle stops of this nature should be reported as an "assist a motorist or citizen" call rather than a traffic violation.
- 1.6 Engaging in a citizen assist or casual encounters with a motorist or pedestrian should not be considered a police stop as the individual is free to leave at any time.
- 1.6.1 A formal request for ID by an officer, etc., make such contact a police action. Likewise, any evidence observed or obtained during a casual contact can lead to it becoming a police action.

2. Supervisor Responsibilities/Complaint Investigation

- 2.1 An MVR recording of each officer will be reviewed by their supervisor at least once every ninety (90) days. Supervisors will document the reviews on an MVR review form. The Area Commander will submit the review form to the Patrol Division Commander at the end of each quarter. [CALEA 41.3.8g]
- 2.2 Supervisors will promptly address questionable stops or police actions through counseling and training. Additionally, supervisors will report violations of this policy or the continuation of questionable activities in writing to the Division Commander.
- 2.3 Supervisors will ensure that officers follow the policies and procedures outlined in this directive.
- 2.4 Any member who receives a complaint while on duty will immediately request an on-duty supervisor to the location. Supervisors will immediately respond to an incident when advised of a biased policing complaint.
- 2.5 Supervisors receiving such complaints will address them following Policy Directive 04-02.
- 2.5.1 Supervisors should obtain a written report (if available) detailing the incident, including the purpose of the pedestrian or traffic stop, investigative detention or arrest, and the MVR recording data containing the encounter.
- 2.5.2 The complaint should be forwarded to the Division Commander by the end of the next business day.
- 2.5.3 The Division Commander will review the complaint file, make recommendations, and forward the file to the Chief of Police within two (2) business days.
- 2.5.4 After review, the Chief of Police will determine if further investigation is required.
- 2.5.5 No person will be discouraged, intimidated, or coerced from filing a complaint nor discriminated against because of filing such a complaint.
- 2.5.6 Retaliation toward members who report acts of biased policing is strictly prohibited.
- 2.6 Sustained biased-policing complaints will result in appropriate corrective action and disciplinary action up to and including termination.
- 2.7 The Professional Standards Unit will include the number of biased-policing complaints filed and sustained in its annual report to the Chief of Police.
- 2.7.1 The Professional Standards Unit will provide an annual analysis of the statistical information collected from citizen complaint forms and corrective measures specific to biased policing practices. [CALEA 1.2.9c]
- 2.7.2 If patterns are identified, the Professional Standards Unit will be responsible for investigating to determine whether any members rely on race, ethnicity, or national origin as a basis for investigating other violations of criminal law.

3. Training [CALEA 1.2.9b]

- 3.1 Officers will receive initial racial profiling and bias-free policing training. Officers will also receive annual in-service training in proactive enforcement tactics, including officer safety, courtesy, ethics, cultural diversity, search and seizure, and interpersonal communication skills emphasizing bias-free policing techniques.
- 3.1.1 Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion (search and seizure) or any unlawful police action.
- 3.1.2 Training will comply with provisions of Arkansas Act 1207 of 2003.
- 3.1.3 The Training Unit is responsible for achieving this training requirement.
- 3.2 When needed, the Training Unit or designee will conduct roll call training to include the legal aspects of biased-policing practices.
- 3.2.1 Review the department's policies and procedures concerning biased policing.
- 3.2.3 Review the appropriate methods for carrying out enforcement with unbiased policing training

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