



University of Central Arkansas Police Department
General Order 2.2.4
Bias Free Law Enforcement Practices

<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
ALEAP Standards: 2.01, 13.15, 13.16	
Revised: 10 March 2017	Supersedes: 2.2.4 (01 June 2008)
Date Effective: 15 March 2017 By order of Chief of Police	Review Date: 04 March 2019

- I. Purpose:** This policy serves to affirm the UCA Police Department's commitment to unbiased law enforcement practices, clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and to reinforce procedures that assure the public that the UCA Police Department is providing service and enforcing laws in an equitable manner.

Members of the UCA Police Department will protect the rights of all persons, regardless of race, color, creed, ethnicity, gender, gender identity, age, sexual orientation, disability, religion, or any other belief system. All persons will be free to walk and drive the streets and other public places on and about the UCA campus without law enforcement interference so long as they are law abiding in their actions and behaviors.

This policy further serves to unequivocally state that the UCA 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 would serve to foster distrust of law enforcement by the community we serve.

- II. Policy:** It is the policy of this department to respect the rights of all persons. As such, this department will work diligently to ensure the following:
- A. Law enforcement officers of this agency shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity as defined by this policy. [ALEAP 13.15 A]
 - B. It shall be the policy of this law enforcement agency 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 state law. [ALEAP 13.15 B]
 - C. Law enforcement officers of this agency shall be prohibited from utilizing race, ethnicity, national origin or religion to any degree in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect. [ALEAP 13.15 C]

- D. The statements of policy and definitions contained herein shall not be construed or interpreted to be contrary to the Arkansas Rules of Criminal Procedure or the Constitutions of the United States or the State of Arkansas.

III. Definitions

- A. Standard of 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. [ALEAP 13.15 C]
- B. Probable Cause – a set of facts or circumstances based on reliable information, 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.
- C. Reasonable Cause to Believe – 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 – a belief based on reasonable cause to believe.
- E. 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 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.
- F. Biased Law Enforcement – the practice of a law enforcement officer relying on age, race, color, creed, disability, ethnicity, gender, gender identity, national origin, sexual orientation, religion, any other belief system, and/or any other individual attribute other than a standard of reasonable suspicion or probable cause in the selection of persons to subject to routine pedestrian or motor vehicle stops, detentions, investigative activities, or arrests.
- G. Unbiased Law Enforcement – the practice of a law enforcement officer relying solely on a standard of reasonable suspicion, probable cause, or taking into account the reported race or ethnicity of a specific suspect or suspects based on reliable, locally relevant information that links a person or persons of a specific race or ethnicity to a particular unlawful incident.

IV. Training

- A. Law enforcement officers will receive initial and annual training in operating procedures that prohibited biased law enforcement. This training shall be planned and completed in compliance with the standards designed by the Commission on Law Enforcement Standards and Training (CLEST).

- B. Officers and civilian staff will also receive annual training in the following areas:
 - 1. Understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties.
 - 2. The Arkansas Rules of Criminal Procedures specific to search and seizure
 - 3. The Fourth Amendment to the U.S. Constitution
 - 4. Interpersonal communication skills

V. Procedures

- A. All investigative detentions, traffic stops, arrests, searches, and seizures of property by members of the UCA 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.
- B. 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. Criteria for locally relevant requires 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.
- C. Except as provided in section B above, officers shall not consider race, ethnicity, or national origin in establishing either reasonable suspicion or probable cause.
- D. In an effort to prevent inappropriate perceptions of biased law enforcement, members of the UCA Police Department shall utilize the following strategies when conducting pedestrian and vehicle stops:
 - 1. Be courteous, polite, and professional.
 - 2. The officer will introduce himself or herself, providing name and agency name, and will 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. On vehicle stops, provide this information before asking the driver for his or her license and registration.
 - 3. In an effort to minimize conflict during interactions with accused violators when stopping and or detaining persons, it is recommended that officers attempt, where feasible and reasonable, to: [ALEAP 13.15 D]

- a. Officer Greeting: Good morning, afternoon, or evening.
 - b. Officer ID: I am Officer Smith with the UCA Police Department
 - c. Ask for identification and any required documents: May I please see your driver's license, registration, and proof of motor vehicle insurance?
 - d. Reasoning: I stopped you because... _____
 - e. Listen politely and give the accused ample opportunity to tell their story.
 - f. 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.
 - g. Closing: Please drive safely or thank you for your cooperation.
 - h. Make sure the driver has a clear lane to merge safely back into traffic.
4. Appropriate enforcement action should always be completed and documented, generally in the form of a warning, citation, or an arrest. Officers are to ensure that the names of persons stopped and detained, even for a warning, are called into the Communications Center for inclusion in the dispatch log.
 5. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 6. Answer any questions the individual may have, including explaining options for the disposition of the traffic citation, if relevant.
 7. Provide his or her name and badge number when requested to do so, in writing or on a business card.
 8. Officers shall provide an explanation to the person detained if it is determined that the reasonable suspicions were unfounded. (e.g., after a BOLO stop).
 9. 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.
 10. Officers shall report any acts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

VI. Complaints of Bias Based Policing

- A. When accused of biased law enforcement practices, the field officer should first contact their immediate supervisor for advisement on the situation. In some instances, the supervisor will report to the scene to mediate the situation. Officers shall provide the complainant(s) with the full name and telephone number of their immediate supervisor, and the contact name and telephone number of the agency head or designee, or the contact name and telephone number of the Professional Standards Commander, if applicable.
- B. Any person may file a complaint with the UCA Police Department if they feel that they have been stopped, detained, or searched based solely on a biased base profile. Officers receiving such a complaint shall follow procedures outlined in the Department's Complaint Investigations policy 2.5.1.
- C. Officers will 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.
- D. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- E. Investigations of allegations of bias based policing shall be conducted by the assigned Professional Standards Investigator or as designated by the Office of the Chief of Police.
- F. 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.

VII. 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 will follow the procedures outlined in the Department's Complaint Investigations policy 2.5.1 when advised that a person is making a complaint alleging profiling or other improper conduct.
- C. Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.
 - 1. If the complaint is not resolved, and forms have not already been filled out, when the supervisor arrives he/she will offer to provide the complainant a Citizen Complaint Form.

2. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the department's policy and the investigative process.
- D. 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, and process each Citizen Complaint Form alleging biased law enforcement practices to the Chief of Police and applicable Bureau Commander.
 - a. Written reports shall be completed by the end of the shift during which the complaint was filed.
 2. Evaluate, copy, and submit a written report to the Chief of Police and applicable Bureau Commander detailing the review of any audio and video recordings, if applicable.
 - a. Each supervisor shall maintain a copy of the audio and video recordings, if applicable, and any written report prior to submitting to the Chief of Police and applicable Bureau Commander.
 - b. The written audio and video recording report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the Chief of Police and applicable Bureau Commander for investigation.
- E. Supervisors will be apprised of all bias based profile complaints involving personnel under their command.
- F. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.

VIII. Use of Mobile Audio/Video Equipment

- A. If the police vehicle is equipped with a video camera and the officer is using a body worn camera, the video and audio shall be activated prior to a traffic stop or pedestrian encounter and all provisions regarding video and audio recordings outlined in General Order 8.3.7, In-Car Video System, and the SOP on Body Worn Cameras will be adhered to whenever possible. As stated in General Order 8.3.7, all recordings will be preserved for 90 days. [ALEAP 13.15 H]

IX. Review and Reporting Requirements [ALEAP 2.01; 13.15E; 13.15F]

- A. The Chief of Police will implement a systematic review process that provides an annual analysis of the statistical information collected from the Citizen Complaint Form. This review will identify allegations specific to biased law enforcement practices to determine whether any officers have a pattern of stopping or searching persons.

- B. If the review reveals a pattern, the Chief of Police shall initiate an investigation to determine whether a trend is present indicating that an officer may be using race, ethnicity, national origin, or religion as a basis for investigating other violations of criminal law.
- C. Officers found to have engaged in biased law enforcement practices will receive immediate counseling, mediation, and corrective training within ninety (90) days of the review and will be subject to discipline and may be subject to dismissal.

X. Communication to the Community of this Policy

- A. The UCA Police Department shall be responsible for providing public information relating to the department's efforts to comply with government mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not be limited to, any of the following:
 - 1. Pamphlets developed by the UCA Police Department
 - 2. Public service announcements concerning this policy and additional outreach efforts.
 - 3. Community meetings and public forums in which bias/racial profiling is discussed
 - 4. News/press releases

XI. Retaliation [ALEAP 13.15 G]

- A. No member of this law enforcement agency, 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

XII. Legislative Audit Requirements [ALEAP 13.16]

- A. To the extent that state law mandates local law enforcement agencies to file reports with Legislative Audit, this order/policy shall be included in the annual report that the department submits to the Division of Legislative Audit.

XIII. Public Inspection

- A. A copy of this policy shall be maintained on the UCA Police Department website at www.ucapd.com and available at the department's Communications Center for public inspection.