

DEPARTMENT GENERAL ORDER 15-04

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 02-01

DATE: March 12, 2015

FAIR AND IMPARTIAL POLICING

I. PURPOSE.

This policy is intended to reaffirm this department's commitment to fair and impartial policing and to clarify the circumstances in which officers can consider race/ethnicity (and other factors, listed here, such as national origin, gender, sexual orientation/identity, socio-economic status, religion, and age) when making law enforcement decisions. This policy shall also provide the operational and reporting requirements related to traffic stops pursuant to RSMO 590.650.

The policy also serves to remind officers of the "probable cause" and "reasonable suspicion" criteria for their stops and searches. Traffic enforcement, investigative stops and pedestrian contacts are routinely performed by officers but for the motorist or pedestrian who is stopped it may be a distressing experience. Officers should be aware of these conditions and should strive to make each contact educational and leave citizens with an understanding that the officer performed the necessary task in a fair, professional and courteous manner.

II. POLICING IMPARTIALLY

Officers shall not consider race/ethnicity (and other factors, listed here, such as national origin, gender, sexual orientation/identity, socio-economic status, religion, and age) in carrying out law enforcement activities except when credible, geographically-focused, timely information links a person(s) of a specific race/ethnicity to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes. This restriction

on the use of race/ethnicity (and other factors listed here) does not apply to law enforcement activities designed to strengthen police/community relations.

All investigative detentions, traffic stops, arrests, searches and seizures of persons and/or property by officers, will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts, circumstances and conclusions, which support probable cause or reasonable suspicion for the arrest, investigative detention or traffic stop.

III. PREVENTING PERCEPTIONS OF BIASED POLICING

To reduce perceptions of biased policing in conducting pedestrian, bicycle, or vehicle stops, officers shall:

Be courteous, respectful, polite and professional.

Identify yourself.

Explain the reason for the stop while asking for identification, unless impractical or unnecessary.

Ensure the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense, and explain the reason for any delays.

Answer reasonable questions the person may have regarding the stop and explain the disposition of the stop.

Apologize for the inconvenience when appropriate.

If asked, provide the procedures for filing a complaint about police services.

IV. CONSENT SEARCHES

- A. A consent search refers to searches of persons or property conducted not based on probable cause, incident to arrest or pursuant to a search warrant, but based on permission granted from the person being searched or in control of the property.

Consent searches are permissible law enforcement tools; however their use shall not be:

1. Arbitrary. The request to conduct a consent search must be reasonable and officers should be able to articulate the suspicion that formed the basis for the request.
- B. Officers shall complete a Field Interview Report/CAD for each consent search conducted articulating the reason for the search.

V. VIDEO RECORDING AND PHOTOGRAPHING BY THE PUBLIC

- A. Members of the general public have a First Amendment right to video record, photograph, and/or audio record Police actions while we are conducting official business. Officers should not interfere with civilians who are observing or recording their actions by video or audio in public, so long as the civilians maintain a safe and reasonable distance, if necessary, from the scene of a police action, do not physically interfere with the officers' performance of their duty and do not represent a physical danger to the officers, civilians or others.

- B. Officers shall not directly or indirectly intimidate or discourage an individual from recording police officer enforcement activities or intentionally block or obstruct cameras or recording devices. Officers are also prohibited from confiscating (without a warrant or consent) or destroying recording devices or cameras and deleting recordings or photographs under any circumstance.

VI. REPORTING REQUIREMENTS/PROCEDURES.

In accordance with state law, sworn officers shall complete a Traffic Analysis screen on all traffic stops in either the REJIS LEWeb system or the Mobile Ticketing system. The following information will be recorded in the Traffic Analysis screen in each specific instance:

1. Time and date of traffic stop.
2. Officer's DSN.
3. Whether race of driver observable prior to stop?
4. Probable cause/violation that led to the stop.
5. Result of traffic stop (citation, warning, etc.)
6. Driver's race/minority status.
7. Driver's age and gender.
8. Location of traffic stop.
9. Was driver a resident of jurisdiction?
10. Was search initiated? Probable cause/authority for search.
11. The extent of search.
12. Duration of search.
13. Whether any contraband was discovered during the search. Types of contraband.
14. Was driver arrested?
15. The charge(s) or offense(s) involved.

Items of information recorded in the Traffic Analysis screen will be in regard to the driver of the stopped vehicle only.

A. Supervisory Responsibility

Supervisors will ensure that officers under their command complete the required Traffic Analysis screens as dictated by law.

B. Administration and Statistical Procedures

Statistical data in regard to traffic stops will be provided this agency by REJIS on both a monthly and annual basis. These reports will include data on the racial and gender breakdown of traffic stops initiated by department personnel. Such traffic analysis reports shall be reviewed by the Commander of the Field Operations Bureau as often as necessary; however, at a minimum, a review will be conducted of the annual report. The purpose of the review will be as follows to determine if alterations in traffic enforcement tactics and procedures are necessary, and to examine and address any outstanding citizen concerns.

C. State Reporting Requirement

The Administrative Division of the Investigations and Support Bureau shall prepare an annual report that will then be submitted to the State of Missouri Attorney General's office. The report will contain the required information enumerated in RSMo 590.650 and such other information as the Attorney General may require. The report shall also be issued over the signature of the Chief of Police who is responsible to ensure that the data contained therein is accurate to the best of his knowledge.

VII. EXCEPTION TO REPORTING REQUIREMENTS.

A police officer who stops any driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block shall be exempt from the reporting requirements of RSMO 590.650.

VIII. TRAINING IN FAIR AND IMPARTIAL POLICING

Sworn members of the department shall receive annual training in fair and impartial policing, to include federal and state legal updates. Such training may be received through the police academy as part of the normal POST certification process, through in-service and/or roll call training, or via other training sessions. Irrespective of the venue or reason, this training will be documented as required.

BY ORDER OF:

KEVIN R. MURPHY
Chief of Police

KRM: mj