

DEPARTMENT GENERAL ORDER 18-03

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

DATE: June 28, 2018

RACIAL/BIAS-BASED PROFILING

I. PURPOSE.

To eliminate potential allegations concerning systematic violations of constitutional rights on the part of sworn personnel, the following guidelines shall govern bias-based profiling and the operational and reporting requirements related to traffic stops pursuant to RSMo 590.650, "Racial Profiling."

II. DEFINITIONS.

Racial Profiling - A pattern of routinely stopping members of a racial or minority group for violations of traffic laws as a pretext for investigating other violations of criminal law.

Bias-based Profiling - The targeting of individuals or groups based solely on a common trait. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, etc.

Minority Group - Individuals of African, Hispanic, American Indian, or Asian descent.

III. PROHIBITION AGAINST RACIAL/BIAS-BASED PROFILING.

Sworn members of the department are prohibited from targeting racial and/or minority ethnic groups for motor vehicle stops, and/or committing other types of bias-based profiling. This shall include field contacts, and asset seizure and forfeiture efforts, among others. Officers determined to have deliberately violated department policy in this regard may be subject to re-training and/or disciplinary action, up to and including dismissal.

IV. REPORTING REQUIREMENTS/PROCEDURES.

In accordance with state law, sworn officers shall complete a Traffic Stop Report, via computer entry, each time an officer stops a driver of a motor vehicle for any reason, including suspicious vehicle stops. The following information will be recorded in each specific instance:

1. Time and date of traffic stop.
2. Officer's DSN.
3. Was 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 on the form will be regarding the driver of the stopped vehicle only.

A. Supervisory Oversight

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

B. Administration and Statistical Procedures

Statistical data regarding traffic stops will be provided to this agency by REJIS on an annual basis. This report will include data on the racial and gender breakdown of traffic stops initiated by department personnel. The supervisor of the Administration Division will compile a Vehicle Stop Report and distribute it to department supervisors monthly. Such racial profiling 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 an aid in determining if officers within the Department are complying with this General Order and to examine and address any outstanding citizen concerns.

If analysis indicates that an officer engages in race based traffic stops, within 30 days of the review, the Chief of Police or his designee and the officer's immediate supervisor will:

- a. Counsel the officer,
- b. Provide appropriate training for the officer,
- c. Take appropriate disciplinary action if warranted

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 no later than March 1st of the following year. The report will contain the required information enumerated in RSMo 590.650 and such other information as the Attorney General may require. The Chief of Police is responsible to ensure that the data contained therein is accurate to the best of his knowledge. The Attorney General shall analyze the annual report and provide a report of findings no later than June 1st of each year.

V. EXCEPTION TO REPORTING REQUIREMENTS.

A report does not have to be completed if the stop is made pursuant to a lawfully conducted sobriety check point or road block.

VI. TRAINING IN RACIAL AND BIAS-BASED PROFILING.

Sworn members of the department shall receive periodic training in bias-based profiling issues, 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 mandated remedial training sessions. Irrespective of the venue or reason, racial and bias-based profiling training will be documented as required.

BY ORDER OF:

KEVIN R. MURPHY
Chief of Police

KRM:sak

CALEA Reference: 1.2.9/61.1.2/61.1.3
61.1.4/61.1.5/61.1.6