



BIAS-BASED POLICING

<i>Original Date of Issue</i> January 10, 2001	<i>General Order Number</i> 01-01
<i>Effective Date of Reissue</i> April 23, 2021	<i>Section Code</i> OPS-17
<i>Reevaluation Date</i> April 2022	<i>Amends</i>
<i>C.A.L.E.A.</i> 1.2.9	<i>Reference</i> (see "INDEX AS")

INDEX AS:

- Bias-Based Policing
- Complaints
- Supervisor Responsibilities
- Warrants
- Search and Seizure
- Traffic Stops
- Arrests
- Discipline

I. PURPOSE

The purpose of this order is to unequivocally state that bias-based policing by members of this department in the discharge of their duties is unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect officers from unfounded accusations when they act within the parameters of the law and departmental policy. See also GO 89-04, Civil Rights.

II. POLICY

It is the policy of the Iowa City Police Department to patrol in a proactive manner, to investigate suspicious persons and circumstances, and to actively enforce the laws, while insisting that members of the public will only be detained when there exists reasonable suspicion (i.e. articulable objective facts) to believe they have committed, are committing, are about to commit an infraction of the law, or there is a valid articulable reason for contact. Members are prohibited from using bias-based policing in all aspects of work including but not limited to traffic contacts, field contacts, asset seizure, and asset forfeiture.

III. DEFINITIONS

- Bias-based Policing - Biased based policing is the application of police authority based on a characteristic of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, color, gender identity, creed, economic status, age, disability, political affiliation, national origin, cultural group, or any other identifiable characteristic.
- Reasonable suspicion - Suspicion that is more than a "mere hunch" or curiosity, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been committed, is about to be committed or is in the process of being committed, by the person or persons under suspicion ("specific and articulable cause to reasonably believe criminal activity is afoot." State v. Heminover, 619 N.W.2d 353, 358 (Iowa 2000).

IV. PROCEDURES

The department's enforcement efforts will be directed toward assigning officers to those areas where there is the highest likelihood that vehicle crashes will be reduced, complaints effectively investigated or addressed, and/or crimes prevented through proactive patrol.

- A. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, color, gender, or any characteristic listed in Section III above, or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- B. Traffic enforcement shall be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
 1. Officers shall cause accurate statistical information to be recorded in accordance with departmental guidelines.
 2. The deliberate recording of any inaccurate information regarding a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including termination of employment.
- C. Motorists and pedestrians shall only be subjected to investigatory stops or brief detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law. Each time a person is stopped or detained, the officer shall radio to the dispatcher the location of the stop and any pertinent descriptors relevant or unique to that stop. The exception to this procedure is when officers are taking part in safety checkpoints and are working with other officers.
- D. If the police vehicle is equipped with a video camera, the video and sound shall be activated prior to the stop to record the circumstances surrounding the stop

and shall remain activated until the person is released. The body-worn camera shall also be activated and shall remain activated until the person is released.

- E. No person, once cited or warned, shall be detained once there is no reasonable suspicion of further criminal activity.
- F. No person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement as identified in General Order 00-01, *Search and Seizure*, or the person's voluntary consent.
 - 1. In each case where a search is conducted, information shall be recorded, including the legal basis for the search, and the results thereof.
 - 2. A cursory "sniff" of the exterior of a vehicle stopped for a traffic violation by a police canine must be recorded on the department's canine action report form.

V. TRAINING

Officers shall receive initial and annual training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, bias-based policing including legal aspects, the laws governing search and seizure, and interpersonal communications skills. This may include profiling related topics (e.g. field contacts, traffic stops, search issues, asset seizure and forfeiture), interview techniques, cultural diversity, discrimination and community support.

- A. Training programs will emphasize the need to respect the rights of all members of the public to be free from unreasonable government intrusion or police action.
- B. Training will address how bias can affect police activities and decision making, such as field contacts, traffic stops, searches, asset seizure and forfeiture, interviews and interrogations.
- C. Training will emphasize the corrosive effects of biased policing on individuals, the community and the agency.

VI. COMPLAINTS OF BIAS-BASED POLICING

Any person may file a complaint with the department or with the CPRB if they feel they have been stopped or searched based on bias-based policing. No person shall be discouraged or intimidated from filing such a complaint or discriminated against because they have filed such a complaint.

- A. Any member of the department contacted by a person, who wishes to file such a complaint, shall refer the complainant to a Watch Supervisor who shall make the person aware of the department and the CPRB complaint process. The supervisor shall provide information on how to complete the departmental

complaint form and, if possible, shall record the complainant's name, address and telephone number.

- B. Complaints which result in the initiation of an investigation shall be conducted as directed by General Order 99-06, Internal Affairs Investigations.
- C. Supervisors shall periodically review a sample of in-car video and body worn camera video of stops made by officers under their command as provided in GO 99-08 (Body Worn Cameras and In-Car Recorders). Additionally, supervisors shall review reports relating to stops by officers under their command and respond at random to assist or observe officers on vehicle stops.
- D. Supervisors shall report in writing to command staff whenever it appears that this policy is being violated.
- E. Any member who observes or becomes aware of what they believe to be profiling shall within 24 hours report it in writing to their immediate supervisor and failure to do so may subject a member to discipline.

VII. REVIEW

- A. On an annual basis the Commanding Officer of Support Services, or designee, shall conduct an administrative review of agency practices including member of the public concerns and any corrective measures taken.
- B. If it reasonably appears that the number of self-initiated traffic contacts by officers has unduly resulted in disproportionate contacts with members of a racial or ethnic minority, a determination shall be made as to whether such disproportionality appears department wide, or is related to a specific unit, section, or individual. The commander of the affected unit, section, or officer shall provide written notice to the Chief of Police of any reasons or grounds for the disproportionate rate of contacts.
- C. Upon review of the written notice, the Chief of Police may direct additional training towards the affected units/sections or to individual officers.
- D. On an annual basis, the department may make public a statistical summary of the race, ethnicity, and gender of persons stopped for traffic violations.
- E. On an annual basis, the department may make public a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated.
- F. If evidence supports a finding of a continued ongoing pattern of bias-based policing, the Chief of Police may institute disciplinary action up to and including termination of employment of any involved individual officer(s) and/or their supervisors.

Dustin Liston, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.