



RACIAL PROFILING

<i>Original Date of Issue</i> January 10, 2001	<i>General Order Number</i> 01-01
<i>Effective Date of Reissue</i> December 8, 2015	<i>Section Code</i> OPS-17
<i>Reevaluation Date</i> January 2017	<i>Amends</i>
<i>C.A.L.E.A.</i> 1.2.9	<i>Reference</i> (see "INDEX AS")

INDEX AS:

Racial Profiling	Search and Seizure
Complaints	Traffic Stops
Supervisor Responsibilities	Arrests
Warrants	Discipline

I. PURPOSE

The purpose of this order is to unequivocally state that racial and ethnic profiling 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.

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 citizens 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. Additionally, the seizure and request for forfeiture of property shall be based solely on the facts of the case and without regard to race, ethnicity or gender.

III. DEFINITIONS

- Racial profiling - The detention, interdiction, exercise of discretion or use of authority against any person on the basis of their racial or ethnic status or characteristics.
- 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").

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, or gender, 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 motorist 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.
- E. No motorist, once cited or warned, shall be detained beyond the point where there exists 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 may be recorded on the department's canine action report form.

V. TRAINING

Officers shall receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills.

- A. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

VI. COMPLAINTS OF RACIAL/ETHNIC PROFILING

Any person may file a complaint with the department if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling. 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 provide them with a departmental or PCRB complaint form when requested. The supervisor shall provide information on how to complete the departmental complaint form and, if possible, shall record the complainants 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 should periodically review a sample of in-car video of stops made by officers under their command. 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 take appropriate action whenever it appears that this policy is being violated.

VII. REVIEW

- A. On an annual basis or as requested by the Chief of Police, the Commanding Officer Administrative Services, or designee, shall provide reports to the Chief of Police with a summary of the gender, race, and/or ethnicity of persons stopped.
- 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 racial or ethnic profiling, 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.

Samuel Hargadine, 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.