

HENDERSON STATE UNIVERSITY POLICE DEPARTMENT

PROFESSIONAL CONDUCT and ETHICS RACIAL PROFILING POLICY

I. PURPOSE AND SCOPE

- A. Members of the HSU Police Department will protect the rights of all persons, regardless of race, color, creed, ethnicity, gender, 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 HSU campus without law enforcement interference so long as they are law abiding in their actions and behaviors.
- B. This policy serves to:
 - 1. Reaffirm the HSU Police Department's commitment to unbiased law enforcement practices.
 - 2. Further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions.
 - 3. Reinforce procedures that assure the public that the HSU Police Department is providing service and enforcing laws in an equitable manner.
- C. This policy further serves to unequivocally state that the HSU Police Department will not tolerate or condone law enforcement activities that are the result of biased based profiling. Biased based profiling is unethical and it is illegal, and serves to foster distrust of law enforcement by the HSU community that we serve.

II. POLICY

It will be the policy of the HSU Police Department that the officers base pedestrian and 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 Fourth Amendment of the U.S. Constitution.

III. DEFINITIONS

- A. A standard of **Reasonable Suspicion** identifies "a suspension 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”.

- B. Biased Law Enforcement** is the practice of a law enforcement officer relying on age, race, color, creed, disability, ethnicity, gender, 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, and investigative activity or arrest.
- C. Unbiased Law Enforcement** is the practice of a law enforcement officer relying solely on a standard of reasonable suspicion, probable cause, or “...taking account the reported race or ethnicity of a specific subject(s) based on [reliable], locally relevant information that links a person(s) of a specific race or ethnicity to a particular unlawful incident(s)...”

IV. TRAINING

- A.** All investigative detentions, traffic stops, arrests, searches, and seizures of property by members of the HSU 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 series of crimes in an area to a group of individuals of a particular ethnicity.
 - 1. The criteria of locally-relevant require that 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 HSU Police Department shall utilize the following strategies when conducting pedestrian and vehicle stops:
 - 1. Be courteous, polite, and professional.

2. Introduce him/herself, providing name and agency name, and 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. In vehicle stops, provide this information before asking the driver for his/her license and registration.
3. The following dialogue will be utilized by officers of this agency to minimize conflict during all stops:
 - a. Officer Greeting: *Good morning, afternoon, or evening.*
 - b. Officer ID: *I am Officer _____ of the HSU Police Department.*
 - c. Ask for items required: *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 the opportunity to tell their story.
 - f. Complete paperwork and advise 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 is able to merge safely back into traffic.
4. Appropriate enforcement action should always be completed and documented, generally in the form of a warning, citation, field interrogation card or an arrest. Officers are to ensure that the names of persons stopped and detained, even for a warning, are called into the Communication 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.

V. COMPLAINTS OF BIASED 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.
- B. Any person may file a complaint with the HSU Police Department if they feel that they have been stopped, detained, or searched based solely on a biased profile. Officers receiving such a complaint shall follow procedures outlined in the Department's Professional Standards Policy.
- 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 biased 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 measure may include but are not limited to training, counseling, policy review, and discipline up to and including termination of employment.

VI. 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 Department's Professional Standards policy when advised that a person is making a complaints alleging profiling or other improper conduct.
- C. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.
- D. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals.

VII. REVIEW AND REPORTING REQUIREMENTS

- A. The Chief of Police will implement a systematic review process that provides a quarterly analysis of the statistical information collected from the Professional Standards Complaint Form. These analyses 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.

VIII. RETALIATION

No member of the HSU Police Department, regardless of rank or stature, will retaliate against officers or civilian personnel for reporting incidents of biased law enforcement practices. Actions or behaviors found to constitute retaliation will be immediately disciplined and may lead to dismissal.

IX. THE USE OF MOBILE VIDEO/AUDIO RECORDING (MVR) EQUIPMENT

The Henderson State University Police Department does not have the equipment required for mobile video/audio recording. The Henderson State University Police Department does not use such equipment.

Revised 2009