

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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RACIAL / BIAS BASED PROFILING

401.00 PURPOSE

The purpose of this General Order is to state unequivocally, that law enforcement activities that are the result of biased based profiling are not condoned, are unacceptable, and will not be tolerated by the Ferguson Police Department. Biased based profiling is unethical and illegal, and serves to foster distrust of law enforcement by the community we serve. This order will serve as a guideline for police officers to prevent such occurrences and to protect our personnel, when they act within the provisions of the law and this order, from unwarranted accusations. This General Order conforms to all federal mandates and Revised Missouri State Statutes 590.650 and 590.050, associated with encounters between police officers and citizens during traffic arrests, traffic stops and investigative detention.

401.01 DEFINITIONS

- A. **Biased Based Profiling-** Commonly referred to as “racial profiling” is the selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- B. **Enforcement Activities-** Activities both on and off-duty, undertaken by police department personnel that arise from their authority related to employment, oath of office, state statute or Federal Law. Activities such as traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.
- C. **Reasonable Suspicion-** Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a violation 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. This information can be based on observations, training and experience, or reliable information received from credible outside sources.

401.02 POLICY

- A. The Ferguson Police Department respects and protects the rights of every individual and pledges to treat everyone fairly and without favoritism in all enforcement actions.
- B. All investigative detention traffic stops, arrests, searches and seizures of property, including asset seizure and forfeiture efforts, by commissioned police personnel will be based on a standard of "reasonable suspicion" or "probable cause" as required by the Fourth Amendment of the U.S. Constitution and statutory authority.
- C. All investigative detentions, traffic stops, arrests, searches or seizures of property, including asset seizure and forfeiture efforts, based on race, ethnicity, gender, sexual orientation, religious beliefs, disability, handicap or health related conditions, or economical level conducted without probable cause or reasonable suspicion, are strictly forbidden. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for the arrest, traffic stop or investigative detention.
- D. Proactive traffic enforcement and stops are an effective and important law enforcement function. Enforcement efforts are critical in saving lives and reducing injuries that are attributed to either drunk driving or individuals that wantonly violate the traffic laws of our state and communities. In addition, traffic law enforcement is an effective tool in gathering evidence, apprehending fugitives and combating illegal drugs, illegal weapons and other criminal activity.
- E. The Ferguson Police Department General Order Manual that has been made available to all employees in both written and electronic form identifies specific procedures to be used during investigative detentions, traffic stops, use of force, search and seizure.
- F. The Ferguson Police Department will investigate all complaints of bias based profiling and will conduct an annual administrative review of statistical traffic, field interview and asset forfeiture data to determine and verify compliance.
- G. Corrective measures will be taken to remedy any violations of this policy. Corrective measures may include but are not limited to, training, counseling, policy review, and discipline up to and including termination of employment.
- H. All sworn officers shall receive annual bias based profiling related training. This training will be conducted and documented by supervisors at the platoon level. Training documentation will be forwarded to the training coordinator. This training may include the viewing of video training tapes, web-based computer courses, or policy review and legal updates related to bias based profiling and is a requirement of the Missouri Law Enforcement Continuing Education requirements.

401.03 PROCEDURE

Revised Missouri State Statute 590.650 requires that certain statistical information be collected and reported for every motor vehicle stop made by a peace officer. This statute covers “traffic” violation stops as well as “suspicious” vehicle stops; the only exception listed in the statute is a lawfully conducted sobriety checkpoint or road block. The mandatory collection of this information **pertains only to the driver of a vehicle, and not to any of the passengers** (except for the overall number of passengers). The following section lists the procedure for collecting and reporting this information.

- A. When you are logged into the Information Technologies Inc (I.T.I.) system, to locate the racial profiling section you will click on **MODULES** then **RECORDS MANAGEMENT** and then **RACIAL PROFILING**. Officers issuing citations using Mobile Ticketing will automatically be directed to the Racial Profiling section of I.T.I. once they have completed and printed any citations to be issued. Officers are responsible for entering the racial profiling data into the I.T.I. SYSTEM for analysis and collection.
- B. To make a racial profiling entry, just click on the **ADD** tab and answer every question. There are three pages that need to be completed requiring the following information from every vehicle stop:
1. VEHICLE LICENSE NUMBER.
 2. RESULT OF STOP. TICKET, WARNING, FIR
 3. TYPE OF STOP. VEHICLE OR PEDESTRIAN
 4. LOCATION OF STOP. ADDRESS OR STREET NAME
 5. TRAFFIC VIOLATION RESULTING IN STOP. (**Check all that apply**) IF MOVING, INDICATE CATEGORY OF VIOLATION.
 6. RESULTS OF TRAFFIC STOP. (**Check all that apply**)
 7. DRIVER’S RACE/MINORITY STATUS. (Based on **visual observation only** - you’re not supposed to ask the driver).
 8. DRIVER’S AGE.
 9. DRIVER’S GENDER.
 10. LOCATION OF THE TRAFFIC STOP.
 11. WAS A SEARCH INITIATED?
 12. WHAT WAS SEARCHED?
 13. DURATION OF SEARCH.
 14. WAS CONTRABAND DISCOVERED? IF YES, TYPE OF CONTRABAND (**Check all that apply**)
 15. WAS DRIVER ARRESTED?
 16. WAS THE DRIVER ASKED TO EXIT THE VEHICLE?
 17. NUMBER OF PASSENGERS IN THE VEHICLE.

- C. The Information Technologies Inc. (I.T.I.) is responsible for compiling, auditing and submitting the annual racial profiling data to this Department. This Department reviews the annual profiling data and then the Administrative Assistant to the Chief of Police forwards the information to the Missouri Attorney General no later than March 1st of each calendar year as required by statute.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned below the text "By order of:".

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel