

Crestwood Police

General Order
Racial Profiling & Stop Reporting Requirements
Bias-Based Profiling

Purpose:

The purpose of this general order is to emphasize the department's policy for all encounters between police officers and citizens during arrests, traffic stops, and investigative detentions and to establish the procedure for the required reporting of certain data as related to traffic stops.

Rule:

All investigative detentions, traffic stops, arrests, searches and seizures of property by commissioned police officers of the Crestwood Police Department shall be based on a standard of "reasonable suspicion" or "probable cause" as required by the Fourth Amendment of the U.S. Constitution and Article 1, Section 15 of the Constitution of the State of Missouri.

Policy:

It is the policy of this Department the practice of engaging in bias-based traffic stops is prohibited. It shall be the policy of this Department to prohibit the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law.

Each time an officer stops a driver of a motor vehicle the officer shall report the information requested by the Missouri Attorney General in the form prescribed by the Department for the reporting of such information.

All commissioned officers **shall** obtain annual training from a P.O.S.T. approved provider that addresses racial profiling as required by Missouri State Statute. (Refer to G.O. S35.3 for State mandated training requirements). This may come in the form of documented in-service training.

Procedure:

- A. All traffic stops shall be reported using the current method prescribed by the Department for the reporting of the required traffic stop information. The following information will be gathered on traffic stops:
 1. The age, gender and race or minority group of the individual stopped;
 2. The reason(s) for the stop;

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3. Whether a search was conducted as a result of the stop;
4. If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person and/or property was searched, and the duration of the search;
5. Discovery of any contraband during the search and the type of contraband;
6. Whether any warning or citation was issued as a result of the stop and the violation charged or warning provided;
7. Whether an arrest was made as a result of the stop or search, the crime charged; and
8. The location of the stop.
9. Such information may be reported using a format determined by the Department of Public Safety.

B. The Department shall annually report the information to the Missouri Attorney General.

C. The Missouri Attorney General shall analyze the information and provide the Department with a report that contains the following information:

1. The total number of vehicles stopped by peace officers during the previous calendar year;
2. The number and percentage of stopped motor vehicles that were driven by members of each particular group;
3. A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and
4. A compilation of the information reported by law enforcement agencies.

D. All investigative detentions, traffic stops, arrests, searches or seizures of property based on race, ethnicity, gender, sexual orientation, religious beliefs, disability, handicap or health-related conditions, or economic 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.

E. Nothing in this directive shall be construed to impede proactive traffic enforcement and stops which are an effective and important law enforcement function. Enforcement efforts are critical in saving lives and reducing injuries that are attributable to either drunk driving or individuals that wantonly violate the traffic laws of our State and community. In addition, traffic law enforcement is also an effective tool in gathering evidence, apprehending fugitives and combating illegal drugs, illegal weapons and other criminal activity. However, law enforcement functions must remain within legal constraints and be driven by the values established by the department.

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Review and Analysis:

- A. The Chief of Police or his designee will conduct monthly and annual review and analysis of the data regarding individual officer's enforcement activity. This analysis will seek to determine whether any officer has a pattern of stopping members of minority groups without the prerequisite of probable cause or reasonable suspicion, and/or is using race, gender, ethnicity, etc., as a pretext for enforcement action.
- B. The Department will provide for appropriate counseling and remedial training of any officer found to have engaged in race-based traffic stops within ninety days of the review. The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment.
- C. Any violation of this directive shall subject the officer to discipline measures as outlined in current Department directives.

This order cancels the following orders:

A1.5 Document # G15211-1 Racial Profiling & Stop Reporting Requirements July 31, 2015
A1.5 Document # G 09084-3 Bias Based Profiling March 26, 2009

Frank R Arnoldy
Chief of Police

Date

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