

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 01/24/2020	<b>Supersedes Policy Dated:</b> 07/01/2015	<b>Rescinds:</b>	<b>SOG Number:</b>
<b>Accreditation Index:</b> 1.2.9, 33.1.5, 33.5.1 <sup>1</sup>			<b>103.3</b>
<b>Part Title:</b> Administration		<b>Chapter Title:</b> Standards of Conduct	
<b>Chief of Police:</b>			

### Bias-Based Policing

#### I Policy <sup>2</sup>

The Springfield Police Department will conduct all police action in accordance with the United States Constitution, particularly the civil liberty protections outlined in the Bill of Rights and the Equal Protection Clause of the Fourteenth Amendment. All investigative detentions, traffic stops, arrests, searches, and seizures of property by officers will be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. 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.

In making routine or spontaneous law enforcement decisions officers may not use race, ethnicity, gender, national origin, religion, socio-economic status, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description. In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider race, ethnicity, gender, national origin, religion, socio-economic status, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization. <sup>3</sup>

Springfield Police Department employees shall evaluate their activities and those of subordinates within their control for disparate or unequal treatment and shall appropriately intervene to prevent recurrence.

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- 1 Accreditation Index, references to 5<sup>th</sup> edition removed throughout document per Policy Change Order 19-010.
  - 2 Policy statement added reference to the Constitution, the Bill of Rights and Equal Protection Clause per Policy Change Order 19-010
  - 3 Policy statement added socio-economic status, per Policy Change Order 19-010.

## SOG 103.3

### Bias Based Policing

Effective Date: 01/24/2020

## II Definitions <sup>4</sup>

**Bias-based Policing** – Any police action initiated based solely upon an individual’s personal characteristics rather than on the behavior, conduct, unlawful act of the subject, or investigative information which has led police to that particular individual.

**Personal Characteristics** – For the purpose of this policy, *personal characteristics* shall mean race, ethnicity, sex/gender, national origin, religion, socioeconomic status, sexual orientation, gender identity, or other traits commonly recognized as protected and for which discrimination based upon those traits is prohibited according to law.

## III Procedure

### 1 GENERALLY (CALEA 1.2.9(a)) <sup>5</sup>

- 1.1 Employees shall provide police service and apply laws in a fair and consistent manner. Disparate treatment of an individual based upon their race, ethnicity, gender, national origin, religion, socio-economic status, sexual orientation, or gender identity is prohibited.
- 1.2 All traffic stops, investigative detentions, enforcement, arrests, searches, and seizures shall be based upon a standard of reasonable suspicion or probable cause as required by constitutional and statutory authority. Officers must be able to articulate facts and circumstances in support of the reasonable suspicion or probable cause.
- 1.3 In the absence of a specific report or investigative information, the personal characteristics of an individual shall not be a factor in the decision to stop, detain, or arrest them.
- 1.4 Officers may take into account an individual’s personal characteristics **only** when there is credible information that links a person having such specific characteristics to a particular criminal incident or series of crimes.

### 2 VEHICLE STOP OPERATIONS <sup>6</sup>

#### 2.1 Reason for stop / General Guidelines

- 2.1.1 Officers shall only initiate vehicle stops for legitimate, lawful purposes to include:
  - 2.1.1(a) Traffic violations;
  - 2.1.1(b) Investigative detentions;
  - 2.1.1(c) Safety reasons;
  - 2.1.1(d) Arrest of the driver or an occupant.

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<sup>4</sup> Definition, clarified Bias-Based Policing, removed Articulate Suspicion, added Personal Characteristics, Per Policy Change Order 19-010

<sup>5</sup> Section 1, entire section edited for content and re-numbered, Per Policy Change Order 19-010

<sup>6</sup> Section 2, title changed, entire section edited for content and re-numbered, Per Policy Change Order 19-010

## **SOG 103.3**

### **Bias Based Policing**

Effective Date: 01/24/2020

- 2.1.2 The decision to conduct a vehicle stop shall not be based on the personal characteristics of the driver or any occupants unless the officer has credible information that links a person with such a personal characteristic to a specific criminal incident. (CALEA 1.2.9(a))
  - 2.1.3 All vehicle stops shall be conducted in accordance with SOG 101.4 – Use of Discretion, SOG 405.2 – Uniform Traffic Enforcement Policies, and SOG 405.3 – Traffic Enforcement Procedures.
  - 2.1.4 Officers shall be able to clearly articulate the reason for any stop or detention.
  - 2.1.5 Officers shall release detained individuals as soon as practical.
  - 2.1.6 Officers shall not disengage from conducting traffic stops as necessary to discharge their lawful duties of crash prevention and criminal suppression.
- 2.2 Enforcement Action
- 2.2.1 An officer’s decision whether to warn, summons, or arrest for a traffic violation shall be based upon the severity of the offense and direction provided in SOG 101.4 – Use of Discretion, SOG 405.2 – Uniform Traffic Enforcement Policies, and SOG 405.3 – Traffic Enforcement Procedures.
  - 2.2.2 Officers shall never decide to give a warning, issue a summons, or make an arrest based upon an individual’s personal characteristics rather than the behavior, conduct, or unlawful act of that individual.
- 2.3 Searches
- 2.3.1 Officers shall conduct all searches in accordance with constitutional standards.
  - 2.3.2 Officers shall search incident to all arrests and conduct inventories in all appropriate situations.
  - 2.3.3 An officer’s decision to search shall be based on information relevant to any fact pattern, condition, behavior, or conduct indicative of an unlawful act by an individual.
  - 2.3.4 An individual’s personal characteristics shall not be a factor of consideration unless there is a specific report or investigative information that links the person to a crime based upon a particular characteristic.
- 2.4 Reporting Traffic Stops
- 2.4.1 As required by Missouri RSMo 590.650, officers shall report all traffic stops whether based upon an observed violation, probable cause, or reasonable suspicion. Reports shall be submitted utilizing the Vehicle Stop Racial Profiling Report located in the RMS. The report should be completed after each stop, but no later than the end of the work shift.
- 2.5 Vehicle Stop Data Management and Reporting (CALEA 1.2.9(c))
- 2.5.1 The Research and Development Unit is responsible for the compilation, tabulation, analysis, and reporting of vehicle stop data.
  - 2.5.2 The Research and Development Unit shall regularly review data to ensure accuracy, integrity, and reliability.

## **SOG 103.3**

### **Bias Based Policing**

Effective Date: 01/24/2020

- 2.5.3 The Research and Development Unit shall prepare a quarterly tabulation of all data required to be reported to the Office of the Attorney General. This report shall be sent to the Chief and Bureau Commanders.
  - 2.5.4 The criteria for entry and tabulation of the data shall be in accordance with the Vehicle Stops Report Rules & Regulations as posted on the Missouri Attorney General's Website.
  - 2.5.5 The Research and Development Unit shall prepare and submit an Annual Report on Vehicle Stops (for the previous year) to the Office of the Missouri Attorney General prior to March 1 of each calendar year.
- 3 **FIELD CONTACTS, DETENTIONS, AND ARRESTS (CALEA 1.2.9(a))**<sup>7</sup>
- 3.1 Field contacts, detentions, and arrests shall be conducted pursuant to the provisions of SOG 101.3 – Limits of Authority and SOG 401.1 - Field Interviews.
  - 3.2 All detentions shall be based upon a standard of reasonable suspicion and arrests shall be based upon probable cause. Officers must be able to clearly articulate facts and circumstances in support of their reasonable suspicion or probable cause.
  - 3.3 The decision to initiate a field contact, record someone's information, detain a person, or make an arrest shall not be based upon an individual's personal characteristics unless there is a specific report or investigative information that links the person to a crime based upon a particular characteristic.
- 4 **ASSET SEIZURE AND FORFEITURE (CALEA 1.2.9(a))**
- 4.1 No officer shall initiate a Criminal Activity Forfeiture Act (CAFA) or any other seizure of assets pursuant to any bias-related police action.
  - 4.2 Asset seizure efforts shall NOT be initiated based upon any characteristic other than the behavior, conduct or unlawful act of that property owner and the legality of the seizure.
- 5 **SUPERVISOR RESPONSIBILITY**<sup>8</sup>
- 5.1 Supervisors shall be familiar with this policy and monitor personnel in their command to ensure compliance.
  - 5.2 Supervisors must be particularly vigilant regarding any indication of inappropriate or illegal discriminatory treatment.
  - 5.3 Supervisors shall take appropriate action whenever there is an apparent violation of this policy.
  - 5.4 Supervisors shall ensure officers continue to enforce laws, do not disengage, and properly complete all vehicle stop reporting requirements.
  - 5.5 Complaints of racial profiling or other bias-based policing activity shall be processed as provided in SOG 103.10 – Disciplinary Investigation Process.

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<sup>7</sup> Section 3, added arrests to title, added language and re-numbered sub-sections, Per Policy Change Order 19-010

<sup>8</sup> Section 5, new section added to the policy, Per Policy Change Order 19-010

### **SOG 103.3**

#### **Bias Based Policing**

Effective Date: 01/24/2020

#### **6 TRAINING CURRICULUM (CALEA 1.2.9(b) and CALEA 33.5.1) <sup>9</sup>**

6.1 Beginning in 2017, the Training Section shall conduct annual training of personnel regarding bias-based policing issues to include legal aspects, traffic stops, and other related objectives as required by the Missouri Peace Officers Standards and Training Commission.

#### **7 CORRECTIVE MEASURES (CALEA 1.2.9(c)) <sup>10</sup>**

7.1 The Springfield Police Department, utilizing sound statistical methodology and a rational evaluation of local demographic conditions, shall determine the statistical population benchmark for identifying disparate performance on vehicle stops by officers. The Research and Development Unit shall conduct analysis against that benchmark.

7.2 In the event reported data suggests disparity in police actions, the Chief of Police shall order an investigation to determine if evidence of bias-based policing exists. The conduct and findings of the investigation shall be documented.

7.3 If it is determined that bias-based policing has occurred, corrective action may include supervisory counseling, remedial training, or disciplinary action. (CALEA 33.1.5)

7.3.1 Any disciplinary action shall be in accordance with SOG 103.10 - Disciplinary Investigation Process and SOG 103.8 - Administration of Discipline

#### **8 ANNUAL ADMINISTRATIVE REVIEW (CALEA 1.2.9(c)) <sup>11</sup>**

8.1 Prior to April 1 of each year, the Chief of Police shall meet with members of command staff and conduct a documented annual review of practices related to bias-based policing in vehicle stops and field contacts for the previous calendar year.

8.2 The review shall include the following information:

8.2.1 Data from the Annual Report on Vehicle Stops prepared by the Research and Development Unit;

8.2.2 Any citizen concerns as transmitted by the Police Civilian Review Board, the Inspections and Internal Affairs Unit, the Citizens' Satisfaction Survey and/or the Community Services Section;

8.2.3 Information related to other biased based issues or incidents, during the previous calendar year, provided by the Community Services Section;

8.2.4 A review of data related to field contacts;

8.2.5 Asset forfeiture information, by race of suspect, for the previous calendar year, as provided by the Special Investigations Section.

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9 Section 6, re-numbered and language revised to reflect beginning time and frequency of training, Per Policy Change Order 19-010

10 Section 7, re-numbered and language revised throughout, Per Policy Change Order 19-010

11 Section 8, re-numbered and language revised throughout, Per Policy Change Order 19-010

**SOG 103.3**

Bias Based Policing

Effective Date: 01/24/2020

**IV Attachments**