



STATE OF ARKANSAS
City of Brookland

RESOLUTION 2003-16

WHEREAS, Act 1207 of 2003 of the State of Arkansas declares that, no member of the Arkansas State Police, Arkansas Highway Police, a sheriff's department, a municipal police department, constable, or any other law enforcement officer of this state shall engage in racial profiling.

BE IT RESOLVED, by the City Council of the City of Brookland, Arkansas that the attached policy relating to biased law enforcement practices and profiling individuals is hereby adopted as official policy and it is incorporated into Section 34 of the City of Brookland Police Department Policy and Procedures Manual.

Passed and adopted this 30th day of December, 2003.



Joe McKeel, Mayor

ATTEST:



Beth Foster, Recorder

BROOKLAND POLICE DEPARTMENT
BIASED LAW ENFORCEMENT PRACTICES
December 2003

1. Purpose

- (A) Members of this law enforcement agency shall not violate the constitutional rights of persons, regardless of race, ethnicity, national origin, religion, color, creed, gender, age, sexual orientation, disability or any other belief system.
- (B) This policy serves to (1) reaffirm that the Brookland Police Department is committed to unbiased law enforcement practices, (2) further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions, and (3) reinforce procedures that assures the public that the Brookland Police Department is providing service and enforcing laws in an equitable and lawful fashion.

2. Prohibition and Prevention of Racial/Bias Profiling; Departmental Policy:

- (A) Law enforcement officers of the Brookland Police Department shall not violate citizens' equal protections rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law-enforcement activity as defined by this policy.
- (B) It shall be the policy of this law enforcement agency that officers base pedestrian or 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 United States and Arkansas Constitutions as well as federal and state law.
- (C) Law enforcement officers of this agency shall be prohibited from utilizing race, ethnicity, national origin or religion as the sole factors in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect.

3. Definitions

- (A) "Probable cause" means that set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed, is threatening, or is about to commit some criminal violation of the law. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.
- (B) "Reasonable suspicion" means a suspicion based on facts or circumstances which 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. This definition is subject to applications and precisions made by the federal and state courts interpreting applicable law.

4. Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.
5. Politely ask for identification and any required documents: May I please see your driver's license, registration, and proof of motor vehicle insurance?
6. 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, such as pay a fine, obtain a court hearing, etc.
7. Extend a departing pleasantry such as: Please drive safely or thank you for your cooperation.
8. Make sure the driver is able to merge safely back into traffic.
9. Remain courteous and project a professional demeanor during the interview, questioning or contact.
10. Officers shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived as racial/basis-related profiling, including but not limited to racial slurs or derogatory references about a minority group.
11. Officers shall report any facts of racial/bias-related profiling to their immediate supervisor as is more specifically defined herein.

5. Supervisor Responsibilities

- (A) Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures herein.
- (B) Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by his or her field officers, either on the scene or by telephone and documenting same in writing using departmentally approved forms.
 1. If the complaint is not resolved, and forms have not already been filled out, the supervisor shall offer to provide the complainant a Citizen Complaint Form.
 - (a) If the supervisor arrives at the scene of the allegation, then she/he shall provide a Citizen Complaint Form and collect the mobile video/audio recording (MVR) tape, if applicable, from the field officer.
 2. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explain the department's policy and in particular the investigative process.
- (C) Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
 1. Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the agency head or his or her designee or to the Internal Affairs Unit, if applicable.
 - (a) Written reports shall be completed within twenty-four (24) hours of filing by complainant.

2. Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR tape, if applicable.
 - (a) Each supervisor shall maintain a copy of the MVR tape, if applicable and written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.
 - (b) The written MVR Tape Report shall be completed within twenty-four (24) hours of filing by the complainant and submitted to the agency head or his or her designee or the Internal Affairs Unit for investigation.

6. Allegations of Biased Law Enforcement Practices

- (A) When accused of biased law enforcement practices, the field officer shall first contact their immediate supervisor for advisement on the situation.
 1. When practical to do so, the Supervisor shall report to the scene to mediate the situation.
 2. Field Officers shall provide complainant(s) with the full name and telephone number of his or her immediate supervisor, and the contact name and telephone number of the agency head or his or her designee, or the supervisor of the Internal Affairs Unit, if applicable.
 3. Field Officers shall 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.
- (B) Along with their written report, field officers shall submit the MVR tape containing the encounter in question, if applicable, to his or her supervisor.
- (C) All allegations of biased law enforcement practices shall be investigated by the department in a like and consistent manner.

7. Review and Reporting Requirements

- (A) Management of this law enforcement agency shall implement a systematic review process to generate yearly analyses of the statistical information collected from the Citizen Complaint Form.
- (B) These analyses shall identify allegations specific to biased law enforcement practices.
- (C) If a pattern is identified, the agency head or his or her designee or the Internal Affairs Unit, if applicable, shall be responsible for conducting an investigation to determine whether officers of the agency have violated the provisions of this policy and/or other departmental policies and procedures.
- (D) Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner.

8. Documentation and Record Keeping

- (A) Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense

shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:

1. A physical description of each person detained as a result of the stop, including:
 - (a) the person's gender; and
 - (b) the person's race or ethnicity.
 2. The traffic law or ordinance alleged to have been violated or the suspected offense;
 3. Whether the officer conducted a search as a result of the stop, and if so, the basis for that search: consent of the person detained, existence of probable cause, frisk for weapons, or other;
 4. Whether any contraband was discovered in the course of the search and the type of contraband discovered;
 5. Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
 6. The street address or approximate location of the stop;
 7. The date and time of the stop; and
 8. Whether the officer issued a warning or a citation as a result of the stop.
- (B) Every year, no later than April 1, this law enforcement agency will compile the above information relating to the race/ethnicity of individuals stopped.
- (C) The information will be reported in a format that may include, but is not limited to, the reporting of the data in numerical and/or percentage categories of ethnicity, stops, reasons for the stops, searches resulting from the stops, disposition of the stops, and the duration of the stops.
- (D) This law enforcement agency shall also compile data on individual officers to be used in evaluation and as an early warning system for possible racial/bias profiling.
- (E) The data and documentation collected pursuant to this general order shall not constitute prima facie evidence of racial profiling or any other violation of civil rights or of state or federal law.

9. Training

- (A) Training in compliance with Ark. Code Ann. 12-12-1404 and regarding this policy. This training shall include:
1. Training of all current and future agency employees as to this policy and the prohibition against racial/biased profiling;
 2. Annual in-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
 3. Input from those classes of persons identified in the agency policy in development of curriculum; and
 4. Specific lesson plans for patrol officers, supervisors, etc.; and
 5. A review of the agencies' operating procedures that implement the prohibition against racial profiling and the affirmation by agency employees that they have copies of, understand, and are following the policy, and

6. If necessary and possible, foreign language instruction to ensure adequate communication with residents of a community.

10. Communication to the Community of this Policy

(A) This law enforcement agency shall be responsible for providing public information relating to the agency's efforts to comply with government mandates on racial profiling. This will include public education relating to the agency's complaint process. Avenues for this information may be, but not limited to, any of the following:

1. Pamphlets developed by the agency;
2. Public service announcements concerning this policy and additional outreach efforts on local radio stations, television stations and local Newspapers;
3. Community meetings and public forums in which bias/racial profiling is discussed, and
4. News/Press releases.

(B) Where appropriate to meet the goals of this policy, communication of this policy, communication of this policy with the community shall be available in English and Spanish.

11. Retaliation

(A) No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.

(B) Actions or behaviors found to constitute retaliation shall be immediately address and may lead to dismissal.

12. The Use of Mobile Video/Audio Recording (MVR) Equipment

(A) If MVR equipment is available within the law enforcement agency, please refer to, The Use of Mobile Video and Audio Recording equipment in Vehicles.

13. Application

(A) This order constitutes agency policy and is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.

The Use of Mobile Video and Audio Recording Equipment in Vehicles

I. Policy

- (A) This policy sets forth principles and guidelines for the utilization of Mobile Video/Audio Recording (MVR) equipment within this law enforcement agency. It will be the policy of this agency to facilitate such technology for the collection of evidence for criminal prosecution, to provide a means for administrative inspection, and to assist in training officers to improve safety and security tactics.

II. Purpose

- (A) To establish policy and procedures on the use of MVR equipment in law enforcement agency vehicles and in the storage, release, and retention of mobile videotapes.

III. Procedures

(A) Training

- (1) Each law enforcement officer will receive training on the proper use of MVR equipment.
 - (a) Training will be accomplished through the hands-on training of a Field Training Officer or in an actual classroom environment.
 - (b) All training shall be documented.

(B) Control and Management of Mobile Video/Audio Recording (MVR) Tapes

- (1) All MVR tapes will be the property of this law enforcement agency and will not be duplicated and/or used without authorization from the agency head, or his or her designee. Tapes shall be maintained and stored in a manner that allows efficient identification and retrieval.
- (2) Original MVR tapes shall not leave the custody of the law enforcement agency.
- (3) All original MVR tapes shall be stored for ninety (90) days following the last day of use, or as long as necessary for the incident subject to investigation.
- (4) Access to MVR tapes shall be restricted to supervisory personnel only.
- (5) MVR tapes held as evidence by districts, sections, or units shall be secured and maintained by that district, section, or unit for the prescribed ninety (90) day retention period.
 - (a) When the retention period has been fulfilled, the MVR tape shall be forwarded to the Supply Unit for redistribution.

- (6) MVR tapes containing valuable information for case prosecution, criminal or civil proceedings, shall be protected as evidence.
 - (a) MVR tapes that are protected as evidence shall be subject to the same chain of evidence safeguards as detailed in this department's Evidence Control Policy.
 - (b) Original MVR tapes shall be duplicated and maintained in safe storage prior to being released to another criminal justice agency for trial reasons.
- (7) MVR tapes shall be stored and separated based on the following categories:
 - (a) Assigned MVR Tapes
 - (i) Each law enforcement agency vehicle shall be assigned thirty (30) MVR tapes, labeled with the equipment number and tape number. For example: 98300-1, 98300-2, and so forth.
 - (ii) Each agency vehicle must maintain a MVR Tape Log to record tape changes and ninety-day retention dates. The log should be secured with the MVR tapes.
 - (iii) MVR tapes may be changed only under the following circumstances:
 - (1) When the MVR tape counter reads 10,000 or above at the beginning of the shift;
 - (2) When the thirty (30) minute warning light begins to flash during the shift;
 - (3) When the MVR tape needs to be removed for viewing or copying purposes;
 - (4) When there is a malfunction of the MVR tape; or
 - (5) When directed by a supervisor.
 - (b) Spare MVR Tapes
 - (i) Each district, section, or unit shall ensure that twenty (20) spare MVR tapes are made available. The spare tapes shall be labeled accordingly: Spare-1, Spare-2, and so forth.
 - (ii) A spare MVR tape shall be used in place of an assigned MVR tape when the ninety (90) day retention period has not been met.
 - (iii) A Spare MVR Tape Log must be maintained to record the use of spare MVR tapes and their retention dates.
 - (c) Stored, Evidentiary MVR tapes
 - (i) When MVR tapes are requested for use during trial, the officer or supervisor shall submit a Videotape Records Request Form.
 - (1) One copy of the MVR tape shall be duplicated and processed as normal evidentiary material in

accordance with this law enforcement agency's Property and Evidence Policy.

- (2) Duplications of original MVR tapes shall include a portion of video from directly before and after the incident.
- (3) For tracking purposes, the Videotape Records Request Form shall be retained at the district, section or unit receiving the request.
- (4) An officer shall indicate, in writing, the word "MVR" on all related documents of an incident to alert the Prosecutor or investigator that a copy of the MVR tape is being held as evidence.

(C) MVR Tape Requests

- (1) All requests for MVR tapes that are to be utilized for agency training purposes shall be made prior to the end of the ninety (90) day retention period.
 - (a) Requests generated from within the law enforcement agency shall require the submission of a Videotape Records Request Form to the district, section, or unit where the MVR tape is assigned or stored.
 - (b) Requests shall be submitted through the agency's Records Section.
- (2) Original MVR tapes shall be retained at the district, section, or unit where they were originally assigned, except when needed as evidence for investigations by the Homicide Unit, Internal Affairs, or Inspection Sections.
 - (a) Original MVR tapes serving as evidence in these types of investigations shall be documented on a MVR Tape Custody Log at the district, section or unit where originally assigned.
 - (b) Original MVR tapes made available within the law enforcement agency for investigative purposes shall not be returned to the initial district, section or unit of assignment. Instead, the district, section or unit taking custody of a MVR tape shall be responsible for its final disposition.
- (3) Outside agency requests require the submission of a Videotape Records Request Form through this law enforcement agency's Records Section. The Records Section shall duly notify the district, section or unit maintaining the original MVR tape.
 - (a) Upon receipt of the Videotape Records Request Form, a second copy of the MVR tape shall be made and maintained in a file at the district, section or unit for one year.
 - (b) Duplications of MVR tapes shall be made only after receiving approval from the unit's officer in charge.
 - (c) Additional blank MVR tapes shall be obtained from this law enforcement agency's Supply Unit.

- (i) All blank MVR tapes shall be labeled with the appropriate equipment and tape number and put back into rotation.

(D) Supervisory Responsibilities

- (1) All supervisors must be knowledgeable of MVR equipment operations and functionality and shall be knowledgeable of agency procedures for using MVR equipment.
- (2) All district supervisors shall ensure the following:
 - (a) All officers under his or her command shall be knowledgeable of MVR equipment operations and agency procedures in the use of such equipment.
 - (b) Equipment shall be checked at the beginning of each shift to ensure that it is functioning properly and is recording the date and officer(s) name(s).
 - (c) Any needed repair of MVR equipment shall be duly arranged.
 - (d) Blank tapes shall be disseminated to any officer using MVR equipment.
 - (e) MVR tapes from officer(s) shall be retrieved for storage purposes unless they are to be logged as evidence.
 - (f) If an MVR tape is logged as evidence, the officer using the MVR tape must follow agency procedures in securing the tape as evidence for chain of custody purposes.
 - (g) Unless each unit is MVR equipped, the supervisor shall assign use of the MVR equipment.
 - (h) The supervisor must document the replacement of any MVR Tape during the shift on the Supervisor Shift Report.