

UTAH CHIEFS OF POLICE ASSOCIATION

Model Policy on Racial Profiling

1. Purpose

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are unacceptable, to provide guidelines for officers to prevent such occurrences, to provide guidelines for proper discipline should an allegation of racial profiling be substantiated, and to protect law enforcement officers when they act within the dictates of the law and policy from unwarranted accusations.

2. Definition

"Racial profiling" can be defined as any law enforcement-initiated action that relies upon the race or ethnicity of an individual, rather than the behavior of that individual. Racial profiling does not include circumstances where the law enforcement officer has information that includes a racial or ethnic descriptor concerning a suspect for a specific crime where that information is reliable and is likely to lead to the discovery of that individual.

3. Conduct of Law Enforcement Officers During All Encounters

- All law enforcement officers of this agency shall exercise their law enforcement powers in a manner that does not unlawfully discriminate against individuals based on race or ethnicity.
- No law enforcement officer of this agency shall endorse or act upon stereotypes, attitudes, or beliefs that a person's race or ethnicity increases the probability that the person will act unlawfully.
- Law enforcement officers of this agency may consider race and ethnicity in deciding to take law enforcement action only when the employee possesses specific information that is reliable and is likely to lead to the discovery of that individual.

4. Training

This agency will develop and deliver on-going training to all law enforcement officers to provide guidance regarding the consideration of race and ethnicity in the agency's law enforcement activities. This training will include: departmental policy, federal, state, and case law governing the limitations (lawful and unlawful), in the use of race as a determiner for police activity.

5. Complaints of Racial/Ethnic Profiling

- Any person may file a complaint with the department if they feel they have been stopped, detained, or searched based on racial, ethnic, or gender-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- Any law enforcement officer of this agency contacted by a person who wishes to file such a complaint shall follow departmental policy and procedures on receiving citizen complaints. Failure to properly report the complaint will result in disciplinary action as outlined in _____ (Reference your policy # on disciplinary procedures

that may apply. If no existing disciplinary policy applies, one should be created.)

- The supervisor receiving such a report, shall in accordance with policy, forward it to the assigned individual or unit for investigation and follow-up. All such complaints shall be reviewed, the complaint acknowledged to the complainant in writing, and the complainant shall be informed of the results of the department's review within a reasonable period of time. The report shall be filed with the Chief Executive Officer of the department, and shall contain findings and any suggestions for disciplinary action or changes in policy, training or tactics.

- On an annual basis the department will compile a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained or exonerated. Upon written request the department will provide a copy of this summary to any individual.

- Supervisors will ensure that the working environment is free of bias, racial and ethnic hostility. This may include: periodically review a sampling of available in-car video tapes of stops, reports filed on stops by officers, and respond at random to back up officers on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practices of possible discriminatory treatment by individual officers or squads. Supervisors will also ensure there is not retaliation for any individual reporting such incidents.

6. Internal Audits

Internal audits will be completed in include:

- The types of complaints received.
- How many times an employee receives complaints.
- Whether or not an employee has a pattern of complaints.
- Patterns of concern to the agency and/or community.

(The audits can be used to develop a program to reduce the number of complaints and serve as a potential management tool that will keep the chief executive officer informed of complaints within their department and should be tailored to meet individual departmental needs.)

7. Discipline for Engaging in Racial Profiling

If a complaint has been investigated and substantiated the department will take appropriate measures commensurate to the severity of the action substantiated. (Reference your policy # on disciplinary procedures that may apply. If no existing disciplinary policy applies, one shall be created.)

Disclaimer:

These policies are provided for guidance and use by members of the Utah Chiefs of Police Association. They have been reviewed by the Utah Chiefs of Police Association Judge Advocate for conformance with Utah State law. These policies should be modified as needed for the individual needs of each police organization and reviewed with the agencies legal department before adoption.