



POLICY & PROCEDURES

HOLMEN POLICE DEPARTMENT

SUBJECT: **RACIAL PROFILING**

NUMBER: 1.17

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

REVIEWED: 02/18/2017

PURPOSE

The purpose of this policy is to prevent occurrences of racial and ethnic profiling. It is the Holmen Police Department's position that profiling based on race, ethnicity, skin color, gender, sexual orientation, physical/mental handicap, or religion is unacceptable and will be prohibited, in any form, by this department. It is this department's goal to provide equal protection under the law to all individuals.

POLICY

It is the policy of this department that all people will be treated with dignity and respect and at the same time, we will work to deter actual and potential lawbreakers. This department will patrol in a proactive manner, aggressively investigate suspicious persons and circumstances, and actively enforce the law. However, we will insist that citizens only be stopped or detained when there exists reasonable suspicion.

I. DEFINITIONS

- A. **Racial Profiling:** Any enforcement action, detention or disparate treatment that relies on a person's race, ethnicity, national origin or other characteristics, rather than their behavior.
1. Officers MAY NOT use racial or ethnic stereotypes as factors in deciding whom to stop or whom to search.
 2. Officers MAY use race, ethnicity, or other specific characteristics to determine whether or not a person matches a specific description of a particular suspect.
- B. **Reasonable Suspicion (Articulable Suspicion):** Suspicion that is based on more than a mere hunch. It is something that is based on a set of facts and/or circumstances, that can be articulated, and that would warrant a reasonable person to believe that a violation of the law has occurred, is about to occur, or is occurring and that the person under suspicion did it. It can be developed by the observations of an officer combined with their training and experience or through reliable information received from credible sources.

II. Procedures

A. Training

1. Officers will receive initial training in proactive enforcement tactics, including officer safety, courtesy, cultural diversity, search and seizure and interpersonal communication skills.
2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

B. Enforcement Activity

Law enforcement decisions (to stop, detain, further investigate, search, warn or arrest) made by Holmen Police Department personnel will be made solely on the basis of reasonable suspicion and probable cause irrespective of the race, gender, ethnicity, national origin, or sexual orientation of the people involved. Each time that a citizen is detained, the officer should radio to dispatch the location, the description of the person or vehicle being stopped, and any other relevant information.

C. Citizen Contacts

1. All law enforcement actions should be recorded with dispatch, logging location, vehicle registration, and the identification of the driver, passenger, or pedestrian involved.
2. If the department vehicle is equipped with a mobile video camera, the video and sound shall be activated prior to contact and remain activated while in direct contact with the person.
3. When making any contact with a person, officers should identify themselves, their department and state the reason for the contact. During traffic stops, officers should use the following procedure; however, the department recognizes that individual officers may develop approaches that work better for them and still minimize conflict during the contact.
 - Greeting
 - Identify yourself and your department
 - Reason for the stop
 - Ask for justification for the violation
 - Request their driver's license
 - Obtain other needed documentation (registration, etc.)
 - Make enforcement decision and complete paperwork
 - Closing
4. No citizen, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion for further criminal activity and no searches executed in the absence of a warrant, legally recognized warrant exception, or the person's voluntary consent exists. In cases of voluntary consent, it is advised to complete the proper department form for consent searches.
5. Enforcement actions will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

III. DATA COLLECTION

All enforcement activity, to include traffic ordinance citations, warnings and arrest reports, shall contain the person's race and gender. This information, along with the enforcing officer's identification, shall be entered into the department's RMS system. The RMS system will then be able to generate a report showing the enforcement action, a person's race and gender as well as the officer involved.

IV. Complaints

- A. Any person may file a complaint with the department or the law enforcement committee/police commission, if they feel that they have been stopped, searched, or otherwise detained based on racial, ethnic, or gender based profiling. No person

shall be discouraged, coerced, or intimidated from filing such a complaint, nor shall they be discriminated against because they have filed such a complaint.

- B. Any officer contacted by a person wishing to file a complaint shall immediately advise a supervisor or, should a supervisor not be available, provide them with the phone number of the Holmen Police Department. If a supervisor is not available, the officer will ask for the person's name, address and phone number (if they are willing to give it) and report the contact to a supervisor as soon as practical.
- C. Complaints will follow the appropriate chain of command process. Supervisors shall take appropriate action whenever it appears that this policy is being violated. They shall be particularly alert to any pattern or practice of possible discriminatory treatment by individual officers.
- D. Any complaint will follow the procedures as outlined in this policy.

V. General Provisions

- A. Treat all persons contacted with respect and dignity
- B. Take enforcement action based on reasonable suspicion and probable cause
- C. Do not make derogatory comments

Chief of Police
Shane Collins