

ORDINANCE NO. 2003-14

**AN ORDINANCE TO AMEND ORDINANCE NO. 99-275 TO AMEND VARIOUS PROVISIONS OF THE POLICY AND PROCEDURES MANUAL OF THE CLINTON POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Clinton, Arkansas, adopted Ordinance No. 99-275, on September 9, 1999; and

**WHEREAS**, said ordinance adopted a Policy and Procedures Manual for the Clinton Police Department, as if set out word for word; and

**WHEREAS**, Act 1207 of 2003 requires the City to add provisions to the Policy and Procedure Manual for the purpose of setting forth a policy dealing with racial profiling; and

**WHEREAS**, the necessary revisions have now been completed and are attached as "Exhibit A".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:**

**Section 1:**

Ordinance No. 99-275 is hereby amended to include the revisions to the Policy and Procedure Manual for Clinton Police Department which are attached as "Exhibit A" hereto.

**Section 15. Emergency:**

The efficient operation of the Clinton Police Department is essential to the public health, safety and welfare. It is important that the provisions of this ordinance go into effect quickly as to alleviate the confusion and difficulty in scheduling vacation and use. An emergency is therefore declared to exist and this ordinance shall be in full force and effect from and after the

date of its adoption.

**PASSED:** December 13, 2003.

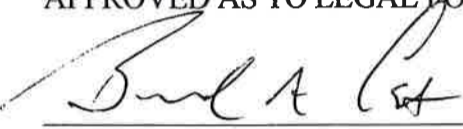
**APPROVED:**

  
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Chip Ellis, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Merl Eoff, City Clerk

**APPROVED AS TO LEGAL FORM:**

  
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Brad A. Cazort, City Attorney

# CLINTON POLICE DEPARTMENT

## RACIAL PROFILING POLICY

Act 1207 of 2003

Senate bill 96

### I. PROHIBITION STATEMENT

- (A) Law enforcement officers of the Clinton Police Department shall be prohibited from utilizing race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system as the sole factors in making law enforcement decisions.

### II. POLICY

- (A) It shall be the policy of the Clinton Police Law Enforcement Agency that officer 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 **U.S. Constitution and Arkansas Constitution.**

### III. PURPOSE

- (A) Members of the Clinton Police Department shall protect the constitutional rights of all person, regardless of race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system. All persons shall be free to walk and drive our streets and highways and other public places without law enforcement interference so long as they are law abiding in their actions and behaviors.
- (B) This policy serves to (1) reaffirm this law enforcement agency's commitment 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 assure the public this agency is providing service and enforcing laws in an equitable fashion.

(3)

#### IV. DEFINITIONS

- (A) **A standard of Reasonable Suspicion** identifies "a suspicion based of facts or circumstances which of 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." However, this standard shall prohibit stops based on race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system when non-group members would not be stopped.
- (B) **Biased Law Enforcement** is the practice of a law enforcement officer relying on age, race, color, creed, disability, ethnicity, gender, national origin, sexual orientation, religion, any other belief system, and/or any other individual attribute other than a standard of reasonable suspicion or probable cause in the selection of persons to subject to routine pedestrian or motor vehicle stops, detentions, investigative activities or arrests.
- (C) **Reasonable Belief** means a belief based on reasonable cause to believe.
- (D) **Reasonable Cause to Believe or Probable Cause** means a basis for belief in the existence of facts that, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements.

#### V. PROCEDURES

##### (A) TRAINING

- (1) Law enforcement officers shall receive initial and annual training in operating procedures that prohibit biased law enforcement.

**(B) FIELD OFFICER RESPONSIBILITIES**

- (1) Members of this law enforcement agency, whether sworn, civilians, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
- (2) Officers shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard or reasonable suspicion or probable cause.
- (3) Upon initial contact, each law enforcement officer shall provide his or her full name, jurisdiction, and the reason for the pedestrian or motor vehicle stop to the accused, and, when possible, written identification. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the law enforcement officer shall oblige by providing such information.
- (4) When stopping a pedestrian or a driver of a vehicle for an alleged violation, each law enforcement officer shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning, a written warning, or a traffic citation.

**(c) ALLEGATION OF BIASED LAW ENFORCEMENT PRACTICES BY A CITIZEN.**

- (1) When accused of biased law enforcement practices, the field officer shall first contact their immediate Supervisor of advisement of 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.
- (4) Along with their written report, Field Officers shall submit the Mobile Video/Audio Recording (MVR) tape containing the encounter in question, if applicable, to his or her supervisor.

(5)

(D) **RETALIATION**

- (1) No member of this law enforcement agency, regardless of rank or stature, shall retaliate against officers, civilian, or volunteer employees for reporting incidents of biased law enforcement practices.
- (2) Actions or behaviors found to constitute retaliation shall be immediately disciplined and may lead to dismissal.

(6)