

RACIAL PROFILING POLICY

ST. MARY POLICE DEPARTMENT
PO BOX 107, ST. MARY, MO 63673-0107

1. PURPOSE

The purpose of this directive is to define and elaborate on the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances and arrests.

2. DEFINITIONS

A. **CONTACT**--A *contact* is a face-to-face communication between an officer and a private person under circumstances where the person is free to leave.

B. **FRISK**--A *frisk* occurs when an officer makes contact with the outer clothing of a person, using a feel and/or pat down methods to detect whether a concealed weapon or dangerous instrument is being carried.

C. **REASONABLE OFFICER**--A *reasonable officer* can be defined as one who acts as other similarly trained and experienced officers could be expected to act, under similar circumstances. the *reasonableness* of an officers actions will be reviewed based on the facts and circumstances known to him at the time of the action.

D. **REASONABLE SUSPICION**--A police officer has reasonable suspicion to detain a citizen briefly for purposes of investigation when the officer, in light of experience and training, is aware of articulable facts or circumstances which could lead a reasonably prudent person to believe that a crime has occurred, criminal activity is going to occur, or someone is otherwise in need of police assistance.

E. **REASONABLE SUSPICION TO FRISK**--A police officer has reasonable suspicion to frisk a citizen during an investigative detention when the officer is concerned for their personal safety and in light of experience and training, is aware of articulable facts or circumstances which could lead a reasonable person to believe that the citizen may be armed with a weapon.

F. **STOP**--A *stop* is a temporary detention of a person for investigation. A stop occurs when officers use their authority either to compel a person to halt, to remain in a certain place, or to perform some act(such as walking to a nearby location where the officer can use a radio, telephone, etc.). Both pedestrians and persons in vehicles may be stopped.

G. **MINORITY BASED ENFORCEMENT ACTION**--Actions taken on part of the officer which is based on race, gender, national origin, creed, color, disability, age, religion or any other class protected by law.

3. POLICY

It is the policy of this department to investigate suspicious persons, incidents and other activities which officers encounter on patrol. It is also the intent of the department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions. The department encourages its officers to initiate citizen contacts as a means to stay informed about activities and concerns of persons in the community.

4. RULES

A. For purposes beyond a mere contact, officers should realize that they must be within their jurisdiction or have statutory authority.

B. For purposes beyond a mere contact, non-uniformed officers will identify themselves if circumstances require.

5. CITIZEN ENCOUNTERS

A. Contacts

Officers are encouraged to initiate contacts with individuals in the community in order to gain knowledge of their community.

B. Stops

If an officer reasonably suspects that a person has committed, is committing, or is about to commit any crime, the authority to stop that person exists. Officers are prohibited from stopping, detaining, and/or searching a person when the action is solely motivated by the officer's perception of the person's membership in a protected category. Each officer upon stopping a person or vehicle, will complete the required traffic stop documentation.

C. Frisks

An officer may frisk any person who has been stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument. The frisk may be conducted immediately upon making the stop or at any time during the stop whenever a reasonable suspicion to frisk develops. During traffic stops the officer may frisk both the driver and any passengers if the above conditions are met.

6. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

7. APPLICATION

This plan constitutes department policy, and is not intended to enlarge the employee civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard or safety or care in an evidentiary sense with respect to third party claims insofar as the employee legal duty as imposed by law.



Mark Bequette, Chief of Police
Effective December 26, 2000