

METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS
OFFICE OF THE POLICE COMMISSIONER
SPECIAL ORDER

Date Issued: December 15, 2022 **Order No.:** SO 1-04

Effective Date: December 15, 2022 **Expiration:** Indefinite

Reference: RSMo § 590.650;
U.S. Department of Justice: *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity* (2014)

CALEA Standards: 1.2.9

Cancelled Publications: SO 1-04, issued November 16, 2016

Subject: **PROHIBITION OF BIAS-BASED POLICING AND RACIAL PROFILING**

To: **ALL BUREAUS, DISTRICTS AND DIVISIONS**

PURPOSE: To establish policy prohibiting bias-based policing and procedures for complying with Missouri racial profiling laws and reporting requirements.

By Order of:



MICHAEL SACK
Lieutenant Colonel
Interim Police Commissioner

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To: ALL BUREAUS, DISTRICTS AND DIVISIONS

PURPOSE: To establish policy prohibiting bias-based policing and procedures for complying with Missouri racial profiling laws and reporting requirements.

POLICY: The St. Louis Metropolitan Police Department will respect and protect the constitutional rights and dignity of all individuals during law enforcement contacts and/or enforcement actions. In the absence of any specific information, the race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group of any person will not be a consideration for traffic contacts, field contacts, investigations, detention, interdiction, asset seizure, forfeiture efforts or other disparate treatment of any individual by any member of the Department. **(1.2.9.a)**

A. DEFINITIONS

1. *Bias-Based Profiling* – Is the detention, interdiction, or other disparate treatment of an individual on the basis of their race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group.
2. *Racial Profiling* – Racial Profiling is a form of bias-based profiling. More specifically, it is the detention, interdiction, or other disparate treatment of an individual on the basis of their race.

B. GENERAL INFORMATION

Use of bias-based profiling, of which racial profiling is a form, leads to ineffective policing practices. Moreover, bias-based law enforcement activities erode community trust and hinder collaboration between officers and the citizens they serve.

1. The consideration of an individual’s race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group should never enter into routine or spontaneous law enforcement activities, such as the decision to make an ordinary traffic stop or the direction of patrols, except in situations where officers are relying on a specific suspect description.

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- a. EXAMPLE of bias-based profiling: An officer conducting a traffic patrol witnesses a steady stream of vehicles disobeying the speed limit. Though all vehicles could justifiably be stopped, in deciding which vehicle to stop, the officer considers a motorist's race as a factor in his/her decision. Additionally, the officer elects to search the detained motorist's car because he/she believes that individuals of the motorist's race are more likely to possess drug paraphernalia.

NOTE: In the above example, both the use of race in the decision to stop the motorist as well as the use of race in the decision to search the motorist is strictly prohibited. Officers cannot act on the belief that an individual's race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group indicates a greater likelihood of criminal behavior. Such reasoning is patently fallacious, and cannot factor into law enforcement activities or decision making.

- b. EXAMPLE of allowable use of an individual's race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group: While conducting a traffic patrol on a stretch of roadway where motorists are frequently disobeying the speed limit, an officer receives notification of a robbery committed in the area. The suspect is described as a male of a specific race in his early 30s driving a red automobile. The officer may utilize the suspect description, including the reported race and age information, in deciding which speeding motorists to pull over.

NOTE: In the above example, the use of race and age in the officer's decision making is legitimate because it is motivated by a specific suspect description.

2. During all activities other than routine or spontaneous law enforcement activities, such as investigative work, officers may make use of race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group provided that trustworthy information has been obtained and that the information links persons possessing a certain characteristic to a specific incident, pattern of incidents, scheme, or criminal organization. Additionally, when making use of any of the characteristics listed above, officers must reasonably believe that their use of a characteristic is warranted by the totality of the circumstances (i.e. usage is reasonable given certain facts about the situation at hand, and that another similarly situated individual would also find usage reasonable).

- a. EXAMPLE of bias-based profiling: In carrying out a business burglary investigation, a detective decides to target individuals of a certain ethnicity as potential suspects in the incident because he/she arbitrarily assumes that individuals belonging to that ethnic group are more likely to commit burglaries.

NOTE: In the above example, the detective is relying on an ethnic stereotype to inform his/her investigation. Use of stereotypes in police work of any kind is at the center of bias-based profiling, and hence is expressly forbidden.

- b. Example of allowable use of an individual's race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group: Following an assault, detectives speak to a witness that describes the suspect as a middle-aged male of a certain race wearing dark colored clothing. Accordingly, detectives limit their search for suspects to individuals that match the suspect description.

NOTE: Though detectives are relying on race and age in the above example to limit their search for suspects, they are doing so in a completely reasonable manner. Use of

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credible information is essential to good investigative work and does not constitute bias-based profiling.

C. TRAINING

1. All officers will receive training in bias-based profiling issues, including legal aspects, during their initial Academy training. **(1.2.9.b)**
2. Additional diversity and sensitivity training will be designated for officers with sustained bias-based profiling or other sustained discrimination complaints filed against them.

D. MISSOURI STATUTORY REQUIREMENTS FOR TRAFFIC STOPS

State Law prohibits the routine stopping of members of minority groups for vehicle law violations as a pretext for investigating other criminal law violations. According to the statute, “Minority group” means individuals of African, Hispanic, Native American, or Asian descent. Officers are required to report certain information concerning every motor vehicle stop (e.g. traffic, investigative, etc.), with the exception of a lawfully conducted sobriety checkpoint or road block. The information is then compiled in summary form for submission to the State Attorney General, who prepares an annual report to the governor and the Missouri legislature. **(RSMo 590.650)**

1. Reporting Procedures

- a. Vehicle stop information must also be submitted on ALL occupied vehicle stops, including investigative stops, those resulting in the release of the driver with a warning or citation, and when a full custody arrest occurs.
- b. Vehicle stop information is submitted only on the DRIVER of the vehicle.
- c. Officers will submit required information into the “Traffic Analysis” system through REJIS.
- d. Officers are required to notify the dispatcher on all vehicle stops. Not only is this a safety issue, the CAD event number (“P” number) is required when submitting Traffic Analysis information.
 - 1) The primary officer making the vehicle stop will advise the dispatcher of his/her DSN.
 - 2) The Traffic Analysis Form will be completed by the officer whose DSN is associated with the CAD event number.
 - 3) REJIS will not allow the CAD event number to be used on more than one Traffic Analysis Form.

2. Data Reporting from REJIS

REJIS will produce monthly and annual summary reports and detail reports of vehicle stop information for each separate District and Division. The reports are made available to authorized viewers through the REJIS secure Extranet.

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3. Review of REJIS Data Reports

- a. Each District/Division Commander will periodically review the vehicle stop summary and detail reports to determine if any officers under his/her command indicate a pattern of stopping members of a minority group based solely on their race, ethnicity, age, gender, gender identity, national origin, sexual orientation, religion, economic status or cultural group and provide a report to his/her respective Bureau Commander.
- b. If a pattern of bias-based profiling or race-based vehicle stops is revealed, the Commander of the involved officer(s) will initiate necessary corrective measures for a violation of the provisions of this Special Order. **(1.2.9.c)**

E. PLANNING AND RESEARCH RESPONSIBILITIES

1. Planning and Research will submit annual electronic citywide vehicle stop data to the Missouri Attorney General's Office per State requirements.
2. Planning and Research will complete an annual analysis of the citywide vehicle stop data, along with an annual administrative review of agency practices regarding bias-based profiling in traffic contacts, field interviews, and asset seizure and forfeiture, to include citizen concerns and any corrective measures taken, for submission to the Police Commissioner. **(1.2.9.c)**

MS/ash
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