



## Police Department

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### DEPARTMENT GENERAL ORDER 21-02

OFFICE of the CHIEF OF POLICE  
REPLACES: General Order 15-04 and 20-05

DATE: March 1, 2021

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### **BIAS-FREE POLICING**

#### I. PURPOSE

Bias policing undermines legitimate law enforcement efforts, alienates community members, and fosters distrust in the community. This policy reaffirms the Clayton Police Department's commitment to bias-free policing. It clarifies circumstances in which personnel can consider race, ethnicity, national origin, gender, gender identity, sexual orientation, socio-economic status, religion, disability, or age when carrying out duties. This policy also establishes appropriate controls to ensure that Clayton Police Department employees do not engage in biased policing.

#### II. DEFINITIONS

**Racial Profiling** - A pattern of routinely stopping members of a racial or minority group for any police action as a pretext for investigating other violations of criminal law (definition found in Missouri RSMo. 590.650).

**Biased Policing** - The inappropriate consideration of specified characteristics when carrying out duties.

**Bias by Proxy** – Occurs when an individual calls the police and makes ill-informed or false claims of misconduct about other individuals based on the caller's implicit or explicit bias. This situation has also been referred to as "profiling by proxy".

**Specified Characteristics** - Includes, but is not limited to race, ethnic background national origin, gender, gender identity, sexual orientation, religion, disability, socio-economic status, and/or age when making law enforcement decisions.

### III. RACIAL PROFILING/BIASED POLICING PROHIBITED

Members of this department shall perform their duties in a bias-free manner and are responsible for promptly reporting any known instances of biased policing to a supervisor. Where appropriate, officers will intervene at the time a biased policing incident occurs.

Clayton Police Department personnel may not consider the specified characteristics except when credible, timely intelligence relevant to the locality links a person or people of a specified characteristic to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes. In those circumstances, personnel may rely on these specified characteristics only in combination with other identifying characteristics or information. Officers may not place undue or exclusive weight on race or other specified characteristics when forming reasonable suspicion.

These restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the department's relationship with its diverse communities.

Officers violating this policy may be subject to re-training, disciplinary action, or other remedial intervention as deemed appropriate to the violation.

### IV. REPORTING REQUIREMENTS/PROCEDURES

In accordance with RSMo 590.650, sworn officers shall complete a Traffic Stop Report, via computer entry, each time an officer stops a driver of a motor vehicle for any reason, including suspicious vehicle stops. The following information will be recorded in each specific instance:

1. Time and date of traffic stop.
2. Officer's DSN.
3. Driver's Race/Minority Status. (Based only on visual observation after stop)
4. Probable cause/violation that led to the stop.
5. Result of traffic stop (citation, warning, etc.)
6. Zip Code of Driver's Current Residence.
7. Driver's age and gender.
8. Location of traffic stop.
9. Was driver a resident of jurisdiction?
10. Was search initiated? Probable cause/authority for search.
11. The extent of search.
12. Duration of search.
13. Whether any contraband was discovered during the search. Types of contraband.
14. Was driver arrested?
15. The charge(s) or offense(s) involved.

In addition, the Clayton Police Department will record the following information regarding traffic stops:

1. Officer's assignment at the time of the stop – General Patrol, Dedicated Traffic Enforcement or Special Assignment.
2. COGIS – GEO Code to provide additional information on location of the stop.
3. CAD Event Number – To ensure that all Traffic Analysis records can be linked with CAD data.

Items of information recorded on the form will be regarding the driver of the stopped vehicle only.

A report does not have to be completed if the stop is made pursuant to a lawfully conducted sobriety check point or roadblock.

#### V. REASON FOR DETENTION

Officer detaining any person shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's belonging to a protected class.

To the extent that written documentation would otherwise be completed (e.g. Arrest Report, Field Interview Report), the involved officer should give facts giving rise to the officer's reasonable suspicion or probable cause for the detention as applicable.

#### VI. SUPERVISOR RESPONSIBILITY

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy.

Supervisors shall analyze the monthly Vehicle Stop Report and randomly review videos from body worn cameras and in-car cameras to ensure compliance with this policy.

Supervisors who observe or become aware of potential biased policing by an officer should respond with early interventions. These interventions may include training, counseling, or disciplinary actions.

Supervisors shall initiate an Internal Affairs investigation for formal complaints or credible allegations against an officer for biased policing/behavior.

Supervisors will ensure that officers under their command complete the required Traffic Analysis forms as dictated by law.

## VII. ADMINISTRATION AND STATISTICAL PROCEDURES

The Administration Division will create a Vehicle Stop Report each month and distribute it to the patrol sergeants and commanders for review. The patrol sergeants will analyze the monthly report to ensure officers are complying with this general order and determine if there is any indication of biased policing. The sergeants will report any potential cases of biased policing up their chain of command. The Commander of the Field Operations Bureau will keep the Chief of Police apprised of the monthly reviews.

If analysis indicates that an officer appears to be engaging in biased policing, a supervisor in the officer's chain of command will utilize one or more of the following actions in a timely manner:

- a. Counsel the officer
- b. Provide appropriate training for the officer
- c. Take appropriate disciplinary action if warranted

The Administration Division shall prepare an annual report that will be submitted to the State of Missouri Attorney General no later than March 1<sup>st</sup> of the following year. The report will contain the required information enumerated in RSMo 590.650 and any other information required by the Attorney General. The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the Governor, the General Assembly, and each law enforcement agency no later than June first of each year.

## VIII. BIAS BY PROXY

Officers should be aware of the potential for bias by proxy when responding to a call for a suspicious person. When the police act on a request for service rooted in implicit or explicit bias, they risk perpetuating the caller's bias.

When a call for a suspicious person lacks sufficient details, the responding officers should use their critical decision-making skills, drawing upon their training and experience, to independently assess whether there is evidence of criminal activity. Officers should be cognizant that the subject could be experiencing a medical emergency or personal crisis requiring police assistance. Officers are empowered with the discretion to choose the most appropriate action based on their assessment. Officers may decide that interacting with the subject is not warranted. Officers will document the call's disposition in CAD if an incident report is not required.

IX. TRAINING

Sworn members of the department shall receive annual training on bias-free policing and racial profiling laws. The training should also address the psychology of bias and how bias can affect police activities and decision-making during contacts with individuals in our community. Newly hired officers shall receive instruction on bias-free policing during their Field Training Program. All training will be documented.

BY ORDER OF:

A handwritten signature in black ink, appearing to read "Mark J. Smith", with a long horizontal flourish extending to the right.

MARK J. SMITH  
Chief of Police

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