



DIRECTIVES

Oak Creek Police Department

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Title:

RACIAL PROFILING

Directive Number
7-700

Critical Policy
Yes

Open Record
Yes

Total Pages
3

Applicability
All Employees

I. POLICY

The Oak Creek Police Department does not condone, nor will it tolerate either individual acts, a pattern or practice relating to race-based generalizations and acts which include racial profiling, uttering racial epithets or making law enforcement decisions based on race. It is also our objective to minimize the possibility of condoning any pattern or practice regarding the illegal stopping of our citizens.

II. BACKGROUND

Officers have a broad range of discretion when performing their official duties. Decisions to make vehicle and non-motorist contacts, to detain and investigate, and to take enforcement action are among the most common. It is important for this agency to be fair and impartial in law enforcement. Specifically, this agency, through this policy, re-enforces our mission of “*Enhancing the Quality of Life in the City of Oak Creek*” and commits to the values of “*Integrity, Respect, Constitution, Excellence and Accountability*”. These values specifically contradict behavior and activities which would negatively generalize people based on gender, race or ethnicity.

III. DEFINITIONS

A. *Race Profiling* – Any police action against an individual that is reliant upon that person’s race, ethnicity or national origin instead of their actual behavior. However, information that identifies the person as being or having been engaged in criminal activity is an acceptable means of **non-racial profiling**. There is almost uniform consensus about two corollary principles that follow from adopting this definition of racial profiling.

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to contact and whom to search.
2. Police may use race or ethnicity to determine whether a person matches a description of a particular suspect. (Adopted from the Governor’s Task Force on Racial Profiling Report 2000)

B. *Based Generalizations* – Broad, stereotypical conclusions about a person based on race or ethnicity.

C. *Racial Epithets* – Derogatory phrases and terms that are used to describe a person’s race or ethnicity.

D. *Reasonable Suspicion* – Suspicion based upon a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a crime has been committed, is about to be committed, or is in the process of being committed by the person under suspicion. This standard is more than a hunch. Suspicion can be based upon direct observations of the police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

III. DEFINITIONS - *Continued*

- E. *Probable Cause* – A higher standard than reasonable suspicion; it is a reasonable belief that a crime has been committed, is being committed or is about to be committed. Probable cause is required to make an arrest.
- F. *Police Action* – Any action taken by a law enforcement officer in the performance of his/her law enforcement duties.
- G. *Frequently Asked Questions Webpage*– This webpage has been developed to answer commonly asked questions by citizens regarding vehicle and non-motorist contacts and is a recommendation of the Governor’s Task Force and the Wisconsin Police Executive Group. Each officer’s business card contains a QR code that links to this webpage.
- H. *Pattern or Practice* – This is a term from the U.S. Department of Justice Program for addressing issues of police misconduct which deprive persons of rights protected by the Constitution or local laws, including excessive force and racially discriminatory harassment, false arrests, coercive sexual conduct and unlawful search and seizures. Pattern or Practice would also include unlawful policies and procedures or activities that routinely deprive persons of their rights. This term is associated with a collection of incidents not an individual incident.
- I. *Discriminatory Vehicle and Non-Motorist Contacts* – Contacts under the guise of legal authority when, in fact, the contact is based solely upon the officer’s perception of a person’s race, ethnicity, sex, or similar distinction; failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. Certainly, the targeting of specific classes of individuals for enforcement is discriminatory and illegal. **It is in no way a matter of reasonable police discretion.**

IV. VEHICLE AND NON-MOTORIST CONTACTS

- A. Vehicle and non-motorist contacts will only be made upon the minimum standard of reasonable suspicion. The decision to contact, detain, question, further investigate, search, warn or arrest an individual is to be made solely on the basis of reasonable suspicion and probable cause, irrespective of the gender, race or ethnicity of the person(s) involved.
- B. Tactics to determine gender, race or ethnicity, or other individual factors of a motorist or other vehicle occupants before obtaining reasonable suspicion or probable cause are not to be used.
- C. Tactics to determine gender, race or ethnicity are only for use when such individual factors have been previously identified as characteristics of a person whom officers are lawfully attempting to locate.

V. PROCEDURE

- A. All personnel shall avoid race-based generalizations and acts, which contribute to negative personal and community relations. Officers are reminded to utilize professional communications to ultimately reduce misunderstandings or complaints. In addition, all personnel shall:
 - 1. Treat all persons contacted with the respect and dignity as one would wish to be treated if the situation were reversed.
 - 2. Take enforcement action based upon reasonable suspicion and probable cause.

V. PROCEDURE - *Continued*

3. Refrain from using inappropriate phrases or terms.
 4. Report all infractions by co-workers to their supervisor.
- B. Officers will present the contacted person with their business card that has a QR code that is linked to the Frequently Asked Questions webpage after the following contacts: written citation, written warning, verbal warning or non-motorist (pedestrian) contact.
1. Where no citation or warning is issued, officers will report to dispatch the reason for the contact.
 2. Dispatchers will ensure that the reason for the verbal warning is placed in the narrative of the CAD call is closed out with "V" for verbal.
- C. Racial epithets shall not be used in conversation or written communications unless they are being reported as spoken by another person during the completion of an official report or as testimony at an official hearing.
- D. Supervisors shall document infractions of this policy. They shall investigate any breach of public confidence made manifest by race-based generalizations, uttering of racial epithets or other forms of discrimination.

VII. DISCLAIMER

The Racial Profiling Policy developed by the Oak Creek Police Department is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety and care in an evidentiary sense with respect to third party claims. Violations of the Racial Profiling Policy can only be the basis of a complaint by this department, and then only in non-judicial administrative setting.

REFERENCE:

Motor Vehicle Stops Policy #8-200
Title VI of the Civil Rights Act of 1964
Governor's Task Force on Racial Profiling Report—2000
Wisc. Police Executive Group (position on Racial Profiling Task Force's
Recommendation dated March 20, 2001)
Governor McCallum's Executive Order No. 1



David R. Stecker
Chief of Police

DRS/tp