



"Service with Excellence  
and Integrity"

## Arkansas Department of Community Correction

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### **ADMINISTRATIVE DIRECTIVE: 07-04 RACIAL PROFILING**

**TO: DEPARTMENT OF COMMUNITY CORRECTION (DCC) EMPLOYEES**

**FROM: G. DAVID GUNTARP, DIRECTOR**

**SUPERSEDES: NONE**

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**APPROVED: Signature on File**

**EFFECTIVE: APRIL 27, 2007**

**I. APPLICABILITY.** This policy applies to DCC law enforcement officers.

**II. POLICY.** Department of Community Correction (DCC) law enforcement officers must receive initial and refresher training regarding racial profiling. DCC law enforcement officers are prohibited from racially profiling offenders and shall not make any stop, arrest or detention or engage in any other law enforcement activity based upon the race, ethnicity, national origin or religion of an offender.

### **III. DEFINITIONS**

**A. Racial Profiling.** The practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigation. Racial profiling *does not include* reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect and the description is thought to be reliable and locally relevant. (Arkansas State Statute 12-12-1401)

**B. Reasonable Suspicion.** A degree of certainty based on facts and reasonable inferences drawn therefrom that causes one to believe that a person has violated the law, or their conditions of supervision.

#### **IV. RESPONSIBILITIES**

- A.** All DCC Probation and Parole Officers are required to attend the PPO Academy and the classes pertaining to Racial Profiling. The Training staff is responsible for ensuring all initial racial profiling classes conducted at the PPO Academy adhere to CLEST training requirements.
- B.** Area Managers and Assistant Managers are required to ensure that all law enforcement officers under their supervision have had the initial and annual refresher training regarding racial profiling. This annual training must provide for the following:
  - a. stress the prohibition against racial profiling;
  - b. instruction and emphasis on the importance of understanding and giving respect to racial, ethnic, national, religious, and cultural differences between community groups and provide for the development of effective and appropriate methods of performing DCC responsibilities; and
  - c. assurance that all DCC law enforcement officers understand the prohibition against racial profiling.
- C.** When a DCC law enforcement officer performing official duties stops, detains or arrests any individual, the officer must identify themselves by full name, the assigned office and the reason for the detention, stop or arrest. When possible the officer will also present written identification.
- D.** If any DCC supervisor receives an allegation of racial profiling, he/she shall immediately contact the appropriate Area Manager and the appropriate Deputy Director or Assistant Director. The immediate supervisor is responsible for investigating the allegation including, but not limited to, a review of the specific case and any previous law enforcement activity to determine if there is any pattern of law enforcement activity being engaged in based upon racial, ethnic, national, or religious characteristics. If it is determined that racial profiling has been practiced, the supervisor must ensure the employee is provided supplemental training, assistance, remediation or discipline.
- E.** Under no circumstances shall a DCC supervisor retaliate against another DCC employee for reporting incidents of racial profiling.