

Tom Bean Police Department

Administrative Directive

Number: 103.011	Effective Date: 01/11/2021
Subject: Profit Driven Enforcement	Revision Date:
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

The Tom Bean Police Department does not condone the use of any profit driven enforcement activity in its law enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, the sworn officers deployed in the field, and generally undermines legitimate law enforcement efforts. Additionally, profit driven enforcement alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, legislative action, and judicial intervention. Therefore, the Tom Bean Police Department prohibits the practice of profit driven enforcement in all official law enforcement activities.

II. Definitions

Profit Driven Enforcement – law enforcement actions and activities that are based solely upon or motivated by the collection or extraction of revenue from the general public via the issuance of citations, or through the seizure of U.S. Currency, personal or real property assets.

Proportionality - as a general principle of constitutional law, requires that government intrusions on freedoms be justified, that greater intrusions require stronger justifications, and that punishments reflect the relative severity of the offense.

III. Officers Responsibilities

- A. It is recognized that traffic stops and interactive patrols are vital law enforcement responsibilities. In addition to deterring motor vehicle violations, they provide law enforcement visibility and deter more serious crimes. Therefore, officers of this Department may stop a motor vehicle upon a reasonable suspicion that the driver or an occupant has committed a motor vehicle violation or other offense. Such stops shall conform to the Department's policy and procedures.
- B. Officers are prohibited from stopping, detaining, searching or arresting anyone when the stop, detention, search, or arrest is based solely upon or motivated by the collection or extraction of revenue via the issuance of citations, or through the seizure of U.S. Currency, personal or real property assets.
- C. Proportionality should be applied / considered any time an officer is seizing U.S. currency, personal or real property assets that are directly related to a pending or ongoing criminal case or investigation.

IV. Supervisor Responsibilities

- A. Supervisors shall ensure that officers follow the policies and procedures outlined in this Directive.

V. Complaints Regarding Allegations of Profit Driven Enforcement

- A. A supervisor shall be contacted any time a person has made a complaint alleging profit driven enforcement or other improper conduct.
- B. If the issue is not resolved after discussing it with the complainant, the supervisor shall provide them with a Personnel Complaint Form. The supervisor shall inform the complainant that the form should be completed and either mailed or hand delivered to the Office of the Chief of Police. The supervisor shall stand by if the complainant wishes to fill out the form and turn it in immediately.
- C. Any officer found to be engaging in any type of profit driven enforcement shall be subject to disciplinary action up to and including separation from employment.

VI. Training

- A. Officers of the Tom Bean Police Department shall receive training regarding profit driven enforcement related issues.

VII. Public Education

- A. The Primary Public Information Officer or designee will inform the public of the Department's policy against profit driven enforcement. The news media, radio service, civic presentations, and the Internet may be used to make this information available to the public.