



BIAS-FREE POLICING

Date of Issue: November 27, 2018
General Order: 01-2018
Subject: Bias-Free Policing Policy
Issued By: Annette M. Mecklenburg, Chief of Police

PURPOSE: To emphasize the Police Department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services and clarify the circumstances in which race or affiliation can be used as a factor to establish reasonable suspicion or probable cause.

POLICY: It is the policy of the Police Department to preserve the peace and maintain order by practicing bias-free policing and treating all citizens in a nonpartisan, fair, equitable and objective manner in accordance with law, and without consideration of their actual or perceived race, color, religion, sex, familial status national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as defined in this policy.

DEFINITIONS: Biased Based Policing – The practice of stopping, detaining, or searching a person based solely upon a common trait or a group that includes but not limited to their actual or perceived race, color, religion, sex, familial status national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as defined in this policy.

Equal Treatment – Persons, irrespective of their actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, immigration status or other distinction, shall be treated in the same manner under the same similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable accommodations may be, and sometimes should be, made when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

Police Service Functions – Actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at traffic accidents,

medical emergencies, preventive patrol, traffic control, public assistance, and similar activities.

Procedures:

1. Fair and Equal Treatment

- A. Bias-based policing is prohibited both in enforcement of the law and the delivery of police services. All investigative detentions, traffic stops, arrests, searches and seizures or forfeiture of property by Officers will be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U. S. Constitution.
- B. Officers may not use actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as the sole criteria for determining when or how to take enforcement action or provide police services.
- C. Officers shall not authorize or engage in surveillance of a person or group based solely or primarily upon a person or group's actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, or immigration status.
- D. Officers shall not inquire into race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, or immigration status, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.
- E. Officers must be able to articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take any enforcement action.
- F. Officers shall provide equal treatment and take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- G. Unless exigent circumstances exist, Officers shall not engage in a law enforcement matter when it involves a family member, friend, or relative such that the Officer's objectivity may be, or may appear to be, compromised.

- H. Nothing in this policy prohibits Officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin in combination with other facts to assist in establishing reasonable suspicion or probable cause in the same manner that Officers would use hair color, height, weight or gender for such purposes.
- I. No party, including officers from federal and state law enforcement agencies, shall be permitted access to persons detained in the City Jail without proper identification. Any law enforcement personnel who is granted such access shall be required to have their agency identification visible while speaking to the detainee.

2. Complaints

- A. Officers who witness or who are aware of instances of bias-based policing shall report the incident to their supervisor.
- B. The Police Department takes seriously allegations of bias-based policing. All such complaints shall be forward to the Police Chief's Office for investigation.

3. Training

All Officers will receive basic and in-service training, and, where deemed necessary, remedial training as defined by the training authority on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops and related topics suitable for preventing incidents of biased policing.