

IDENTIFICATION AND PREVENTION OF BIAS-BASED PROFILING

POLICY & PROCEDURE NO. 4.10	ISSUE DATE: 08-01-2001
	EFFECTIVE DATE: 10-01-2001
	REVISION DATE: 07/25/2021

GENERAL CONSIDERATIONS AND GUIDELINES

This Department is committed to protecting the constitutional and civil rights of all citizens. Actual or perceived discrimination in policing is an ineffective and unconstitutional law enforcement strategy. Allegations of bias-based profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve, because they strike at the basic foundation of public trust. This trust is essential to effective community based policing. Bias-based profiling is illegal and an ineffective method of law enforcement. Bias-based profiling results in increased safety risks to officers and citizens and the misuse of valuable police resources. Additionally, such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability. This Department does not endorse, train, teach, support or condone any type of bias-based profiling by their officers. While recognizing that most officers perform their duties in a professional, ethical and impartial manner, this Department is committed to identifying and eliminating any instances of bias-based profiling.

I. POLICY

It is the policy of the department to:

- A. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
- B. Assure highest standard of integrity and ethics among all our members;
- C. Respect the diversity and the cultural differences of all people;
- D. Take positive steps to identify, prevent, and eliminate any instances of bias-based profiling by our members; and
- E. Continue our commitment to community policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

II. DEFINITIONS

A. *Bias-Based Policing*: The selection of individuals for enforcement action, based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

B. *Bias-Free Policing*: Policing decisions made by and conduct of law enforcement officers shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. This definition does not include decisions made by, or the conduct of, law enforcement officers:

- Based on a law enforcement purpose or reason that is non-discriminatory, or that justifies different treatment; or
- Based on a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime.

C. *Implicit Bias*: Attitudes and stereotypes that affect our actions and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated without an individual's awareness or intentional control.

- Implicit biases are pervasive. Everyone possesses them.
- The implicit associations we hold do not necessarily align with our declared beliefs.
- We generally tend to hold implicit biases that favor our own in group, though research has shown that we can still hold implicit biases against our in group.
- Implicit biases can be modified. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of techniques.

D. *Racial and Gender Profiling*: Chapter 228 of the Acts of 2000 includes the following definition: the practice of detaining or stopping a suspect based on a broad set of criteria which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.

E. *Suspect Specific Incident*: An incident in which an officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender or race.

III. Procedures

A. Prevention of Profiling

To prevent bias-based profiling, this department shall;

1. Utilize the Municipal Police Training Committee (MPTC) or other certified training programs to help ensure that appropriate employees and enforcement personnel receive training on bias-based profiling practices which include legal aspects and the standards established by this policy;

2. Ensure that this policy is disseminated to all officers, dispatchers and communications employees;
3. Train supervisory personnel to monitor police conduct to ensure that the standards of this policy are being carried out by employees under their supervision. Officers who engage in this behavior are subject to discipline, including termination.
4. Annual administrative review and, where appropriate, revise all procedures that involve the stop, detention, apprehension or search of individuals to ensure that such procedures are in compliance with the provisions of the law and this policy;
5. Review all performance recognition and evaluation systems, training curricula, policies and customs of the department to determine if any practice encourages conduct that may support or lead to bias-based profiling; and
6. Educate the public, in conjunction with the Executive Office of Public Safety and the Registry of Motor Vehicles, on what to expect when either stopped or detained by a police officer, as well as police expectations during motor vehicle stops or police detainment, to ensure both the officer and citizen safety.

B. Identification of Profiling

To identify instances of bias-based profiling, this department shall:

1. Utilize appropriate citizen complaint procedures to document and investigate allegations of bias-based profiling filed directly with the agency or referred through the Executive Office of Public Safety's statewide toll free complaint number;
2. Utilize procedures for the annual administrative proactive review of performance, citizen complaint and other employment information to assist supervisors in identifying and modifying potentially problematic behavior and to promote professionalism in this department;
3. Direct officers to collect data on race, gender and subsequent searches in accordance with the protocol established by the Secretary of Public Safety; and

4. Where local conditions warrant, and the financial and technical resources are available, the department will consider whether it may be appropriate to collect additional data or to engage in analysis beyond that required by the legislative mandate to meet local community concerns and needs.

C. Enforcement of Profiling Policy

To enforce the provisions of this policy, this department shall:

1. Take appropriate action to address documented incidents of bias based profiling;
2. Utilize a system of intervention to enable or encourage an officer to undertake a voluntary modification of his or her conduct or performance; and
3. Take appropriate measures to correct any institutional practice or policy that has led to the use of Bias-based profiling.