



# Campbell Police Department **Policy and Procedures**

Subject <p style="text-align: center;"><b>BIASED BASED PROFILING</b></p>	Policy # <p style="text-align: center;"><b>7.8</b></p>		
Division <p style="text-align: center;"><b>ALL SWORN POLICE PERSONNEL</b></p>	Effective Date <p style="text-align: center;"><b>01-06-2021</b></p>	Last Updated <p style="text-align: center;"><b>01-06-2021</b></p>	Pages <p style="text-align: center;"><b>4</b></p>

## 1. PURPOSE AND SCOPE

This order establishes policy to prevent occurrences of biased based profiling and bias by proxy. It is the department’s position that profiling based on race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, culture group, or any other identifiable characteristics, is unacceptable and will be prohibited in any form by this department. It is this department’s goal to provide equal protection under the law to all individuals. It is the policy of this department that all people will be treated with dignity and respect, and at the same time, we will work to deter actual and potential lawbreakers. This department will patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and actively enforce the law. However, we will insist that citizens only be stopped/detained when there exists reasonable suspicion.

## 2. DEFINITIONS

- A. Biased Based Profiling:** Any enforcement action, detention, or disparate treatment that relies upon a person’s race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, culture group, or any other identifiable characteristic, rather than their behavior.
- B. Implicit Bias:** Assumptions, stereotypes, and unintentional actions (*positive or negative*) we make towards others based on identity labels like race, religion, age, gender, sexual orientation, or ability. Because our implicit associations are stored in our subconscious, humans act on biases without even realizing it. Often, implicit biases contradict our values. Also called unconscious bias.
- C. Explicit Bias:** Attitudes and beliefs about persons or groups expressed on a conscious level. People expressing explicit bias are very clear about their feelings and attitudes, and their related behaviors are conducted with intent. Also referred to as conscious bias, in its extreme, is characterized by overt negative behavior that can be expressed through physical and verbal harassment such as racism, sexism, intolerance, hate, or through more subtle means such as exclusion or feeling threatened by a person for no legitimate reason.
- D. Bias By Proxy:** Bias by proxy occurs when an individual calls the police and makes false, bias-based, or ill-informed claims about persons/groups they dislike or whom they are implicitly or explicitly biased against.

- E. Reasonable Suspicion (*Articulable Suspicion*):** Suspicion that is based on a set of facts and/or circumstances that can be articulated, and that would warrant a reasonable person to believe that a violation of the law has occurred, is about to occur, or is occurring and that the person under suspicion is responsible for this suspicion. Reasonable suspicion can be developed by the observations of an officer combined with their training and experience or through reliable information received from credible sources.
- F. Traffic Stop or Motor Vehicle Stop:** A contact by an officer with a motor vehicle operator on a public street or highway, initiated by the officer, resulting in the detention of a motor vehicle.

### 3. PROCEDURES

#### A. Training:

1. Officers will receive initial and ongoing training in proactive enforcement tactics, including officer safety, courtesy, cultural competency, search and seizure, biases/identifying biases, and interpersonal communication skills.
2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

#### B. Enforcement Procedures:

1. Law enforcement decisions (*to stop, detain, further investigate, search, warn or arrest*) made by department personnel will be made solely on the basis of reasonable suspicion or probable cause irrespective of the race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, culture group, or any other identifiable characteristic of the people involved.
2. Each time a citizen is detained, the officer shall radio to dispatch the location of the stop, the description of the person or vehicle being stopped, and other relevant information.
  - a. Officers may not use racial or ethnic stereotypes as factors in selecting who to stop or whom to search.
  - b. Officers may use race, ethnicity, or other specific physical characteristics to determine whether a person matches a specific description of a particular suspect.
3. No citizen once cited or warned shall be detained beyond the point where there exists no reasonable suspicion for further criminal activity and no searches executed in the absence of a warrant, legally recognized warrant exception or the person's voluntary consent exists.
4. Enforcement actions will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

#### C. Citizen Contacts:

1. All law enforcement actions shall be recorded with dispatch, logging location, vehicle registration, and the identification of the driver, passenger, or pedestrian involved.
2. All official police/citizen contacts will be recorded using department squad and/or body cameras consistent with the department's policies.

3. When making any contact with a person, officers should identify themselves, their department and state the reason for the contact. During traffic stops, officers may use the following procedure:
  - a. Greeting
  - b. ID Self and Department
  - c. Reason for Stop
  - d. Ask for justification for the violation
  - e. Request Driver's License
  - f. Obtain other needed documentation – Registration, Proof of Insurance
  - g. Make enforcement decision – Complete paperwork
  - h. Closing
4. The department recognizes that extenuating circumstances may dictate other contact approaches when necessary.

**D. Responding to Biased Based (*Bias by Proxy*) Calls for Service:**

1. Personnel responding to calls for service should evaluate each call to determine if the bias of the complainant is influencing the reason for the complaint/police response. Personnel should constantly be evaluating and applying fair and impartial training and decision-making skills in an effort to identify biased based (*bias by proxy*) calls for service. Officers should draw upon their training and use their critical decision-making skills to assess whether they are being subjected to the complainant's bias when carrying out their duties.
  - a. Personnel should determine whether there is evidence of criminal misconduct/reasonable suspicion or if there is a legitimate need to engage in a community caretaking function. If the complaint is anonymous, ambiguous, or the legitimacy/reasoning for the call is unclear, personnel should consider if the call is potentially bias-based (*bias by proxy*). In these cases, personnel should contact the complainant prior to taking action. If the complainant can't offer further, articulable facts to support reasonable suspicion for police contact, then the complainant should be advised that police intervention and contact is not legitimate. Personnel may still independently assess the situation or behavior from a distance. If no suspicious criminal behavior is observed, the officer can clear the call as "no police service needed".
  - b. If the actions, statements or behavior of a complainant requires an officer to make contact, and it is then determined that the call was likely a biased based (*bias by proxy*) call for service, the officer shall work to de-escalate and utilize active listening to ensure the scene is safe. The officer should inform the subject of the biased based call and the reason for the contact. The officer shall follow-up with the complainant and advise that police contact was not legitimate.

**E. Data Collection:**

1. All enforcement activity, including traffic and ordinance citations, warnings, and arrest reports, shall contain the person's declared race and gender. This information, along with the enforcing officer's identification, shall be entered into the department's RMS system. The RMS system will then be able to generate a report showing the enforcement action, a person's race and

gender as well as the officer involved. When an officer is unsure of the actual race of a person, or the possibility exists of more than one racial make-up of a person, and the person has not or refuses to declare their race; officers shall identify the reported race as “other” in official reports/citations/arrests.

**F. Complaints:**

1. Any person may file a complaint with the department or town board if they feel they have been stopped, searched, or otherwise detained based on racial, ethnic, or gender-based profiling. No person shall be discouraged, coerced, or intimidated, from filing such a complaint, nor shall they be discriminated against because they have filed such a complaint.
2. Any officer contacted by a person wishing to file a complaint shall immediately advise a supervisor or, should a supervisor not be available, provide them with the phone number to the department. If a supervisor is not available, the officer will ask for the person’s name, address and phone number (*if they are willing to give it*) and report the contact to a supervisor as soon as practical.
3. Complaints will follow the appropriate chain of command process. Supervisors shall take appropriate action whenever it appears that this policy is being violated, they shall be particularly alert to any pattern or practice of possible discriminatory treatment by individual officers.