

Bias-Based Policing

314.1 VERSION

Agency Content

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|----------------------------------|
| 01/06/19 | 07/09/18 | Eric D. English, Chief of Police |

314.2 POLICY AND PURPOSE

Best Practice **MODIFIED**

This policy provides guidance to department employees and establishes appropriate controls to ensure that employees of the Harrisonburg Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

The Harrisonburg Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

314.3 ACCOUNTABILITY STATEMENT

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All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

314.4 DEFINITIONS

Best Practice **MODIFIED** VLEPSC - ADM.02.05 (a)

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

314.5 EMPLOYEE RESPONSIBILITIES

Best Practice **MODIFIED**

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Every employee of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any bias-based actions by another employee.

314.5.1 REASON FOR INVESTIGATIVE CONTACTS

Best Practice **MODIFIED**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

314.5.2 CRIMINAL PROFILES

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It is important to realize that police officers must sometimes consider a person's race, age, gender, religion, and other factors when preparing a criminal profile, as it may be a necessary part of determining who would have had a motive or the capability of committing an alleged crime. Routinely we determine a possible type of suspect in a series of crimes by first scrutinizing the facts of the case, then further narrowing our search by considering factors such as race, ethnicity, gender, etc. The key element is that the investigative outcome is based on facts and knowledge, not personal attributes or societal biases.

314.6 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED** VLEPSC - ADM.02.05 (d)

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 1. Supervisors should document these periodic reviews.
 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

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- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any employee of this department who discloses information concerning bias-based policing.

314.7 REPORTING

Discretionary MODIFIED VLEPSC - ADM.02.05 (d)

All complaints regarding bias-based profiling, including those investigated by a employee's immediate supervisor, shall be forwarded to the Professional Standards for any additional required investigation or disposition.

314.8 ADMINISTRATION

Best Practice MODIFIED

The Operations Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

314.9 COMPLAINTS OF BIAS-BASED POLICING

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All biased-based policing complaints received by the Harrisonburg Police Department shall be handled in accordance with Professional Standards policy.

314.10 TRAINING

Best Practice MODIFIED

Training on fair and objective policing (i.e. cultural diversity) and review of this policy should be conducted as directed by the Training Officer.