



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE

BIASED-BASED POLICING 2016-01

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Accreditation Standards

General
Consideration
and Guidelines
1.2.9 a

The Yarmouth Police Department is committed to protecting the constitutional and civil rights of all citizens. Allegations of racial and gender 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. Biased based profiling are illegal and ineffective methods of law enforcement. The method of biased based profiling results in an increase in safety risks to Officers and citizens and to 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, stereotyping or racial and gender 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.[1.2.9 a]

Policy
1.2.9 a

It is the policy of the Yarmouth Police Department to:

1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates; - Assure the highest standard of integrity and ethics among all our members;
2. Respect the diversity and the cultural differences of all people; - Take positive steps to identify, prevent, and eliminate any instances of bias based profiling by our members; and
3. 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.

It is also the policy of this department that, except in “suspect specific incidents,” police officers are prohibited from considering the race, gender, national or ethnic origin of members of the public in deciding to detain a person or stop a motor vehicle, in making any field contacts, in asset seizure and forfeiture efforts and in deciding upon the scope or substance of any law enforcement action.[1.2.9 a]

Definitions

Biased Based Policing- The selection of an individual(s) 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.¹

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.

Suspect Specific Incident-An incident in which a police department employee 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.

- Prevention of Profiling (1.2.9 b, d)
- To prevent bias based profiling, the Yarmouth Police Department shall:
1. Utilize the Municipal Police Training Committee, other certified training programs, and departmental training to help ensure that appropriate employees and enforcement personnel receive training on bias based profiling practices, including legal aspects and the standards established by this policy.[1.2.9 b]
 2. Ensure that this policy is disseminated to all 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.[1.2.9 b]
 4. 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.[1.2.9 d]

Identification of Profiling (1.2.9 d)

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

- 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. Review policy Internal Affairs and Professional Standards. [1.2.9 d]
- Utilize procedures for the proactive review of performance, complaint and other employment information to assist supervisors in identifying and modifying potentially problematic behavior and to promote professionalism in this department;[1.2.9 d]
- 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.
- Educate the public, in conjunction with the Executive Office of Public Safety and Security, as well as 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 officer and citizen safety.

- Enforcement of Profiling Policy (1.2.9 c) To enforce the provisions of this policy, this department shall take appropriate action when:
- Employees discovered to be intentionally engaged in profiling or other forms of biased based policing shall be addressed through appropriate disciplinary action(Intentional Acts).[1.2.9c]
 - Well-meaning employees who appear to be engaged in unintentional acts of biased based policing shall receive additional training, guidance, supervision or review of enforcement activities as deemed appropriate by the Chief of Police(Unintentional Acts).[1.2.9c] Institutional Practices: In the event that department practices are discovered to promote or allow biased based policing, such practices shall be addressed through policy review and training(Institutional Practices).[1.2.9c]
- Annual Review of Policy (1.2.9 d) The Deputy Chief of Police with the assistance from the Patrol Division Commander shall conduct an annual administrative review of department policies, practices and agency practices and citizen concerns. This review is designed to reveal patterns or trends that may indicate the need for training, policy modification and/or corrective measures. The review will include such activities as traffic stops, traffic citations, asset seizures, citizen concerns, and forfeiture efforts review will be conducted at the end of each calendar year.[1.2.9 d]

ⁱ *Standards for Law Enforcement Agencies*, Commission on Accreditation for Law Enforcement Agencies, 5th Edition, A-2.