

BIAS-BASED POLICING

Effective Date: February 4th, 2020	Directive Number: 33 - 1 - 28	
Special Instructions: None		
Distribution: All Sworn & Civilian Personnel	Re-evaluation Date:	Total Pages: 5

I. PURPOSE

This policy provides guidance to department members that affirms the New Castle City Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

II. DEFINITIONS

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

III. POLICY

A. The New Castle City 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.

B. **Bias-based policing is prohibited.**

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.

IV. PROCEDURES

- A. All investigative detentions, traffic stops, arrests, searches, and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for an arrest, traffic stop or investigative detention.
- B. Racial profiling should not be confused with criminal profiling, which is a legitimate tool in the fight against crime. Criminal profiling is an investigative method in which an officer, through observation of activities and the environment, identifies suspicious people and develops a legal basis to stop them for questioning. Bias based profiling refers to the decision by police to stop and question people when the physical characteristics of the person are used as an indicator of suspicious activity or criminal tendency.
- C. Officers must understand that proper police tactics can be perceived as frightening and alienating to innocent people. Many people stopped for investigation will be released without further action. In this context, how police authority is employed is as important as the result of its use.
- D. In an effort to prevent inappropriate perceptions of biased based law enforcement, officers will utilize the following strategies when conducting pedestrian and vehicle stops:
1. Be courteous, polite, and professional.
 2. Introduce yourself by providing your name and agency affiliation. Then, explain to the citizen the reason for the stop, unless providing this information will compromise the safety of officers or other persons.
 3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 4. Answer any questions the citizen may have, including explaining options for the dispositions of related enforcement action.
 5. Provide the officer's name and officer identification number when requested.
 6. Explain the credible, reliable, or locally relevant information that led to the stop or contact when no enforcement actions were taken and/or it is determined that the reasonable suspicions were unfounded (e.g., after a "Be On the Lookout stop).
- D. All officers who initiate a traffic or pedestrian stop that result in anything other than a physical arrest, will document the stop on either an E-Warning, E-Ticket, or CPC.

- E. All officers will be required to have initial training in the area of biased policing. Refresher training or policy reviews will be conducted as directed by the Chief of Police or his/her designee.

V. SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with Section VI of the Code of Conduct Manual, Discipline Procedures.

VI. ANNUAL REVIEW

- A. The Operations Captain will complete an annual review of agency practices involving biased based policing and forward to the Chief of Police. At a minimum the review will include:
 - 1. An analysis of citizen complaints and/or comments received regarding bias-based policing;
 - 2. An overview of training conducted; and Chapter 1 3 of 3
 - 3. Recommendations, if any, for changes in procedures and practices

This order supersedes all previous procedures, written or oral, not in total conformity herewith.

ORDERED and EXECUTED this 4th Day of February, 2020

Richard P. McCabe
Chief of Police