




# Jamestown Police Department

## GENERAL ORDER 330.21

SECTION		EFFECTIVE DATE	PAGES
300 – Law Enforcement Operations		12/1/ 2016	2
SUBSECTION		PREVIOUSLY ISSUED DATE	
30 - Traffic		3/1/15	
TITLE		BY ORDER OF	
330.21 – Bias Based Profiling		 <b>Chief Edward A. Mello</b>	
REVIEW	LAST REVIEW DATE	RIPAC REFERENCE	
Every three years	6/28/19	2.8	

### I. PURPOSE

To establish and maintain guidelines for sworn Department members, regarding biased based profiling.

### II. POLICY

Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Biased based profiling, however, involves the selection of individuals based solely on a common trait of 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 groups.

The Jamestown Police Department prohibits the use of bias based profiling in traffic contacts, field contacts, and asset seizure and forfeiture efforts. The Department recognizes that bias based profiling undermines legitimate law enforcement efforts and may lead to allegations of constitutional rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action and judicial intervention.

While performing law enforcement operations, sworn Department members shall continue to focus on individuals' conduct or other specific suspect information. Citizens shall only be selected, stopped or detained when there exists reasonable suspicion supported by specific, articulable facts that they have committed, are committing, or are about to commit an infraction of the law.

Furthermore, vehicle operators or passengers shall not be asked to consent to searches by sworn officers of their vehicle when such vehicle is stopped solely for a traffic violation(s), unless there exists reasonable suspicion or probable cause.

### **III. DEFINITION**

**BIASED BASED PROFILING** – The selection, detention, stopping or searching of a motor vehicle, or other disparate treatment of individuals based solely on a common trait of 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 groups. Biased based profiling includes racial profiling, which is defined by State statute as “the detention, interdiction or other disparate treatment of an individual on the basis, in whole or in part, of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect, which description is timely and reliable.”

### **IV. TRAINING**

- A. The Training Officer shall ensure that all sworn Department members, including recruits, are provided with training in biased based profiling issues, including legal aspects.
- B. The Training Officer shall ensure that biased based profiling training is included in the Department’s in-service training program annually.

### **V. CORRECTIVE MEASURES**

- A. Supervisory officers shall continuously monitor sworn department members under their command and ensure that corrective measures are taken whenever it is determined that such officers have engaged in bias based profiling.
- B. Corrective measures may include, but are not limited to:
  - 1. Counseling;
  - 2. Remedial training;
  - 3. Formal discipline;
  - 4. Dismissal.
- C. The processing of civilian complaints related to bias based profiling, internal affairs investigations, and disciplinary action imposed as a result of internal affairs investigations shall be consistent with applicable provisions enumerated in the Department’s “Internal Affairs Investigations” policy.

## VI. CONSENT SEARCHES

- A. Officers are prohibited from *asking* vehicle operators or passengers for consent to search their vehicle when such vehicle is stopped solely for a traffic violation(s), unless there is reasonable suspicion or probable cause.
- B. When reasonable suspicion or probable cause exists to justify asking vehicle operators or passengers for consent to search their vehicle, the investigating officer shall inform a supervisor/OIC and request approval to ask vehicle operators or passengers for their consent.
- C. Supervisory officers/OICs shall only approve consent searches when investigating officers' requests are reasonable and justifiable. If investigating officers are unable to articulate a reasonable and justifiable need to ask vehicle operators or passengers for consent to search their vehicle, supervisory officers shall not approve the investigating officers' request.
- D. Supervisory officers/OICs shall promptly respond to the investigating officers' location after approving their requests to ask vehicle operators or passengers for their consent to search.
- E. While awaiting the arrival of the supervisory officer or OIC who approved the request, investigating officers may ask vehicle operators or passengers for their signed consent using the *Consent to Search* form.
- F. Investigating officers shall make every effort to await the arrival of supervisory officers or OIC's *before* conducting approved consent searches.
- G. Investigating officers are not required to await the arrival of supervisory officers or OIC's prior to conducting approved consent searches when investigating officers have reason to believe that the failure to conduct a prompt search may result in danger to the officer, danger to the public, or destruction of evidence.

## VII. PROVISION

- A. The Chief of Police shall conduct an annual review of Department practices related to bias based profiling.
- B. Department practices related to bias based profiling may include, but are not limited to:
  - 1. Citizen concerns;
  - 2. Internal affairs investigations;
  - 3. Motorist data collection information, and;
  - 4. In-service training.