

SOUTH PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Subject:	Biased-Based Policing / Profiling	Policy #	1-4
Effective Date:	January 6, 2020	Review:	Annually
Distribution:	All Personnel	# of pages:	2

I. PURPOSE:

To establish policy prohibiting the use of biased-based policing / profiling; to clarify the circumstances in which race or ethnicity can be used as a factor to establish reasonable suspicion or probable cause; and to provide guidelines for officers to follow to reduce perceptions of biased policing / profiling, with the intention of ensuring that this department is policing in a fair and equitable manner.

II. POLICY:

It is the policy of the South Portland Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons or circumstances; and to actively enforce applicable laws and ordinances, based upon an individual's conduct and behavior and / or specific suspect information. Bias-based policing / profiling, and / or other discriminatory practices by members of this agency, to include stops, detentions, searches, asset seizures and forfeitures, is strictly prohibited. Persons may only be stopped or detained, including traffic and field contacts, when there exists reasonable suspicion to believe they have committed, are committing, or about to commit a violation of the law.

III. DEFINITIONS:

- A. **Bias-based Policing / Profiling:** The targeting, detention, interdiction or other enforcement or disparate treatment of any person based solely upon on the basis of characteristics or traits common to a group, including but not limited to race, ethnicity, age, religion, gender, gender identity, color, ancestry, national origin, physical or mental disability, socioeconomic status or sexual orientation., or other group identifier.
- B. **Reasonable (Articulable) Suspicion:** Suspicion that is more than a mere hunch but is based on articulable facts and circumstances that would cause a reasonable person to believe that a violation of the law has been committed, is about to be committed, or is in the process of being committed, by the person under suspicion. This can be based on the observations of a police officer combined with training and experience, and / or reliable information received from credible outside sources. Information received in an anonymous tip must be supplemented by observations made by the officer to justify a stop of a motorist or a pedestrian.

IV. PROCEDURES:

- A. All investigative detentions, traffic stops, arrests, searches and seizures of property shall be based on the standard of reasonable suspicion or probable cause, as required by the Fourth Amendment to the U.S. Constitution and state law. Officers must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for an arrest, traffic stop or investigative detention. A motorist, once summonsed or warned, shall not be detained beyond the point where a reasonable suspicion of criminal activity exists. A person or vehicle shall be searched only in accordance with applicable SOP #4-42-A, SEARCHES and SEIZURES. Traffic stops and other incidents shall be recorded, consistent with SOP #8-83-A, CRUISER DVR EQUIPMENT.
- B. In the absence of a specific report, bias-based profiling is prohibited. Bias-based profiling shall not be a factor in determining the existence of probable cause or reasonable suspicion to stop, detain or arrest any person, or to stop or detain any motor vehicle. Enforcement actions must be based on and individuals

conduct or behavior, and / or suspect description or information. Race, ethnic background, age, gender, economic status, cultural group, national origin, religion, or sexual orientation may be considered only in restricted circumstances for the establishment of either probable cause or reasonable suspicion. The description of a specific suspect or suspects must be based on credible and reliable information that links a person of a specific category to a specific criminal incident or law violation. Race and other categories cannot be the sole factor in establishing reasonable suspicion or probable cause, but can be one component of the *totality of the circumstances*.

- C. Officers shall receive initial and annual training in proactive enforcement tactics and biased-based policing concepts, including conducting lawful field contacts, traffic stops, search, seizure and forfeiture issues, courtesy, diversity, discrimination, interviewing and interpersonal communications skills, community support and the need to respect the rights of all citizens. All such training shall be documented and forwarded to the Training Officer.
- D. Consistent, close and effective supervision is expected in order to ensure that officers do not go beyond the parameters of reasonableness while conducting their police activities. This may include, but is not limited to, supervisors periodically reviewing a sampling of video tapes of traffic stops and other encounters and randomly responding to back up officers at traffic stops and other incidents.
- E. In an effort to reduce misperceptions of biased policing, the following strategies are recommended:
 - 1. Be courteous, polite, and professional. Provide your name, if requested, and answer questions, including explaining the options for the disposition of a summons, if relevant.
 - 2. Explain the reason for the stop as soon as practical, except if providing this information will compromise the safety of officers or others. If you determine that the reasonable suspicion for the stop was unfounded, explain it to the person being detained.
 - 3. Ensure that the length of the detention is no longer than necessary to take the appropriate action for the known or suspected offense. An encounter that lasts longer than the time needed to complete the transaction must be voluntary on the part of the person being detained.
 - 4. An officer may pat down, frisk, search, remove the operator and passenger(s) from a vehicle, handcuff or otherwise restrain a person when legally authorized, and when the officer reasonably believes it is necessary for the protection of the suspect or the officer, or to secure evidence or contraband.
 - 5. Officers should work to build community support through the distribution of educational materials, attendance at meetings with community members to discuss crime prevention strategies, and distribution of public safety/crime prevention information through the media or other outlets.
- F. All complaints of biased-based policing shall be processed and investigated consistent with SOP #5-52, ADMINISTRATIVE COMPLAINTS / INTERNAL AFFAIRS. Members who participate in biased based profiling or discriminatory practices are subject to remedial training and disciplinary action, up to and including dismissal, as well as civil and criminal liability under state and / or federal law.
- G. Annually, command staff personnel will submit any concerns or recommendations in regards to potential biased-based policing within the organization to the Office of Professional Standards, who will conduct an administrative review of this information, along with any citizen complaints or concerns (inquiries), to ensure that illegal or biased-based policing is not occurring during operations of this department. This will be included in the annual report, and any necessary training issues or policy changes will be addressed by the Administration and / or the Training Officer.

By Order Of:

Timothy B. Sheehan
Chief of Police