

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Specific Policies		P&P-B-101
Racial / Bias Based Profiling / Policing		
Effective Date: 01-27-17 Supersedes: 06-30-11	Approval: Sheriff	Number of Pages: 3
References: 24-31-309 CRS	Reevaluation Date: Annually	Standards: CALEA 1.2.9, 22.2.7

I. PURPOSE

To provide guidelines for uniformed members to prevent racial or biased based profiling or policing.

II. DEFINITION OF TERMS

Reasonable Belief

Having knowledge of facts, which, although not amounting to direct knowledge, would cause a reasonable officer, knowing the same facts, to reasonably conclude the same thing.

Reasonable Suspicion

That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on the officer's observation or specific and objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable officer to suspect that the individual may be committing, is about to commit, or has committed a crime.

Probable Cause

Exists when a set of facts or circumstances based on reliable information, personal knowledge, or observation by an officer, reasonably shows and would lead an ordinarily prudent person to believe that a particular person has committed an offense, or that certain items are connected with a crime and therefore may be seized or searched.

Contact

The act of communication between a person and a law enforcement officer in which the officer does not use his authority (express or implied) or any physical force to restrict that person's freedom of movement. A contact does not require reasonable suspicion for its justification.

Stop

Occurs when a law enforcement officer uses his authority (express or implied) to temporarily detain a person based on reasonable suspicion that the individual may be committing, has committed, or is about to commit a crime.

Racial

Pertaining to a group of people classified together based on their common history, ethnicity and culture.

Racial / Biased Profiling

The practice of relying solely on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability in: determining the existence of probable cause to place an individual in custody or reasonable suspicion to detain or conduct an investigatory stop of a vehicle; OR determining the scope, substance, or duration of an investigation.

III. POLICY

It is the policy of this Office that every uniformed member shall be educated on the issue of racial / bias based profiling / policing. Racial/bias based profiling is a form of illegal discrimination and is strictly prohibited within traffic contacts, field contacts and in asset seizure and forfeiture efforts.<1.2.9a> The Office will take a proactive approach to address these issues and investigate any profiling allegations from members of the Office or citizens. The Office will complete an annual administrative review of the agency's practices, including any citizens' concerns. <1.2.9d>

IV. PROCEDURE

A. Traffic Enforcement

1. Motorists shall only be subjected to stops, seizures, or detentions upon probable cause for arrest or reasonable suspicion. (Traffic stops will be made in accordance with the Patrol Standard Operating Procedures).
2. In the absence of a specific, credible report that includes many descriptors of a specific suspect, no racial or bias descriptors or combination of bias descriptors shall be used as a factor in determining probable cause for an arrest or reasonable suspicion for a stop. The exception to this would be if members are instructed to be on the look out for one or more specific suspects who have been identified or described in part by age, race, ethnicity, gender or national origin. A member may consider and rely on such information in determining whether there is reasonable articulable suspicion to believe a given individual is the person being sought.
3. In compliance with Section 24-31-309(4)(a) C.R.S., a deputy will provide his business card to any citizen who is stopped and not issued a citation or arrested. The card will minimally contain the deputy's name, assignment, employee identification number, and an appropriate telephone number for the Sheriff's Office. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest.
4. No motorist, once cited or warned, shall be detained beyond the point where no reasonable suspicion of further criminal activity exists (exception to the rule: voluntary consent to search given by the motorist).
5. Search and seizures will be conducted in accordance with the Patrol Standard Operating Procedures.

B. Training <1.2.9b>

1. The Training Unit shall develop and deliver training that is specifically designed to address racial / biased-based profiling / policing to include the legal aspects.<1.2.9b>

2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action, and will include an examination of the patterns, practices, and protocols that prevent biased based policing.
3. Traffic enforcement, citizen contacts, as well as any asset seizure and forfeiture effort will be accompanied by consistent, ongoing supervisory oversight to ensure that deputies do not go beyond the parameters of reasonableness in conducting such activities.
4. Anti-bias Training is required for all new employees. Deputies will also receive ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, laws governing search and seizure and interpersonal communications skills. <1.2.9b>

C. Complaints of Racial / Biased Based Profiling / Policing

1. Any person may file a complaint with the Office if they feel they have been stopped, detained, or searched based on racial/biased based profiling. No person shall be discouraged, intimidated, or coerced into not filing such a complaint, or discriminated against because they have filed such a complaint.
2. Any deputy contacted by a person who wishes to file a complaint shall refer the complainant to a supervisor or Professional Standards. (Complaints will be handled in accordance with Office Policy and Procedures).
3. Supervisors shall review complaints on traffic enforcement and citizen contacts and respond, at random, to back-up deputies on these stops, if the complaint is in progress. Supervisors shall take appropriate action when this policy is being violated, being cognizant of any pattern or practice of possible discriminatory treatment by individuals or teams. Personnel determined to have conducted or participated in bias based profiling will be subject to counseling or discipline and remedial training. <1.2.9c>
4. In accordance with 24-31-309(4)(c) C.R.S., Professional Standards will provide statistical information on complaints received by the Sheriff's Office alleging racial / biased based profiling to any member of the public upon request. These statistics will also be included in an annual administrative review of the agency practices which include citizen complaints. <1.2.9d> However, the information will not include names of Office members.

By Order of the Sheriff