



Approved:  
*Chief Marcia Harnden*

Subject:

## 234. Bias-Based Policing

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### 234.1: PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that members of the Albany Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community ([ORS 131.920](#)).

### 234.1.2: DEFINITIONS

**Profiling** – Targeting an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law ([ORS 131.915](#)).

**Racial or bias-based policing** – Unlawful or improper bias is the application of police authority based on a common trait of a group. This includes but is not limited to the definition of profiling above.

### 234.2: POLICY

**It is the policy of the Albany Police Department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.**

### 234.3: RACIAL OR BIAS-BASED PROFILING PROHIBITED

- a. Racial or bias-based profiling as defined in Section 234.1.2 is strictly prohibited.
- b. Nothing in this policy is intended to prohibit an officer from considering factors listed in Section 234.1.2, in combination with other legitimate factors, to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

**234.4: MEMBER RESPONSIBILITY**

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

**234.4.1: DETENTIONS**

- a. Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.
- b. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.
- c. Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

**234.5: SUPERVISOR RESPONSIBILITY**

- a. Supervisors shall monitor those members under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the [Personnel Complaints: Policy 821](#) and the [Collective Bargaining Agreement \(CBA\)](#).
- b. Supervisors should discuss any issues with the involved officer in a timely manner.
- c. Recordings that capture a potential instance of racial or bias-based profiling should be appropriately retained for administrative investigation purposes.
- d. Supervisors shall report allegations of any actual or alleged violations of this policy via the Chain of Command to the affected Division Captain.
- e. Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial or bias-based profiling.
- f. Supervisors assigned to investigate profiling complaints will make good faith efforts to complete the internal investigation within thirty (30) days. If the assigned investigator cannot complete the internal investigation within the thirty-day (30) period, the assigned investigator or Division Captain will notify the Association (RE: Collective Bargaining Agreement (CBA) language Article 9 (B) (1) (g)).
- g. If a supervisor identifies potential bias-related conduct, whether through a formal complaint, performance evaluation, or other means, the employee shall be required to undergo remedial training. This training will include a review of the current policy and the most recent in-service training addressing racial and bias-based profiling.

**234.6: PROFILING COMPLAINTS**

- a. Complaints of racial or bias-based profiling shall be handled in accordance with the [Personnel Complaints: Policy 821](#).
- b. Complaints may be made in person, in writing, electronic mail, Internet, facsimile, or via telephone, anonymously or through a third party.

**234.7: STATE REPORTING**

- a. The Support Division Captain shall be responsible for reporting the following to the [Oregon Law Enforcement Contacts Policy and Data Review Committee](#) (LECC) no later than January 31 each year ([ORS 131.920-131.925](#)):
  - 1) Oregon Law Enforcement Annual Profiling Complaint Certification; and
  - 2) Oregon Law Enforcement Profiling Complaint Summary Form for each incident.
- b. No report forwarded to LECC may identify a particular law enforcement officer, or a particular individual whose demographic data is collected by a state or local law enforcement agency ([ORS 131.906](#)).

**234.7.1: STOP DATA**

- a. The Albany Police Department remains committed to unbiased law enforcement practices while adhering to the Constitutional rights of all community members. The collection of Statistical Transparency of Policing (STOP) data information provides statistical information to identify the nature of stops made by officers ([ORS 131.935](#)). The following information should be collected by the officer regarding the stopped person:
  - 1) The perceived race;
  - 2) The perceived gender;
  - 3) Age;
  - 4) Driver known prior to stop;
  - 5) Search requested; and
  - 6) Pat down conducted.
- b. Officers shall electronically complete a STOP data form for each officer-initiated vehicle stop and each officer-initiated pedestrian stop. RMS will require the STOP data module to be complete when the following call types are selected:
  - 1) Traffic stop;
  - 2) Pedestrian stop; or
  - 3) Bicycle stop.

- c. Officers are able to electronically enter STOP data information after the fact, at any point in time by MDT or any department computer. Officers without access to an electronic entry device while in the field (e.g., foot or bicycle patrol) will ensure, as soon as practical, that stop data entry is completed.
- d. STOP data is reported to the State monthly by the Records and Systems Supervisor.
- e. The STOP data information will be analyzed at the direction of the Chief of Police for any trends in practices that may be perceived as biased based policing.

#### **234.8: ADMINISTRATIVE REVIEW**

The Operations Division Captain shall conduct an annual administrative review of this policy and the efforts of the Department to prevent racial or bias-based profiling and shall submit an overview, including traffic and field contacts, asset forfeiture efforts, public concerns, complaints, and any corrective measures taken to the Chief of Police.

- a. This report should not contain any identifying information regarding any specific complaint, citizen, or officers.
- b. The report should be reviewed by the Chief of Police to identify any changes in training or operations needed to improve service.
- c. Supervisors shall also review the annual report and discuss the results with members under their charge.

#### **234.9: TRAINING**

- a. Training on racial or bias-based profiling, including legal aspects and review of this policy, shall be conducted upon initial hire prior to assignment where personnel may interact with the public in an official capacity.
- b. All Department personnel should participate in biennial racial or bias-based profiling in-service training.