

Asheville Police Department Policy Manual

Chapter: 3 - Code of Conduct

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Policy: 304 - Unbiased Policing

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Previously: 1038 - Biased Based Profiling



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Introduction

This policy emphasizes the department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services. Maintaining public trust and confidence in law enforcement is critical to effective policing and is largely achieved through the fair and equitable treatment of the public. This is a basic requirement of law enforcement and the right of all persons in our society.

Policy Statement

It is the policy of the Asheville Police Department (APD) that all persons having contact with members of this department will be treated in a nonpartisan, fair, **impartial**, equitable, and objective manner, without consideration **of their individual demographics** or other specified characteristics as defined in this policy, in accordance with law [1.11].

Definitions

Biased Policing: discrimination in the performance of law enforcement duties or delivery of police services based on personal prejudices or partiality of department members towards classes of people based on specific characteristics.

Fair and Bias-free Treatment: conduct of department members wherein all people are treated in the same manner under the same or similar circumstances, irrespective of specified characteristics.

Specified Characteristics: for the purposes of this policy, real or perceived personal characteristics include, but are not limited to, race, ethnic background, national origin, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.

Police Services: actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public.

Rules And Procedures

304.1 Fair And Equal Treatment

- A. Bias-based policing is prohibited both in the enforcement of the law and the delivery of police services. [1.2.9 a]
- B. All department members will strive to take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be and sometimes should be made, for example, when dealing with people with disabilities, injury, or illness.
- C. Department members may only consider specified characteristics when credible and timely intelligence links a person or people with a specified characteristic(s) to a particularly unlawful incident(s) or criminal pattern(s).
- D. Unless exigent circumstances exist, department members will not engage in a law enforcement matter when it involves a family member, friend, relative, or another person with whom they have a personal relationship, such that their objectivity may be, or may appear to be, compromised; see the department's [Rules of Conduct](#). When a department member is personally involved, they must summon outside assistance.

304.2 Compliance and Analysis

- A. Where appropriate, department members are encouraged to intervene when observing a biased policing incident. Agency personnel who witness or are aware of instances of biased policing must report the incident to a supervisor; see the department's [Rules of Conduct](#).

- B. The department takes allegations of biased policing seriously. All such complaints will be forwarded to the Professional Standards Section for investigation.
- C. Any department member who engages in biased policing will be subject to disciplinary action up to and including termination.
- D. Annually, a documented review will be conducted of activities with potential for bias, including, but not limited to, traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective actions taken. [1.2.9 e]

304.3 Training

- A. Affected department personnel will receive initial training prior to assignment on bias-based issues, including legal aspects. [1.2.9 c]
- B. A documented review of the department's unbiased policing policy is required by all department members at least annually. [1.2.9 b]
- C. The department may issue in-service training for affected personnel on bias issues as determined necessary by the chief of police. [1.2.9 d]
- D. Department members may be required to attend remedial or additional training, as determined by their chain of command, in response to identified issues or concerns related to this policy. [1.2.9 d]

By order of:

A handwritten signature in black ink that reads "Jackie Stepp". The signature is written in a cursive, flowing style.

Jackie Stepp
Interim Chief of Police