

UNLAWFUL OR IMPROPER BIAS IN PUBLIC SAFETY

1. **PURPOSE:** The purpose of this policy is to reaffirm this department's commitment against unlawful and improper biased policing and clarify the circumstances in which race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency may be used as a factor to establish reasonable suspicion or probable cause. It will also reinforce procedures that assure the public we are providing service and enforcing laws in a fair and equitable manner.
2. **POLICY:** All investigative detentions, traffic stops, arrests, searches and seizures of property and forfeiture efforts by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment to the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, traffic stop or investigative detention.

Except as provided below, officers shall not consider race, ethnicity, gender, gender identity/expression, immigration status, disability, language fluency, housing status, occupation, sexual orientation, religion, economic status, age, cultural group or any other identifiable group in establishing either reasonable suspicion or probable cause.

Officers may take into account the reported race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group of a specific suspect or suspects based on locally-relevant information that, upon investigation, may connect or disconnect a person or person(s) of a specific race to a particular criminal incident or link a specific series of crimes in an area to a group of individuals of a particular race/ethnicity.

3. **SCOPE:** This directive is applicable to all personnel.
4. **RESPONSIBILITY:** It shall be the responsibility of all personnel employed by the Huntsville Police Department to comply with this directive.
5. **DEFINITIONS**
 - A. **BIAS BASED PROFILING** – Any police initiated action that relies on race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.
 - B. **REASONABLE SUSPICION** – Also known as articulable suspicion. Suspicion that is more than a mere hunch. It is based on a set of articulable facts and

circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on the observation of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

6. PROCEDURES

- A. Except as provided above, no person shall be singled out or otherwise treated differently because of his/her race, ethnicity, gender, gender identity/expression, immigration status, disability, language fluency, housing status, occupation, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.
- B. In an effort to prevent perceptions of bias based profiling, officers shall consider the following guidelines when conducting pedestrian and vehicle stops.
 - 1. Be courteous, polite and professional.
 - 2. Introduce him/herself and ask for driver's license or other forms of identification. Explain to the citizen the reason for the stop as soon as practical, unless providing this information will compromise the safety of officers or other persons. In vehicle stops, we generally request the driver's license and registration prior to providing the reason for the stop.
 - 3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 - 4. Answer any questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.
 - 5. Provide his/her name and badge number when requested.
 - 6. Explain to the citizen the circumstances when it is determined that the reasonable suspicions were unfounded (e.g., after a BOLO stop).
- C. **TRAINING:** This department will provide initial training and annual refresher training for all sworn personnel in proactive enforcement tactics, bias issues, and legal aspects. Academy cadets and current sworn officers receive instructions in officer safety, courtesy, cultural diversity, laws governing search and seizure, interpersonal communications and other related topics. Future cadets and current officers will continue to receive similar training and annual refresher training. These training programs will also emphasize the need to respect the rights of all citizens to be free from unreasonable police actions.

D. ADMINISTRATIVE OVERSIGHT

1. ANNUAL ADMINISTRATIVE REVIEW: The Director of Internal Affairs will ensure that a documented annual administrative review is conducted on potential bias based profiling issues. The administrative review shall include a review of this policy, traffic and field contacts, asset forfeiture efforts, the agency's practices, related training, citizen concerns, and any corrective measures taken. The review may include, as appropriate and available, information derived from Internal Affairs complaints, disciplinary actions, Community Resource Officers and citizen surveys. The review will cover the previous calendar year and will be forwarded to the Chief of Police.
 2. ONGOING REVIEW: All supervisory personnel shall ensure that their subordinates are familiar and in compliance with this policy. All supervisory personnel will provide ongoing and consistent supervisory oversight to ensure that officers do not go beyond the boundaries of reasonableness in the performance of their duties.
7. POLICY VIOLATION: Violations of this Written Directive will result in progressive discipline and /or remedial training.