



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Bias-Based Profiling	Policy #	O-23
Effective Date:	February 16, 2023	Review Cycle:	2 Years
Distribution:	All Sworn Personnel	# of pages:	4
MLEAP:	2.01		
	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY

It is the policy of the Orono Police Department to safeguard the state and federal rights of all individuals without regard to race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry.

Bias-based profiling and/or any other discriminatory practice by members of this agency are strictly prohibited. This includes stops, detentions, or asset seizures and forfeitures based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. This agency also requires that individuals are only stopped or detained when legal authority exists to do so and that members of this agency base their enforcement actions solely on an individual's conduct and behavior or specific suspect information. **BOT 13-1**

Given this is a statutorily mandated policy; officers must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. **BOT 13-4**

II. PURPOSE

The purpose of this policy is to prohibit employees from engaging in bias-based profiling.

III. DEFINITIONS

Bias-Based Profiling: Targeting an individual based on a trait common to a group for enforcement action to include, but not limited to, race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. **BOT 13-2**

Enforcement Activities: Activities both on and off-duty undertaken by department personnel that arise from their authority related to employment, oath of office, state statute, or federal law. Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.

Probable Cause: A set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows or would warrant an ordinary prudent reasonable officer in believing that a person has committed, is threatening to commit, or is about to commit some criminal violation of the law.

Reasonable Suspicion: A suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.

IV. PROCEDURES

A. Employee Responsibilities

1. All department employees, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.
2. All investigative detentions, traffic stops, arrests, searches, and seizures of property by department employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States 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.
3. LEO's may consider the reported race, ethnicity, or national origin of a specific suspect or suspects based on credible, reliable, locally-relevant information that links a person of a specific race to a particular criminal incident or links a specific series of crimes in an area to a group of individuals of a particular ethnicity.
 - a. The criterion of locally relevant requires that the information linking race to a crime be based on local conditions. That is, officers could not rely on widely held stereotypes or even the fact that in many areas of the country a certain race is linked to a certain crime. The officer must have information that supports the link between race and specific criminal activity in their area.
4. Except as provided in *section 3* above, officers shall not consider race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry in establishing either reasonable suspicion or probable cause.
5. To prevent inappropriate perceptions of biased law enforcement, officers shall utilize the following strategies when conducting pedestrian and vehicle stops;
 - a. Introduce themselves by providing their name and agency and 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. However, due to the nature and purpose of the operations, undercover officers or officers acting as decoys are exempt from identifying themselves until the point that arrest, detention, or enforcement actions undertaken. During vehicle stops, provide this information before asking the driver for his or her license and registration.
 - b. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 - c. Answer any questions the individual may have, including explaining options for the disposition of the traffic citation, if relevant.
 - d. Provide his or her name and badge number when requested to do so, in writing or on a business card.
 - e. Officers shall provide an explanation if it is determined that the reasonable suspicions were unfounded. (e.g., after a BOLO stop).
 - f. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action consistent with agency policy.

B. Supervisor Responsibilities

1. Supervisors shall ensure that officers follow the procedures outlined in this policy. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias-based policing activity.

2. An on-duty supervisor shall be responsible for making contact, when possible, with any known complainant alleging bias-based law enforcement practices by any officer under their command, either on the scene or by telephone and shall document the content of the complaint.
3. Upon receipt of a bias-based policing complaint, each supervisor shall address the matter in a timely manner in conjunction with *SOP Investigation of Employee Misconduct*.
4. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias based profiling and treatment of individuals.

V. ALLEGATIONS OF BIAS BASED POLICING

- A. Whenever a person complains that an officer has engaged in practices prohibited by this policy, the officer will immediately notify his or her supervisor for advisement of the situation.
 1. When practical to do so, the supervisor will report to the scene to mediate the situation.
 2. Officers accused of bias-based activity shall provide the complainant(s) with the full name and agency telephone number of their immediate supervisor, and the contact name and agency telephone number of administration.
 3. Officers accused of bias-based activity shall complete a memorandum detailing the incident, the allegation made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity, or arrest. The memorandum shall be directed to the Chief of Police and submitted through the officer's chain of command.
- B. Any person who believes s/he was stopped, detained, or searched based solely on a biased based profile may file a complaint with the agency. Officers receiving such a complaint shall follow procedures outlined by SOP 1-10 Investigation of Employee Misconduct.
- C. Should the Attorney General's Office receive a complaint of bias-based profiling, the Chief of Investigations of the Office of the Attorney General will review the complaint and determine whether an investigation is warranted and, if so, will coordinate any such investigation with this agency to assure that it is thorough and completed in a timely fashion. The Chief of Investigations will also, as necessary, provide recommendations and support to law enforcement agencies regarding their review, investigation, and resolution of a complaint.
- D. Investigations of allegations of bias-based policing shall be conducted in consistent manner in conjunction with *SOP Investigation of Employee Misconduct*.

VI. REVIEW AND REPORTING REQUIREMENTS BOT 13-3

MLEAP 2.01

- A. Dependent on the findings of each complaint, as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include, but are not limited to, training, counseling, policy review, and discipline up to and including termination of employment. In addition, members may face civil and criminal liability in accordance with Title 42 U.S.C. 1983, Title 42 U.S.C. 14141 and Title 18 U.S.C. 242.
- B. The Chief of Police shall notify the Office of the Attorney General of any complaint of bias-based profiling made against any member of the agency and the results of said investigation of the complaint.
- C. Annually, the Chief of Police or designee will conduct a documented administrative review of agency practices and citizen complaints/concerns received to ensure that illegal or biased based profiling are not occurring during operations of the Orono Police Department. Additionally, any necessary training issues or policy changes will be addressed.
- D. If a pattern is identified, the Chief of Police shall be responsible for ensuring that an investigation is conducted to determine whether officers of the department have violated the provisions of this policy and/or any other department policies and procedures.

VII. RETALIATION

- A. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because s/he filed such a complaint.

- B. No member of this agency, regardless of rank, shall retaliate against any fellow officer, official, civilian, or volunteer for reporting incidents of bias-based policing or for participating in or cooperating with the investigation of those incidents.
- C. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to disciplinary action up to and including termination.

VIII. TRAINING

MLEAP 2.01

- A. Members shall receive biennial (*every other year*) training on bias-based policing.
- B. Training topics may include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.
- C. Training on bias-based policing shall be documented.