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**1.7 Racial Profiling; Bias Free Policing**

A. It is the policy of this *Department* to provide services and enforce laws in a professional, nondiscriminatory, fair and equitable manner. The Department does not tolerate discrimination on the basis of race, color, religion, national origin, age (40 and older), sex (including LGQBT+), pregnancy, citizenship status, disability, or genetic information.

The *Department* recognizes that bias can occur at both an individual and an institutional level as well as consciously, implicitly and sub-consciously and is committed to eradicating biased policing in any form.

B. Bias-based policing is the different treatment of any person by *officers* based upon any discernable characteristic of an individual, unless the characteristic is part of a specific reliable suspect description (see paragraph D). For purposes of this policy, “discernable characteristics” include, but are not limited to: sex, race, color, ancestry, religion, national origin, age (40 and over), disability, sexual orientation, gender identity, gender expression, marital status, medical condition, economic status, familial status, homelessness, mental illness, veteran status and any other characteristic unrelated to a specific reliable suspect description.

C. *Officers shall* not make decisions or take actions that are influenced by bias, prejudice or discriminatory intent. Law enforcement and investigative decisions *must* be based upon observable behavior or specific information.

D. *Officers may* take into account the discernible personal characteristics of an individual in establishing *reasonable suspicion* or *probable cause* only when the characteristic is part of a specific and reliable suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident. *Officers must* articulate specific facts and circumstances that support their use of such characteristics in establishing *reasonable suspicion* or *probable cause*.

E. *Employees shall* not express – verbally, in writing or by other method – any prejudice or derogatory comments concerning discernible personal characteristics.

**1.7.1 Responsibility to Report and Investigate Bias Based Policing**

A. *Supervisors* and *commanders* are responsible for ensuring all *personnel* in their command are operating in compliance with this policy.



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- B. *Employees* who have observed or are aware of others who have engaged in bias-based policing *shall* report such incidents to a *supervisor*, providing all information known to them, before the end of the *shift* during which they make the observation or become aware of the incident.
- C. If a person alleges bias-based policing, the *employee shall* call a *supervisor* to the scene to review the circumstances and determine an appropriate course of action. For purposes of this policy, an allegation of bias-based policing occurs whenever, from the perspective of a reasonable *officer*, a subject complains that he or she has received different treatment from an *officer* because of any of the discernible personal characteristics listed above. If the person declines to speak with a *supervisor* or wishes to leave before the *supervisor* arrives, the *employee will* offer the person the *supervisor's* contact information and information on how to file a complaint with the police department. *Officers may* not detain or extend the detention of a person solely to await the arrival of a *supervisor*.
- D. Where there has been an allegation of bias-based policing, whether from another *employee* or a community member, the investigating *supervisor will* document the circumstances of the allegation and the steps that were taken to resolve it. At minimum, if the person involved *will* provide it, the documentation *shall* include the person's name, address, phone number, email address and contact information of witnesses. All documentation *shall* be forwarded to the *officer's* bureau *commander* for review and assignment.
- E. All complaints of bias-based policing shall be handled in accordance with G.O. #52.1 "Investigation of Complaints of Employee Misconduct" and with G.O. #26.5 "Discipline" as appropriate.

**1.7.2 Review of *Department* Practices**

- A. The *Department* is committed to eliminating policies and practices that have an unwarranted disparate impact on protected classes. It is possible that the long-term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The *Department's* policy is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.
- B. The Patrol Commander, with the assistance and input of *supervisors*, *shall* review available data from law enforcement practices – including *stops*, citations

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and *arrests* – to identify any practices that *may* have disparate impact. Alternative enforcement practices will be implemented when identified and available.

**1.7.3 Interactions with Transgender and Gender Non-conforming Persons**

The purpose of this policy is to provide guidelines for the appropriate treatment of transgender individuals who department personnel come into contact with and/or require the service of this Department. Members of this Department are to treat all persons with respect, dignity and professionalism. Members shall not engage in activity that serves to unduly embarrass, humiliate or otherwise shame any individuals, including transgendered individuals, with whom we come into contact.

**1.7.3.1 Definitions**

The definitions provided here are not intended to label individuals, but rather to assist in understanding and applying this policy.

- **LGQBT+**: A common abbreviation that stands for Lesbian, Gay, Bisexual, and Transgender. It should be noted that lesbian, gay and bisexual are all identifications defined by a person’s sexual orientation, while transgender identification has to do with a person’s gender identity. Sexual orientation and gender identity are two independent and separate characteristics.
- **Sexual Orientation**: A person’s physical and emotional attraction to people of the same and/or other gender. Straight, gay, lesbian, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people may identify as straight, gay, lesbian, or bisexual, just like non-transgender people.
- **Gender Identity**: A person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned gender at birth. It is an internal sense of one’s own gender, which may not necessarily match traditional definitions of male or female.



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- **Gender Expression:** An individual's external social characteristics and behaviors related to gender (such as name, preferred pronouns, appearance, dress, mannerisms, speech, and social interactions), which may be perceived as masculine, feminine or androgynous.
- **Transgender:** Individuals with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth, but who identifies as female, is a transgender woman. Likewise, a person assigned the female sex at birth, but who identifies as male, is a transgender man. Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity. The guidance discussed in this policy applies whether or not a particular individual self-identifies as transgender.
- **Gender Non-Conforming:** Individuals who display gender traits which are not generally associated with the sex assigned to them at birth. Gender non-conforming individuals may or may not identify as male, female, or transgender. Also known as gender-variant, gender fluid or androgynous.
- **Transition:** The process of changing one's body from the sex that was assigned at birth to match one's gender identity. Avoid the phrases "sex change," "pre-op," and "post-op" when referring to a transition.
- **Intersex:** The general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male.

The terms homosexual, transsexual, transvestite, and sexual preference are outdated or defamatory terms which are seen as offensive by many people. These terms should not be used when speaking to or about the LGQBT+ community.

#### 1.7.3.2 Forms of address

Department employees are to interact with transgender and gender non-conforming people in a manner that is professional, respectful, and courteous.

Employees shall follow these policies when either of these two conditions are met:



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- A person informs an employee that he/she is transgender or gender non-conforming.
- An employee has good reason to believe the individual is a transgender person or gender non-conforming. Good reason may be based on gender expression and presentation, reasonable observations, prior interactions, and/or background checks.


Every individual has the right, upon request, to be addressed by the person's adopted name, whether or not that name has received legal recognition. In addressing or discussing a transgender person, officers will use the pronouns appropriate to the person's gender identity. If the officer is uncertain about which pronouns are appropriate, the officer will respectfully ask the individual their preferred pronoun and use the pronoun that corresponds to their gender identity (for instance, "What name and pronouns would you prefer I use when I address you?").

Whether or not the name on a person's driver license or identification card coincides with the person's gender identity, employees shall address and refer to the person by the name and gender that person has used to identify him or herself.

Additionally, if the name on a person's driver's license or identification card does not correspond with the individual's gender expression, the person shall be asked his or her legal name in a private conversation, absent extenuating circumstances. If the contact is made in a group environment, the person shall be asked to step outside the group in order to obtain the legal name and avoid embarrassing the individual. Officers who need to obtain the legal name of a detained individual or suspect shall ask, "What is your legal name or birth name?" rather than asking, "What is your 'real' name?"

The intentional or persistent refusal to respect an individual's gender identity (for example, intentionally referring to the person by a name or pronoun that does not correspond to their gender identity) constitutes harassment and violates this policy.

Employees are cautioned not to treat a person's transgender status or appearance as a basis for suspicion or as evidence of prostitution or any other crime. Transgender individuals are not more likely to be involved in illegal activities than non-transgender individuals.

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**1.7.3.3 Calls For Service**

Calls for service or complaints generated by transgender individuals shall be addressed and investigated in a manner that is consistent with all Department policies. No officer shall fail to respond to a call for service based on the gender identity of the caller.

**1.7.3.4 Documentation**

When writing a report, completing booking paperwork, or completing any other required official documentation involving a transgender person, officers should use the person’s legal name and gender on the face page of the document, listing the person’s adopted name as an AKA. The narrative of a report shall then begin with a clear statement that the person uses an adopted name rather than his/her legal name. The remainder of the report shall refer to the person by his/her adopted name and self-identified gender.

**1.7.3.5 Privacy**

Personnel shall not ask victims, witnesses, informants, community members, and fellow employees about the current medical status of their gender transition process. This is an extremely private issue and shall be respected as such. Also, under no circumstances shall an employee disclose that a person is transgender to non-law enforcement personnel, with the exception of medical personnel when appropriate, or to other relevant non-Department personnel. Department personnel shall not ask questions or make statements about a transgender person’s genitalia or surgical status.

When booking a transgender inmate, information regarding the individual’s gender identity shall respectfully be transmitted to booking personnel.

**1.7.3.6 Searches**

For the purpose of all lawful searches of a person, officers shall use standard practices and procedures. If the transgendered person requests an officer of a specific sex do the search, that request will be honored when it is feasible to do so. A search or frisk shall not be performed for the sole purpose of determining an individual’s anatomical gender, and transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.

**1.7.3.7 Transportation; Holding Cells**

When feasible, a transgendered person who is to be transported shall be transported alone. Similarly, when feasible a transgendered person shall be placed in an individual holding cell or interview room without the presence of other arrestees.