

DEPARTMENT POLICY 17-02

UNBIASED POLICING

I. PURPOSE

The purpose of this policy is to emphasize the commitment of the White Plains Department of Public Safety-Police Bureau to unbiased, equitable treatment of all persons.

All members of this department shall follow the guidelines set forth in this procedure.

II. POLICY

Persons having contact with this agency shall be treated in a fair, impartial, equitable, and objective manner, in accordance with law, and without consideration of their individual demographics as defined in this policy.

III. DEFINITIONS

- A. *Biased Policing*: Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of individuals or persons based on individual demographics.
- B. *Fair and impartial treatment*: The belief that persons, irrespective of race or other distinctions, shall be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.
- C. *Individual Demographics*: For the purposes of this policy, personal characteristics, to include, but not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.
- D. *Police Services*: Sometimes referred to as community caretaking functions, or calls for service, these area 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. These include but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol, traffic control, public information, education, and similar activities.
- E. *Racial Profiling*: The act of selecting or targeting a person(s) for law enforcement contact based exclusively on the individuals' race, ethnicity, or national origin and not upon reasonable suspicion sufficient to justify law enforcement initiated action or contact.

IV. PROCEDURES

A. Fair and Impartial Treatment

1. Biased policing is prohibited both in enforcement of the law and the delivery of police services. This includes the act of racial profiling.
2. Officers shall take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.
3. Officers shall not consider individual demographics when performing law enforcement duties or delivering police services *except* when such characteristics are part of a specific subject description.
4. Unless exigent circumstances exist, officers shall not engage in a law enforcement manner when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.

B. Compliance

1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, if an officer observes another officer in a clear instance of biased policing, he or she, when in a position to do so, should safely intervene. (See Section V.)
2. Depending on the nature and seriousness of the incident, supervisors will provide the involved officers with intervention such as training and counseling. The supervisors will forward documentation of the incident to the Chief of Police.
3. All external complaints and internal complaints that cannot be resolved effectively and appropriately by supervisory personnel, or are determined to be potentially serious in nature, shall be forwarded to the Chief of Police and the Office of Professional Standards. All complainants shall be provided with a Personnel Complaint Form. Completed forms will be submitted to the Chief of Police and the Office of Professional Standards.
4. The Office of Professional Standards shall maintain data relating specifically to complaints of biased policing. Information shall be provided to the Chief of Police or designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate corrective action.

C. Training

All members will receive basic and periodic in-service training, and where deemed necessary, will receive remedial training on subjects related to the following:

- Police Ethics
- Cultural Diversity
- Police-Citizen interaction
- Standards of conduct
- Conducting motor vehicle stops
- Implicit Bias
- Related topics suitable for preventing incidents of biased policing

V. WHISTLEBLOWER PROTECTION

All personnel shall be aware of certain protections offered under the NYS Civil Service Law which states as follows:

CVS § 75-b. 2(a) A public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee discloses to a governmental body information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. "Improper governmental action" shall mean any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of such agent's official duties, whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation.