

East Haven Police Department 	Type of Directive: Policies & Procedures	No. 203.7
	Subject/Title: Addressing Bias- Based Policing	Issue Date: November 26, 2019
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: December 15, 2019
References/Attachments: Connecticut General Statutes § 54-1L	Review Date: Annually	Rescinds: 203.6
		Amends: N/A

I. PURPOSE

A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the East Haven Police Department’s prohibition against any form of discriminatory practices, particularly as it relates to all forms of bias-based policing.

II. POLICY

A. The East Haven Police Department is committed to protecting the constitutional and civil rights of all persons.

B. It is the policy of the East Haven Police Department to prohibit all police practices involving profiling and/or other biased-based decisions. The East Haven Police Department’s employees shall not consider race, color, ethnicity, class, national origin, gender, gender identity, age, disability, citizenship, sexual orientation, religion, ethnicity, socioeconomic status, or affiliation with any similarly identifiable group, to any degree or manner, in deciding whether to take any enforcement action, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation. All activity pertaining to the policy also shall be in absolute compliance with Connecticut General Statute 54-1L.¹ Violations of this policy shall result in disciplinary action up to and including dismissal from the department.

¹ 1 - Sec. 54-1L Prohibition Against Racial Profiling (a) For the purposes of this section “Racial Profiling” means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual. (b) No member of the Division of State Police within the Department of Public Safety, a municipal police department or any other law enforcement agency shall engage in racial profiling. The detention of an individual based on any non-criminal factor or combination of non-criminal factors is inconsistent with this policy. (c) The race

III. DEFINITIONS OF TERMS

- A. Bias-Based Policing: Selective enforcement or non-enforcement of the law, including the decision to stop, detain, or arrest someone, based in any part on the race, color, ethnicity, class, national origin, gender, gender identity, age, disability, citizenship, sexual orientation, religion, ethnicity, socioeconomic status , or affiliation with any similarly identifiable group, except where part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
- B. Racial and Gender Profiling: The practice of detaining or stopping a suspect based on a broad set of criteria, which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.
- C. Suspect Specific Incident: An incident in which a police officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender or race.

IV. GENERAL CONSIDERATIONS AND GUIDELINES

- A. Biased-based policing hurts the individuals who are subjected to it. Officers who engage in bias-based policing are unjust and ineffective. Bias-based policing violates the constitutional rights of those who are subjected to it.
- B. Bias-based policing creates an increased safety risk to police officers and citizens and is a misuse of valuable police resources. It may also lead to increased exposure to liability.
- C. Biased-based policing undermines the ability of the Department to realize its mission of protecting public safety and pursuing justice.
- D. It is imperative that the police department clearly demonstrates a process for preventing such practices. Allegations of bias-based policing or discriminatory practices, real or perceived critically injure the relationship between the police department and the community it is entrusted to protect and serve.
- E. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial, cultural/ethnic, and gender profiling by its members. While recognizing that most members of the department perform their duties in a professional, ethical, and impartial manner, this Department has an obligation and is committed to identifying and eliminating any instances of bias-based policing in all areas.

V. OPERATIONAL PROCEDURES

- A. The Department prohibits officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.
 - 1. When officers are seeking one or more specific persons who have been identified or described by their demographic category, or any proxy thereto, officers may rely on these descriptions only when combined with other appropriate identifying factors, and may not give exclusive attention or undue weight to demographic category.

or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

B. Preventing Perceptions of Bias-Based Policing

1. As a means of offsetting and preventing inappropriate perceptions of biased law enforcement, each officer is expected to adhere to following protocols whenever engaging the general public.
 - a. Each stop shall conform to department policy and procedures and comply with Connecticut General Statutes.
 - b. Be courteous and act professionally at all times.
 - c. Introduce himself/herself to the individual(s); providing the officer's title, name, and agency affiliation; and state the reason for the interaction, as soon as practical and appropriate to do so, unless providing such information will compromise the officer's safety or public safety. During the course of motor vehicle stops, the officer should provide this information before asking the driver for his/her license and registration.
 - d. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and ensure that the individual understands the purpose of any delays that might be encountered.
 - e. Answer any questions the individual(s) may have, including explaining options for traffic citation disposition, if relevant.
 - f. Provide your name and badge number when requested, in writing or orally.
 - g. Explain the reasons why an individual may have been stopped or detained, especially if no other official action is being taken (e.g., the officer determines that the person being detained is not the party being sought, if there was an investigative detention that did not yield any evidence of criminality or offense, etc.).
 - h. If the individual(s) wishes to file a complaint regarding the officer(s) actions, the officer shall immediately call for a supervisor. The officer will provide the individual with a Civilian Complaint form and brochure on how to file a complaint. The supervisor will provide the individual with a Department Review (DR) case number and forward the complaint to the Internal Affairs Officer (IAO).

C. Responding at the Incident to Allegations of Bias-Based Policing

1. Whenever an individual alleges that an officer has engaged in practices prohibited by this policy, the officer will immediately notify the on-duty supervisor.
2. Supervisors shall ensure that officers follow the policies and procedures outlined in this policy.
 - a. The on-duty supervisor informed of a complaint shall immediately respond to an incident when informed that an individual is complaining of bias or profiling.

- b. The supervisor shall provide the individual with a Citizen Complaint Form and a DR case number.
- c. The supervisor shall inform the individual of how to fill out the form, how to deliver it, and, unless the supervisor judges it imprudent to do so, shall standby if the complaining individual wishes to fill out the form and turn it in immediately.
- d. The supervisor shall complete a DR report, with the complaint, and forward it to the IAO for review.

D. Identification of Possible Profiling

- 1. To guard against and protect members of the Department from allegations of bias-based policing, and to demonstrate for those who may make such allegations, supervisory personnel of the Department will take the following steps.
 - a. It is the responsibility of supervisory personnel to continually assess and monitor the performance of those members of the Department who are under their direction and supervision to always be alert for any forms of behavior or patterns of behavior that an employee may be engaged in and intercede when appropriate.
 - b. Often times, it is the direct supervisor who first becomes aware of a potential problem either by way of his/her observations of an officer's performance, enforcement actions, or when there appears to be a pattern of complaints that seem to be emerging.
 - c. At times it might even be triggered just in conversation when an employee speaks disparaging of persons of any particular race, ethnic group or cultural background, gender, sexual orientation, religion, economic status, age, or any other identifiable group (in which case, such type of behavior should be corrected).
 - d. Whenever a concern does arise, it is the duty and obligation of that supervisor to at the very least discuss such concerns with that employee and document such in the DR reporting module. Often by speaking with an employee in the form of informal counseling may be what is needed to rectify or clarify any concerns.
 - e. Any confirmed or suspected acts leading a supervisor to believe that an employee may be engaging in some form of bias-based policing or discriminatory practices must be reported in a DR report and forwarded to the IAO.
 - f. All complaints of alleged bias-based policing or discriminatory practices against a member of the Department are to be fully investigated (no matter the source) by the IAO.
 - g. The Department shall refer any complaint plausibly implicating the bias-free policy to the IAO.
- 2. Incidents involving bias-based policing may be the result of one of three causative factors that include the following:

- a. Intentional Acts: In any instance which a member of this department is found by the IAO to have engaged in some form of bias-based policing or discriminatory practice, such behavior will result in the appropriate form of disciplinary corrective action by the Chief of Police or his/her designee.
- b. Unintentional Acts: In such cases, the employee may receive additional corrective training, guidance, supervisory review, additional monitoring for a specified period of time, as may be directed by a commanding officer in consultation with the Chief of Police or his/her designee.
- c. Institutional Practices: In the event that the Department's practices are discovered to promote or allow bias-based policing, the Chief of Police shall address such practices through policy review and training.

VI. DATA COLLECTION

A. Officer Reporting Requirements

- 1. Officers shall complete the traffic stop data fields in the CAD system immediately following every traffic stop. An officer must secure a CAD number in order to complete the data.
 - a. The traffic stop data will be completed and submitted electronically via LEAS. In the case where the data cannot be submitted electronically, a paper form will be submitted.
- 2. Officers also shall complete an incident report whenever:
 - a. There is a search of a vehicle or occupants.
 - b. A person is handcuffed or taken into custody.
 - c. There is a use of force by any officer.
 - d. The individual alleges that a stop was made because of racial profiling or other bias-based decision.
 - e. There is any property seized.
- 3. Off-duty activation.
 - a. In the event, an officer stops a motor vehicle while off-duty or while working on a private duty job, the officer is still obligated to:
 - 1) Notify the East Haven Public Safety Communications Center (EHPSCC) immediately. If the officer is not carrying a police radio, the officer should notify the EHPSCC as soon as feasible to do so.
 - 2) In addition to providing the location of the stop and the registration number, the officer is required to provide the following additional information, which should be captured as part of the CAD entry.
 - a) The reason for the motor vehicle stop.
 - b) The time, date, and duration of the stop.

- c) Whether any enforcement action is going to be taken as a result of the motor vehicle stop.
- b. Provide the EHPSCC with the traffic stop data to be filled out in the CAD system.
- c. Officers also shall complete an incident report whenever any of the following occurs.
 - 1) A search is conducted of a vehicle or occupants.
 - 2) A person is handcuffed and taken into custody.
 - 3) Force is used by any officer.
 - 4) The individual alleges that a stop was made because of racial profiling or other bias-based premise.
 - 5) Property is seized.

B. Responsibilities of the Supervisors

1. It is the responsibility of all supervisory personnel to ensure that officers under their direct supervision, regardless of their assignment, are familiar with this directive and are adhering to the requirements of this directive. Supervisory personnel are also responsible for the following.
 - a. Ensure that all citations and summons are completed (particularly as it relates to whether or not a search was performed during the course of the motor vehicle stop).
 - b. Any incomplete citations or traffic stop data forms should be returned to the submitting officer for completion prior to their submission to the Records Division.
 - c. Ensure that officers complete any missing traffic stop data.

C. Processing by the Records Division

1. The Records Division shall maintain a database for all submitted citations and to submit them to the Centralized Infractions Bureau or Superior Court. The Records Division serves as the repository for motor vehicle citations/summons and the traffic stop data. In addition to these functions, the Records Management Unit also shall be responsible for the following.
 - a. Maintain a database of all traffic stop data.
 - b. Record the data obtained on the form in a computerized database.
 - c. Review all submitted motor vehicle citations and traffic stop data for accuracy and completeness.

- 1) Any forms found to be incomplete, inaccurate, or illegible will first be copied prior to returning the copied form back through appropriate chain of command to the officer to make the necessary corrections.
- 2) The original copy of the returned forms will remain in the Records Division.

VII. AGENCY-WIDE REVIEW AND CONTINUOUS IMPROVEMENT

- A. The Department shall conduct an annual administrative review of data on the Department's practices, to be submitted to the Board of Police Commissioners. The annual administrative review shall also include stop data, information regarding citizens' complaints, and any corrective measures taken.
- B. The administrative review shall ensure officer, squad, and Department compliance of this directive.
 1. Any noted disparities will trigger the following events.
 - a. The Deputy Chief of Police will use the noted disparity as a starting point to determine whether an officer or officers are engaged in bias-based policing. This follow up action will include, but not necessarily be limited to the following.
 - 1) Review of the officer's assignment. Is there evidence that officer's policing activities provide an underlying reason for the disparity?
 - 2) Comparison with other officers who are performing the same duties in the same geographic locations during the same time periods. Are the numbers in line or within tolerable differences with other officers performing the same assignments? What is the level of enforcement as compared to other officers performing the same assignments, within the same geographical area?
 - 3) Review of any record of prior citizen complaints. Is the officer receiving an inordinate level of complaints as compared to other officers? If so, are there any detectable patterns regardless of the ultimate findings of the complaint?
 - 4) In all cases a commanding officer shall speak with the officer to get a better understanding of the reasons behind the noted disparities. This approach can accomplish a few different objectives.
 - a) The officer is able to offer his/her understanding of disparities in his/her data.
 - b) The officer takes ownership of his/her behavior and takes steps to correct it.
 - c) It could be a matter of the officer being unaware of the disparity and once made aware of it could be self-correcting in how the officer interacts with the public.
 - 5) The Deputy Chief of Police will forward the complete record of his/her actions to the IAO for purposes of the Early Intervention System.

- C. The Deputy Chief of Police shall make recommendations to the Board of Police Commissioners on any procedural changes that should be made. The department will continue to improve its practices in all aspects of preventing bias-based policing as we learn from regular data collection, analysis and evaluation and by:
1. Monitoring any legislative changes or court rulings that might impact the scope and procedural guidelines within this directive.
 2. Identifying any updates on the evolution of interpreting bias-based policing data collection methods and procedures.
 3. Identifying any training opportunities that might be useful in further educating officers on the implications of bias-based policing.
 4. Coordinating with the Training Officer in determining the appropriate frequency of review of this policy, legal updates, and other associated training opportunities.
 - a) All affected personnel shall receive initial training and annual training thereafter on biased issues, and the training will include the legal aspects of profiling/bias-based practices.