

East Grand Forks Police Department

Impartial Policing – Avoiding Racial Profiling

Directive: 1.2.9

Reference: RSFLEA 1.2.9, MN Statute – 626.8741, subd. 4, IACP National Law Enforcement Policy Center, MN POST Board “Avoiding Racial Profiling” Model Policy

Authorized by: _____
Michael S. Hedlund, Chief of Police

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Distribution: All Personnel (Electronic Version), Dispatch Center, Office of the Chief of Police (Original)

Policy: It shall be the policy of the East Grand Forks Police Department that all persons having contact with members of 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 by this policy.

Purpose: The purpose of this policy is to emphasize this agency's commitment to unbiased, equitable treatment of all persons.

Scope: This Directive applies to all employees of the East Grand Forks Police Department.

Definitions

- I. **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 (Including Racial Profiling).
- II. **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.
- III. **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.
- IV. **Police Services:** Sometimes referred to as community caretaking functions, these are 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.

V. Racial Profiling: Racial profiling has the meaning given to it in Minn. Stat. 626.8471, Subd. 2. which states:

"Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- (1) the behavior of that individual; or
- (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Procedures

I. Fair and Impartial Treatment

- A. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by peace officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and peace officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.
- B. Biased policing/racial profiling is prohibited both in enforcement of the law and the delivery of police services.
- C. Officers shall take equivalent enforcement actions and all police department employees shall provide equal services to all persons in the same or similar circumstances.
- D. Officers and/or police department employees shall not consider individual demographics (including, but not limited to; race, ethnicity, national origin, gender, sexual orientation, and religion) when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.
- E. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter 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 when possible.

II. In an effort to prevent the perception of biased policing, peace officers shall:

- A. Be respectful and professional.
- B. Introduce themselves to the citizen and state the reason for the contact as soon as practical unless providing this information will compromise officer or public safety.

- C. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 - D. Attempt to answer any relevant questions the citizen may have regarding the citizen/officer contact including relevant referrals to other agencies when appropriate.
 - E. Provide their last name of badge number when requested.
 - F. Explain and/or apologize if it is determined the reasonable suspicion was unfounded (e.g. after an investigatory stop).
- III. Compliance – Duty to Report
- A. Every member of this department shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.
 - B. Violations – Alleged violations of this Directive must be reported to the MN POST Board in accordance with the reporting requirements in MN Stat. 626.8457.
- IV. Training
- A. All employees will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops, implicit bias, and related topics suitable for preventing incidents of biased policing.

This Directive Rescinds East Grand Forks Police Department Policy #197 – Impartial Policing Policy