



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
01-DD08.03 – Bias Free Policing
Updated May 19, 2010**

PURPOSE: The intent of this policy is to reaffirm Burlington Police Department's commitment to unbiased policing, to clarify the circumstances in which Officers can consider race, ethnicity, gender or other potentially improper criteria when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable and impartial way.

POLICY: It is the policy of the Burlington Police Department shall not condone the use of any bias based policing in the services our employees provide to the community in connection with our law enforcement activities. Ensuring that policing is done without bias requires a combination of best practices including but not limited to: hiring, training, policy development, supervision, and community outreach / partnerships.

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I. POLICING IMPARTIALLY

A. Definition of "Bias-Based Policing" – conduct by law enforcement officers motivated solely by and individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria.

- B. Definition of "Bias-Based Reporting" – it is understood that citizens or community members might contact the Department for reasons solely based on an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria. It is our policy not to knowingly initiate police contact/action/intervention based solely on any of the aforementioned or other potentially improper criteria.

- C. If any member of the agency receives a call for service, whose only foundation has to do with an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria, the employee will attempt to explore if there are any ***specific behaviors*** that call for police response. If no specific behavior is identified, the caller's contact information will be obtained and he/she will be advised that Officer in Charge (OIC) of the shift will contact him/her.

The employee will contact the OIC and provide the circumstances of the call. The OIC will contact the caller and explain that we do not respond to calls for service that are based solely on a person's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria. The OIC should attempt to educate the caller on our bias free policing policy and philosophy. He/She should also explain that we respond to behaviors/actions of individuals that appear suspicious, threatening, illegal, etc. and not to situations based solely on a person's characteristics/attributes as defined above. In addition to educating the caller on our protocols and procedures, the OIC may also direct the caller to other helpful resources in the community such as the Multicultural Resource Center at (802) 657-4219.

The OIC should express appreciation for the caller's outreach and emphasize our commitment to community safety, adding that we always welcome calls for service and assistance.

- D. Investigative detentions, traffic stops, arrests, searches and property seizures by Officers will be based on a standard of reasonable suspicion or probable cause in accordance with Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches and property seizures.
- E. Except as provided in section F below, Officers shall not:
1. consider race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria
 - i. in establishing reasonable suspicion or probable cause;
 - ii. in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
 - iii. in the decision to exercise any official action
- F. Race, ethnicity, gender or other potentially improper criteria can never be used as a basis for probable cause or reasonable suspicion or motivating factors in making law enforcement decisions, unless it is part of a specific suspect description.
- G. Nothing in this or other agency directives alters officers' authority to conduct enforcement actions or otherwise fulfill officers' enforcement obligations.

II. PREVENTING PERCEPTIONS OF BIASED POLICING

In an effort to prevent inappropriate perceptions of biased law enforcement, each Officer shall do the following when conducting pedestrian and vehicle stops:

- A. be courteous and professional;
- B. introduce himself/herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise Officer or public safety. In vehicle stops, the Officer shall provide this information before asking the driver for his/her license and registration;
- C. ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays;
- D. answer any questions the citizen may have, including explaining options for traffic citation disposal, in relevant;
- E. provide Officer's name and badge number verbally, when requested. Officers may also provide the information in writing or on a business card.
- F. apologize and/or explain if the Officer determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

III. VICTIM & WITNESS INTERACTION

To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, Officers will not ask about, or investigate immigration status of crime victims/witnesses. Federal law does not require law enforcement Officers to ask about the immigration status of crime victims/witnesses. Officers will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. Officers should communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses, and that Officers do not ask victims/witnesses about their immigration status, nor will they report immigrants or immigration status to Immigration and Customs Enforcement.

IV. INVESTIGATIVE INQUIRIES REGARDING IMMIGRATION STATUS

It is essential to the mission of the Department that victims report crimes and fully cooperate in investigations; that witnesses come forward and provide testimonial evidence; that persons report suspicious activity and other information to reduce crime and disorder; and that help is summoned when needed. These activities must be undertaken without hesitation and without fear that the victim, witness, or reporting person will be subject to prosecution or deportation for no reason other than immigration status.

Therefore, Department employees will act first and foremost in the best interests of our community and our mission when dealing with undocumented foreign nationals who come to the department for help or to make reports, giving full priority to public safety and justice concerns in preference over rigid enforcement of immigration regulations.

With respect to contact with undocumented foreign nationals, the department will act and refer undocumented foreign nationals to the respective Federal agency only when:

- A. The person is known to have committed a crime against the statutes of the State of Vermont or is sought for prosecution by another jurisdiction; or

B. The person is suspected of conduct or conspiracy that is criminal in nature [other than that person's own immigration status] or which undermines homeland security; or

C. On incidental contact should the officer have reason to believe human trafficking or other criminal activity is afoot, or when the officer would otherwise have cause to seek identification and the person has no credible means of identification nor any U.S. citizen or consular official to provide identification, country of citizenship, residence, and purpose for their presence in the U.S.

V. TRAINING & COMPLIANCE

The Burlington Police Department is committed to cultural competency training for its Officers. It is the goal of this Department to ensure that all employees are sensitive to, and aware of, cultural diversity issues and what constitutes biased policing.

The Burlington Police Department is committed to the investigation of complaints of this nature and violations of this policy shall result in disciplinary action as set forth in the Department's Command Protocol and Department Rules (10-DD08.01) and Discipline (02-DD06.12).

VI. SUPERVISION AND ACCOUNTABILITY

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

VII. SOURCES

Racially Based Policing: A Principled Response, from Police Executive Research Forum and COPS Office

International Association of Chiefs of Police

Authorized Signatures:

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Date

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Date