

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the City of Danville Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes any other noncriminal characteristics prohibited by state law (Va. Code § 15.2-1609.10; Va. Code § 15.2-1722.1; Va. Code § 52-30.1 et seq.).

401.2 POLICY

The City of Danville Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is 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 bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field contact), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall record the following information on the appropriate forms provided by the Department (Va. Code § 52-30.2; Va. Code § 52-30.4):

- (a) The race, ethnicity, age, and gender of the person
- (b) The reason for the stop, as well as its location and the outcome
- (c) Whether any search was made
- (d) Any other information noted on the designated form

The Services Division Commander or the authorized designee should establish procedures as necessary for the department's compliance with Va. Code § 52-30.2 and Va. Code § 52-30.4.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, Body Worn Camera recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police or the authorized designee shall collect the information required by Va. Code §§ 52-30.2 and 52-30.4 relating to traffic stops and use of excessive force complaints and report that information to the Department of State Police in the manner provided by law (Va. Code § 15.2-1609.10; Va. Code § 15.2-1722.1).

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All complaints regarding bias-based profiling, including those investigated by a member's immediate supervisor, shall be forwarded to the Professional Standards Unit for any additional required investigation or disposition.

401.7 ADMINISTRATION

Professional Standards should review the efforts of the Department to provide fair and objective policing and submit an administrative review of agency practices, including public concerns, to the Chief of Police. The administrative review of agency practices should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review and the administrative review of agency practices and discuss the results with those they are assigned to supervise.

401.8 TRAINING

All sworn employees will receive initial and annual training in biased issues including legal aspects. Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant.