Bias-Based Policing

401.1 POLICY

This policy is intended to reaffirm our department's commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all. This policy is identical to the MN POST Board's model policy Avoiding Racial Profiling and it complies with the requirements of MN State Statute 626.8471.

401.2 DEFINITIONS

Racial profiling has the meaning given to it in Minnesota Statute 626.8471, Subd. 2.:

"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.

401.3 PROCEDURAL GUIDELINES

Policing impartially, not racial profiling, is standard procedure for this agency.

401.3.1 IMPARTIAL POLICING

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. 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.

Except as provided in paragraph 3, officers shall not consider race, ethnicity, national origin, gender, sexual orientation, or religion in establishing either reasonable suspicion or probable cause.

Officers may take into account the descriptors in paragraph 2 of a specific suspect(s) based on credible, reliable, relevant information that links specific, suspected, unlawful suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

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401.3.2 PREVENTING PERCEPTIONS OF BIASED BASED POLICING
In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

(a) Be respectful and professional.

(b) Introduce or identify yourself 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 that 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 referrals to other agencies when appropriate.

(e) Provide your name and badge number when requested, preferable in writing or on a business card.

(f) Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

401.4 SUPERVISOR RESPONSIBILITIES
Supervisors shall ensure all personnel in their command are familiar with the content of this policy and are in compliance.

401.5 DUTY TO REPORT
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 biased-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Violations of this policy must be reported to POST in accordance with the reporting requirements in Minn. Stat. 626.8457.

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