

MONTPELIER POLICE DEPARTMENT

Biased Based Policing	Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts;
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes:	
CALEA Standard: 1.2.9	
Date Implemented: March 15, 2012	Review Date: March 15, 2012

- I. **Purpose:** The purpose of this policy is to prohibit the use of race, ethnicity, gender, or national origin as a reason to restrict liberty, or exercise any other police power upon an individual, except in those cases where one of the classifications above is a descriptive factor concerning a suspect.

- II. **Policy:** The policy of this department is to respect the rights of all persons who officers come into contact with during any law enforcement operation.

- III. **Definitions:**
 - A. Biased-Based Policing - using race, ethnicity, gender or national origin as a reason to restrict a person's liberty where race, ethnicity, gender or national origin is not a descriptive factor relating to a suspected criminal event.
 - B. Disparate Treatment – means differential treatment of persons on the basis of race, color, or national origin;
 - C. Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, or towed vehicle at a state weighing station; and
 - D. Racial profiling means detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual.

- IV. **Procedure:**
 - A. All contacts made by members of this agency with any person must meet the requirements of the United States and Vermont Constitutions.
 - B. No officer will detain any person or stop any motor vehicle when such action is motivated by racial profiling and the action would constitute a violation of the civil rights of the person stopped.
 - C. **Preventing Perception of Bias:**
 - a. Officers should act with courtesy and professionalism on all stops and contacts.
 - b. At the outset of a contact, where feasible, officers should introduce themselves and inform the person of the reason for the stop. This introduction is not required

where the introduction would compromise the safety of the officer or any other person.

- c. Officers should continue the contact for only that time which is necessary to meet the objectives of that which justified the stop to begin with. i.e. if the stop is for a traffic violation, officers should not prolong the stop beyond the time it takes to write a citation. Where reasonable delays occur, the officer should keep the person informed of the reason for the delay.
 - d. Officers should answer questions posed by the persons stopped to the extent that is possible.
 - e. Provide his or her name and identification number when requested.
- D. Asset Forfeiture:** No member of this agency shall consider the race or ethnicity of an individual in making determinations as to whether this agency shall seek to forfeit assets of the individual through the asset forfeiture process.
- E. Documentation-** The department shall record:
- a. The number of traffic stops;
 - b. The characteristics of race or ethnicity of the person stopped. The identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the motor vehicle stop and the information shall not be required to be provided by the person stopped.
 - c. If the stop is for a law violation, the nature of the alleged law violation that resulted in the motor vehicle stop;
 - d. Whether a warning or citation was issued, an arrest made, or a search conducted as a result of the motor vehicle stop. Search does not include a search incident to arrest or an inventory search; and
 - e. Any additional information that the State of Vermont or this agency deems appropriate.
- F. Complaints regarding bias:** All complaints regarding bias, as defined by this policy shall be handled in accordance with the Citizen Complaints and Administrative Investigations Policy of this agency.
- G.** The agency shall conduct training for all personnel on this policy.