

Bias Based Profiling

Index Code: 901

Effective Date: 01/10/17

I. Purpose

In general, profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling; however, is selecting individuals based solely on a common trait by group and will not be tolerated. The purpose of this directive is to provide deputies with guidelines to ensure compliance with all Federal and State laws concerning profiling, and to institute “best practices” within the Office of the Sheriff.

II. Policy

It is the policy of the Office of the Sheriff to protect the rights of all people, and carry out law enforcement responsibilities in a non-discriminatory manner in accordance with the Constitution of the United States. The Office of the Sheriff will assure every person is treated fairly and provided equal protection under the law by adopting and practicing the following:

- A. The Office of the Sheriff will not use race or ethnicity as a factor for the development of policies and procedures for stopping, detaining, or searching suspects.
- B. Deputies will not participate in the use of any bias based profiling as a cause for stopping, detaining, or searching any individuals, or seizing any property/assets.
- C. Bias based profiling will not be utilized by deputies or officers operating in concert with or under the direction of the Sheriff’s Office as a consideration in determining whether to stop, detain, or search individuals.
- D. Nothing in this directive prevents deputies from relying upon race as part of a description where a specific suspect is sought.
- E. All enforcement stops and seizures, as defined in this directive will be documented.

III. Guiding Principles

- A. All law enforcement action, such as

traffic stops, investigative stops, arrests, and searches and seizures will be based on reasonable suspicion or probable cause as required by State Statutes and the U.S. Constitution.

- B. Deputies must be able to articulate specific facts, circumstances, and conclusions, which support their actions.

- C. Biased based profiling in traffic contacts, field contacts, asset seizures, and all law enforcement actions are prohibited and may lead to disciplinary action.

- D. Nothing in this, or any other directive, policy or procedure, alters a deputy’s authority to conduct enforcement actions or otherwise fulfill their enforcement obligations.

- E. All deputies will receive initial and periodic training in bias based profiling issues, which promote and encourage impartial policing and prevent the creation, adoption or use of inappropriate stereotypes. Applicable training may include, but is not limited to, officer safety, courtesy, cultural diversity, search and seizure issues and legal aspects, asset seizure and forfeiture, interview techniques, interpersonal communication skills, constitutional and case law, field contacts and motor vehicle stops.

IV. Responsibilities

A. Deputy Sheriffs

Deputies will ensure all required data elements from each incident are collected and recorded.

B. Supervisors

Supervisors will review all documentation prior to submission to ensure accuracy and completeness, and report any deficiencies or violations concerning bias based profiling.

C. Chief Deputy

- 1. Provide a documented annual administrative review of agency practices, including citizen concerns, to examine the

agency's commitment to impartial policing.

2. Initiate corrective measures if bias based profiling occurs. Corrective measures may include, but are not limited to, an internal investigation if the violation(s) appear intentional or willful, and/or institute additional training.

V. CALEA References: 1.2.9a, 1.2.9b, 1.2.9c & 1.2.9d.

VI. Proponent Unit: Administrative Services Division.

VII. Cancellation: Written Directive dated 1/1/10

Sheriff Gary Hofmann