

Bias-Based Policing (Reviewed 08/30/2022)

(Revised 08/30/2022)

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Fond du Lac Police Department's commitment to policing that is fair and objective. The purpose of this policy is to state, unequivocally, the Fond du Lac Police Department does not condone the use of racial or bias-based policing as a means of accomplishing any law enforcement objective. Furthermore, this policy provides strict guidelines to prevent the application of bias-based tactics, investigate alleged occurrences, and protect Officers who act within the dictates of the law and this policy from unwarranted accusations.

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, 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.

401.2 POLICY

The Fond du Lac 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 equally, fairly, objectively and without discrimination toward any individual or group.

All department members of the Fond du Lac Police Department, whether sworn or civilian (non-sworn), will exercise their law enforcement duties and authority in a manner that does not unlawfully discriminate against individuals based on common traits they possess by belonging to a certain group. No member of the Fond du Lac Police Department will endorse or act upon stereotypes, attitudes or beliefs that a person's race, color, national origin, ancestry, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, religion, economic status, age, or cultural group as the basis for providing differing law enforcement service or enforcement.

401.3 BIASED-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 will perform their 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 biased-based actions by another member.

401.4.1 REASON FOR DETENTION

Officers detaining a person must be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., incident report, Field Interview form), the involved Officer should include those facts giving rise to the contact, as applicable.

Nothing in this policy requires any Officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and handle any alleged or observed violations in accordance with Policy 1010 - Personnel Complaints.

All law enforcement operations will be accompanied by ongoing supervisor oversight to ensure compliance with this policy. This oversight will be accomplished by:

- (a) Periodic reviews of department member conduct by supervisors to ensure compliance with the policy.
- (b) Regular review of incident reports, citations, municipal summonses, and other documentation of department member and citizen interaction.
- (c) Supervisors should discuss any issues with the involved Officer and their supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (d) Supervisors should periodically review mobile audio video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDC) 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.

Fond du Lac Police Department

Policy Manual

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- (e) 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 ADMINISTRATION

The Assistant Chief of Police/ Administration should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or Officer.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Accreditation Manager.

The department will ensure all employees are trained to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

Officers will receive initial and ongoing training designed to prevent bias-based policing. Training topics will vary and may include citizen contacts, vehicle contacts, search and seizure, cultural diversity, and interpersonal communications skills.