

## **IV 30 18 Biased Based Policing**

### **I. PURPOSE**

The purpose of this policy is to establish policy and procedures to protect citizens and officers from bias based policing.

### **II. DEFINITIONS**

- A. Bias Based Policing: means the practice of using race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching pedestrians and motorists, or in asset seizure and/or forfeiture efforts. For purposes of this policy, Bias Based Policing includes the term Racial Profiling as defined in Tenn. Code Ann. § 38-1-502.
- B. Racial Profiling: The detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual's actual or perceived race, color, ethnicity, or national origin as defined by TCA § 38-1-502.
- C. Law Enforcement Agency: A lawfully established state or local public agency that: (a) is responsible for preventing and detecting crime and enforcing laws or local ordinances; and (b) has employees who are authorized to make arrests for crimes while acting within the scope of their authority. Includes an institution considered a "law enforcement agency" pursuant to TCA § 49-7-118 (which addresses public and private educational institutions).

### **III. POLICY**

This policy is established in accordance with Tennessee Code Annotated Title 38, Chapter 1, Sections 501-503, governing Racial Profiling which states each law enforcement agency shall adopt a written policy that prohibits racial profiling by its employees. It is the policy of the Volunteer State Community College Campus Police Department ("Department") to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws while requiring that any person will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an offense. Volunteer State Community College Campus Police Department policy prohibits racial profiling by its employees.

Police officers are reminded that the Volunteer State Community College Campus Police Department does not engage in "bias-based policing". These procedures are intended to assist personnel in accomplishing the mission of the Volunteer State Community College Campus Police Department while respecting the dignity of all persons.

## IV. PROCEDURES

### A. Bias Based Policing Prohibited

1. While profiling can be a useful tool to assist officers in carrying out their duties, the use of bias based policing, i.e., the practice of using race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching pedestrians and motorists, and in asset seizure and forfeiture efforts is prohibited except that officers may rely on the listed characteristics in a specific suspect description.
2. Even if the police officer or employee was mistaken in his/her perception that the victim was a member of the group he or she was acting against, it is still bias based policing because the police officer or employee was motivated, in whole or in part, by bias against the group.

#### a. Proactive Enforcement

Proactive enforcement requires officers to be observant and identify and act upon any unusual occurrences and law violations. These efforts keep our campus community free from crime and our roadways safe to drive upon and deter, detect, and apprehend criminals. Proactive patrol is an effective strategy to:

- (1) Protect the public from the devastation caused by drug abuse and suppress the activities of drug couriers;
- (2) Reduce traffic-related death and injury while increasing the apprehension of drunk drivers;
- (3) Combat illegal trafficking and possession of weapons and drugs;
- (4) Capture and arrest fugitives and other wanted persons at-large;
- (5) Identify and target violent gangs, terrorists and others who pose a threat to public safety;
- (6) Otherwise promote and maintain an orderly and law abiding society.

#### b. Role of Supervisors

Traffic enforcement, detention, interviews, and search procedures will be accompanied by periodic supervisory oversight to ensure that

officers do not go beyond the parameters of reasonableness and lawfulness in conducting such activities.

c. Documentation of Motor Vehicle Stops

Motorists and pedestrians shall only be subjected to stops, seizures, or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. When a motorist is stopped, the officer shall notify dispatch of the location of the stop, registration number or the description of vehicle being detained, and the number of occupants in the vehicle. Communication personnel shall log all pertinent information including the reason for the stop. All required reports and/or forms shall be completed by the officer as soon as reasonable upon completion of the stop.

d. Contact with the Public

- (1) Officers shall be familiar with all department policies pertaining to traffic stops, including the provisions requiring professionalism and courtesy, which may influence the degree of cooperation from the motorist. Officers should never forego their command presence, safety, and control of the situation during a public contact.
- (2) While engaging in routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Volunteer State Community College Campus Police Department officers may not use race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, or some other identifiable common trait of a group as the sole reason for making those decisions, except that officers may rely on the characteristics in a specific suspect description.

e. Detention and Search

- (1) No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
- (2) In each case where a search is conducted, the legal basis and results for the search should be documented. It is strongly recommended that consent searches only be conducted with written consent using the proper department form.

- (3) If the individual indicates that they will consent to a search but refuse to sign the form, the officer should fill out the form and indicate “consented to search but refused to sign” before inserting the officer’s initials along with the signature of any witness in the signature block. Motorists should be informed that they are free to leave before the consent to search is requested.

f. Completion of Required Reports

Appropriate enforcement action should be completed in the form of a warning, citation, or arrest. Police reports shall indicate the reason for the stop.

g. Pretext Traffic Stops

The police may initiate the stop of a motorist whom they have probable cause to believe has committed a traffic violation. The officer’s subjective motive for stopping the vehicle plays no role in determining whether or not probable cause exists, even if the stop of the motorist was a pretext to conduct a criminal investigation. However, motor vehicle stops, including pretext stops, are prohibited when based solely upon prohibited considerations, such as race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, some other identifiable common trait, or any combination therein.

B. Training

1. Officers should receive initial and ongoing documented training, at a minimum every three years. Training should include proactive enforcement tactics, training in officer safety, courtesy, cultural diversity, discrimination, racial profiling, bias based policing, field contacts, traffic stops, the laws governing search and seizure, and interpersonal communications skills.
2. This training should address the issues pertaining to the practice of bias based policing to include racial profiling, including its impact on police and society. Training programs should emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

C. Corrective Measures

1. Any person may file a complaint with the department if they feel they have been stopped or searched based on bias based policing, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. All

complaints shall be forwarded to the Assistant Chief of Police for investigation with corrective measures taken if it is determined that bias based policing has occurred.

2. All officers shall provide the name and contact information of their immediate supervisor and the telephone number of the department when notified that a person wishes to file a complaint. Such accusations can often be prevented or mitigated by explaining to the motorist the reason for the stop. An officer who is accused on the scene of discrimination, bias based policing, racial profiling, an illegal stop, frisk, and/or search by any person shall report the incident to his/her supervisor as soon as reasonable. All officers shall be alert to any pattern or practice of possible discriminatory treatment or bias-based policing and report any witnessed or perceived behaviors to a supervisor as soon as reasonable.

D. Annual Review of Department Practice and Citizen Concerns

1. The Assistant Chief shall provide the Chief of Police with periodic reports on the characteristics of persons stopped on traffic stops by race, ethnicity, gender, sexual orientation, and gender identity when available. Annually, the Assistant Chief shall conduct an Administrative Review of all department policy, practices, and citizen concerns/complaints relating to bias based policing.
2. The Assistant Chief shall prepare and forward a report of his/her findings and recommendations, if any, to the Chief of Police annually.

VSCC Source: January 25, 2016, President's Cabinet