Recommendation--September, 2009
UNION COUNTY SHERIFF'S DEPARTMENT
BIAS-BASED POLICING/PROFILING

POLICY
Approved and Adopted 12-15-9.
Union County Commission Justin Bennett / Vice-Chairman

POLICY:
It is the policy of the Union County Sheriff's Department to respect and protect the constitutional rights of all individuals during law enforcement contacts, investigatory activities and/or enforcement actions and that such enforcement decisions will not be predicated on the basis of race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, or serious medical condition.

To this end, Bias-based Policing and/or Profiling in the Department are unacceptable practices that will not be tolerated.

DEFINITION:
Bias-based Policing is the reliance by a Deputy on an individual's race, ethnicity, color, national origin, language, religion, gender, gender identity, sexual orientation, political affiliation, religion or physical or mental disability in initiating, conducting or determining the scope or substance of an investigatory or enforcement activity, including an arrest, detention, traffic stop, pedestrian stop, interview, frisk or search, except insofar as one or more of these factors are part of a specific suspect description related to suspected criminal activity that has been reported to the officer.

GENERAL PROCEDURES:
Bias-based Policing by any member of this Department is strictly prohibited.

A. Decisions to initiate, prolong or expand the scope of arrests, detentions, field contacts, traffic stops, searches and property seizures shall be based on a standard of probable cause or reasonable suspicion of criminal activity in accordance with the Fourth Amendment of the U.S. Constitution.
B. Deputies shall not consider race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition in determining to initiate either consensual encounters or nonconsensual encounters.
C. In conducting an activity in connection with an investigation, members of this Department shall not rely on Bias-based Policing, except to the extent that credible information, relevant to the locality or time frame, links a person with those identity characteristics to an identified criminal incident or criminal activity.
D. Department personnel will provide the same level of police service to every resident regardless of their race, ethnicity, color, national origin, language, religion, gender, gender identity, sexual orientation, political affiliation, religion or physical or mental disability.
E. Members of this Department shall not initiate, prolong or expand the scope or duration of an investigatory or enforcement activity in order to determine or inquire about an individual's immigration status based on the individual's race, ethnicity, color, national origin or language.

TRAINING
All Sheriff's Department members will receive training during orientation and at least once every two years regarding the harms of Bias-based Policing and discrimination, including legal aspects and a review of this policy and procedures.

DUTIES OF DEPARTMENTAL PERSONNEL

A. Any member of this Department who is aware of a violation of this section shall immediately report the violation to a supervisor.
B. Personnel shall not discourage individuals from filing complaints of Bias-based Policing and will avoid actions that could be interpreted to constitute intimidation, coercion or threatened retaliation against individuals to discourage or prevent them from filing complaints.

SUPERVISION AND ACCOUNTABILTIY

A. Supervisors will ensure that all personnel under their command are familiar with this policy.
B. Supervisors will continually monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.
C. Supervisors, when notified, will respond to all individuals' complaints of Bias-based Policing. Supervisors will not discourage individuals from filing complaints and will avoid actions that could be interpreted to constitute intimidation, coercion or threaten retaliation against individuals to discourage or prevent them from filing complaints. Supervisors will ensure the complaint is handled in accordance with established Departmental policy.

INVESTIGATIVE PROCEDURES

A. Complaints of Bias-based Policing will be accepted up to 180 days from the commission of the alleged violation.
B. Complaints will be investigated in accordance with established internal affairs procedures.
C. When a complaint is submitted, the Department shall remit to complainant in writing acknowledgment of its receipt, as well as the findings of the investigation.

DISCIPLINARY PROCEDURES

Appropriate discipline, in accordance with established internal affairs procedures, will be implemented for non-compliance with this policy up to and including dismissal.

ATTORNEY GENERAL SUBMITTAL

In accordance with the *2009 Prohibition of Profiling Practices Act*, a copy of Bias-based Policing complaints shall be submitted to the Attorney General's Office along with the disposition, but shall not disclose personal identifying information of the complainant or the Deputy.

BIAS-BASED PROFILING
COMPLAINT FORM

INSTRUCTIONS: Please complete this form as thoroughly as possible. If you require assistance to fill out the form, or have any other questions, please contact the Internal Affairs/ Professional Standards Unit. You may submit this complaint by mail, Fax, electronic mail, or in person. Receipt of complaint will be mailed to you within ten days, if you choose to include your address.

DEFINITION OF BIAS-BASED POLICING/PROFILING:
The reliance by a Deputy on an individual's race, ethnicity, color, national origin, language, religion, gender, gender identity, sexual orientation, political affiliation, religion or physical or mental disability in initiating, conducting or determining the scope or substance of an investigatory or enforcement activity, including an arrest, detention, traffic stop, pedestrian stop, interview, frisk or search.

CONTACT INFORMATION of Complainant
(You may also choose to initiate this complaint anonymously or by third party)

Name_____/_____
First Last

Address_____/_____/_____/_____
Street City State Zip

Telephone_____/_____
Home Work/Cell

Other Contact Method_____ Today's Date _____

INCIDENT ACCOUNT

Date of Incident _____ Time of Day _____ am pm

Address of Incident _____

Name of Deputy or badge number (if known) _____

How person was affected by incident:

- ☐ Questioned and Released
- ☐ Received Citation
- ☐ Arrested
- ☐ Injured
- ☐ Other: _____

(over)

Please indicate on what basis you feel you were subject to Bias-based Policing/Profiling:

[ ] Race [ ] Ethnicity [ ] Color [ ] National origin

[ ] Language [ ] Gender [ ] Gender identity [ ] Sexual orientation

[ ] Political affiliation [ ] Religion [ ] Physical or mental disability, or serious medical condition

[ ] Other: _____

NARRATIVE

In your own words, please write a narrative of your complaint. Be as detailed as possible and be specific about why the incident indicates Bias-based Policing/Profiling. Attach additional pages if necessary.

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WITNESSES WHO HAVE DIRECT KNOWLEDGE OF INCIDENT IN QUESTION:

Witness Name_____/_____
First Last

Address_____/_____/____/_____
Street City State Zip

Telephone_____/_____
Home Work/Cell

Witness Name_____/_____
First Last

Address_____/_____/____/_____
Street City State Zip

Telephone_____/_____
Home Work/Cell

Witness Name_____/_____
First Last

Address_____/_____/____/_____
Street City State Zip

Telephone_____/_____
Home Work/Cell

END OF STATEMENT

By signing below I attest that the information provided on this form is true and factual to the best of my knowledge, and that I have filed the complaint of my own free will and accord.

_____
Signature of Complainant Date