# Profiling/Bias-Based Policing

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<td>04-28-2003</td>
<td>12-01-17</td>
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<td>Operational</td>
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**Policy Source:** Chief of Police

**Total Pages:** 5

**SPECIAL INSTRUCTIONS:** Amends: Profiling/Bias-Based Policing 04-02-13

**OTHER POLICIES REFERENCED:** • Internal Affairs

## I. PURPOSE

The purpose of this policy is to unequivocally state that the Appleton Police Department does not condone any use of racial or bias-based profiling as a means to accomplish 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.

## II. POLICY

It is the policy of the Appleton Police Department that the practice of racial and bias-based profiling by employees of this agency is strictly prohibited. All employees of the Appleton Police Department whether civilian or sworn, shall 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 Appleton Police Department shall endorse or act upon stereotypes, attitudes or beliefs that a person's race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or any other identifiable characteristic, increases the probability that the person will act unlawfully.

## III. DISCUSSION

## IV. DEFINITIONS

**A. Probable Cause:** The amount of evidence which would lead a reasonable police officer to believe that a crime probably has been committed and that the person in question has probably committed it. It is more than a hunch or suspicion, but is less than sufficient evidence to bind over for trial.

**B. Racial/Bias-based profiling:** The detention, interdiction, selection, or other treatment of any person solely on the basis of common traits he/she possesses such race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, or cultural group or any other identifiable characteristics.
C. Reasonable suspicion: Suspicion that is more than mere conjecture and is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

D. Traffic Stop: For the purpose of this policy, a traffic stop shall be defined as “any contact with a motor vehicle operator on a public street or highway, initiated by the police officer, resulting in the detention of a motor vehicle.”

V. PROCEDURE

A. General Guidelines

1. The policy against racial and bias-based profiling will be enforced in all phases of law enforcement operations, including, but not limited to, traffic contacts, field contacts, criminal investigation, asset seizures/forfeitures, and the citizen complaint process.

2. 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 employee conduct by line and staff supervisors to ensure compliance with the policy
   b. Regular review of offense reports, citations, municipal summonses, citizen contact reports, and other documentation of employee/citizen interaction.

3. Additional oversight of law enforcement operations will occur in response to unique circumstances. This is outlined further in section D of this policy.

4. To ensure equal protection under the law, Appleton police officers are deployed by area, time of day, and day of week in a manner that is determined by workload analysis and is not influenced by the particular demographics of a segment of the community.

5. In the absence of a specific credible report containing a physical description or other specific identifiable information, a person’s race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age,
or cultural group, or other identifiable characteristics belonging to a certain group shall not be a factor in determining reasonable suspicion for a stop or probable cause for arrest.

6. The deliberate reporting of any misleading information regarding the actual or perceived race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or other identifiable characteristics belonging to a certain group for enforcement or investigative purposes is prohibited.

B. Field Contacts

1. Citizens shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they are committing, have committed, or are about to commit an infraction or as a result of the lawful community caretaker function.

2. Every time a field contact is initiated, providing circumstances permit, the officer shall notify the Communications Center of the location of the stop, the license number of the vehicle or vehicle description if a plate number is unavailable, or a description of the citizen if no vehicle is involved. If circumstances do not permit this communication at the onset of the contact, it shall be performed as soon possible thereafter.

3. During field contacts, all persons will be treated with courtesy and respect. When reasonable, the following shall apply to all officers conducting a field contact:
   a. Greet the person being stopped.
   b. Identify yourself by rank and name.
   c. State the reason for being stopped or detained.
   d. Ask for identification and any other required documents.
   e. Upon conclusion of the contact, explain any action being taken.
   f. Strive to make every contact educational and leave the person with an understanding that the officer has performed a necessary task in a fair and professional manner.

4. No citizen, once cited or warned, shall be detained beyond the point where no reasonable suspicion of further criminal activity exists or, in the case of the community caretaker function, any lawful reason to extend the contact.
5. 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. The decision to seek consent to search shall not be based on race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or other identifiable characteristics belonging to a certain group.

6. If a patrol vehicle is equipped with an in-car video system, the video and sound shall be activated for all contacts resulting from a vehicle stop. The video equipment shall be activated prior to the stop to record the vehicle and/or the behavior of the driver or passengers of the vehicle. The video equipment shall remain activated until the contact concludes.

C. Training

1. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

2. Officers will receive initial and ongoing training designed to prevent bias-based policing. Training topics will vary and may include field contacts, vehicle stops, search and seizure, asset seizure and forfeiture, interview techniques, cultural diversity, and interpersonal communications skills.

D. Complaints Involving Racial/Bias-based Profiling

1. Any person who believes their contact with a member of the Appleton Police Department has been influenced by racial/bias-based profiling may file a complaint at the department.

2. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because they have filed such a complaint.

3. Any employee contacted by a person who wishes to file such a complaint shall inform the person of the procedure for filing a citizen complaint as outlined in the Appleton Police Department policy entitled Internal Affairs and shall notify a supervisor of the contact.

4. A supervisor who becomes aware of a complaint of racial/bias profiling shall immediately initiate a preliminary investigation into the matter and follow the Internal Affairs.

5. Supervisors shall constantly be alert to the actions and activities of their subordinates and if improper conduct is suspected, they shall review
audio/video recordings, radio and telephone audio tapes, written reports and randomly respond to officer field and vehicle contacts.

E. Disciplinary Action

1. Consistent with any complaint of misconduct, the agency will contact the reporting citizen alleging a violation of this policy and advise them of the disposition and departmental action taken regarding the citizen’s complaint of racial/bias profiling.

2. Members of the Appleton Police Department found to be in violation of this policy will be subject to disciplinary action up to and including termination of employment.

F. Annual Analysis

1. On an annual basis, the Assistant Chief, or designee, will prepare and forward a statistical report to the Chief of Police and members of the senior staff that details the number, outcome, and status of complaints received during the previous year alleging racial/bias-based profiling.

12-06-17

Todd L. Thomas
Chief of Police