

	<b>SECTION:</b>	<b>ADMINISTRATION</b>	<b>ADM-133</b>
	<b>CHAPTER:</b>	<b>CONDUCT AND ETHICS</b>	
	<b>DIRECTIVE:</b>	<b>PROFILING (High Risk)</b>	

**133.01 SUMMARY**

This directive affirms the Police Department’s commitment to deliver law enforcement services that are unbiased, impartial and non-discriminatory in application and effect. The policy clarifies the circumstances in which race may be considered as a factor in establishing reasonable suspicion and/or probable cause and establishes policies and procedures to assure the public that the Police Department is providing fair, equitable and just service to those that it aids and protects.

This Department, as a matter of general policy, acts proactively. The Officers of the Department consistent with that policy shall zealously patrol, investigate and prosecute offenses that violate the peace and dignity of the community.

Officers shall at all times base their actions on a thorough understanding and application of well settled principles of law. Those principles include but are not limited to reasonable suspicion and probable cause.

The Department requires that any police action taken by an Officer(s), which includes all investigative stops, traffic stops, arrests, searches and seizures of persons and/or property, shall be premised on reasonable suspicion and/or probable cause as required by the 4<sup>th</sup> Amendment to the United States Constitution and case and statutory law. Consistent with those principles an Officer must be able to articulate specific facts and circumstances based on his/her experience and training which support the existence of reasonable suspicion and/or probable cause for the police action.

Officers shall not initiate or take police action solely on or because of the ethnicity, religion, age, gender, gender identity or sexual orientation of a person. The Department does not condone the use of discriminatory policing, hereinafter referred to as Profiling in its enforcement efforts.

**133.02 DEFINITIONS**

**PROFILING OR BIASED BASED PROFILING** – Biased Based Profiling is the stopping, detaining or arresting of a person or taking police action solely on or because of a characteristic or status of the person. Characteristics or status include but are not limited to, race, color, nationality, ethnicity, gender, sexual orientation, religion, economic status, disability, age and/or culture.

## DEFINITIONS (con't)

**CONTACT(S)** – A contact is a face-to-face meeting between a person and an Officer in which the Officer does not use his/her authority or physical force to unreasonably restrict the person's freedom of movement. (As defined in the Colorado Peace Officer's Handbook) Generally a contact is a consensual encounter between an Officer and a person or persons that in most instances is strictly voluntary. An example of a contact is approaching a person while walking on foot and in a non-threatening or coercive manner asking the person(s) a few questions during which time the person(s) is free to leave.

**REASONABLE SUSPICION (also known as articulable suspicion)** – Reasonable suspicion is suspicion that is more than a mere hunch. Reasonable suspicion is based on a set of articulable facts and circumstances the existence of which would cause a person of reasonable caution to believe that a violation of law has been committed, is about to be committed or is in the process of being committed, by the person or persons under suspicion. Reasonable suspicion may arise from observations made by an Officer combined with his/her training and experience and/or reliable information received from credible sources.

**STOP** – A stop occurs whenever an Officer uses express or implied authority to temporarily detain a person(s) based on reasonable suspicion. (As defined in the Colorado Peace Officer's Handbook) A temporary detention or vehicle stop is an application of express and implied authority by an Officer. A stop is something less than an arrest but more substantial than a contact.

## 133.03 IMPARTIAL POLICING

**MUST HAVE REASONABLE SUSPICION OR PROBABLE CAUSE** – All stops (vehicle or pedestrian), arrests, searches and seizures of property (to include asset seizure and forfeiture procedures) by an Officer shall be based on reasonable suspicion and/or probable cause as required by the Fourth Amendment of the U.S. Constitution, case and statutory law construing the same. In order to be lawful, an Officer must be able to articulate specific facts, circumstances and conclusions, based on his/her experience and training, that support a finding of reasonable suspicion and/or probable cause for all stops, arrests and searches and/or seizures of property.

**NO PROFILING OR CONTACTS BASED ON RACE OR OTHER FACTORS** – An Officer shall not make any contact, stop, arrest, search and/or seizure solely upon a persons, race, color, nationality, ethnicity, gender, sexual orientation, religion, economic status, disability, age and/or culture.

**IMPARTIAL POLICING (con't)**

- An Officer shall not assert that he/she had reasonable suspicion and/or probable cause to contact, stop, arrest, search, and/or seize any person or property solely because of a person's race, color, nationality, ethnicity, gender, sexual orientation, religion, economic status, disability, age and/or culture.
- An Officer may take into account the race, ethnicity, gender, sexual orientation, religion, economic status, age and/or culture of a specific suspect(s) if the Officer has credible, reliable, locally-relevant information that links a person that has a specific characteristic(s) to a particular crime or criminal incident and/or links a suspect to a particular series of crimes or criminal incidents.
- In the delivery of police services to victim(s), the suspect(s) and/or person(s) accused of committing a crime no person shall be singled out or otherwise treated differently on account of his/her race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture.

**133.04 AUTHORITY AND RESPONSIBILITY**

**COMPLIANCE WITH STATE LAW** – Pursuant to **C.R.S. 24-31-309**, an Officer shall provide, without being asked, an explanation for a contact or stop made. Similarly an Officer shall provide a Department issued business card to any person whom an Officer has detained on a traffic stop, if that person is not issued a summons or arrested or when requested by the person detained. Additionally, the Officer should give a business card to anyone who requests one, regardless of their location in the vehicle.

**133.05 PROCEDURE IF CITIZEN IS STOPPED**

**PROVIDE A BUSINESS CARD** – An Officer, as a matter of Department policy, shall provide a Department issued business card to any person who has been the subject of a **Stop**. This policy does not apply to an Officer involved in authorized undercover operations or to **Contact**. The Officer shall insure that his/her business cards contain the following information:

- Officer's name
- Officer's badge/ID number
- Officer's assignment
- A telephone number that may be used to report any comments, positive or negative, regarding the Stop.

**133.06 MANDATORY REPORTING**

**MUST REPORT VIOLATION(S)** – Any Department employee who knows or has reason to believe that this directive has been violated shall immediately report the same to his/her supervisor.

- If any person knows or has reason to know or a complaint is made that any employee has engaged in practices prohibited by this directive, the employee having the information shall immediately notify the on-duty supervisor.
- The on-duty supervisor shall promptly respond to any information/complaint that this directive is being/has been violated.
- The on-duty supervisor shall, in all instances of known or suspected biased based profiling, complete a Department Memo or written report in accordance with the “Commendation and Complaint Investigations” (ADM-144) directive.
- An Officer, his/her peers and their Supervisors are responsible for monitoring police action to ensure that the directive is being followed. Most importantly each is responsible to report any indications of racial profiling and/or discriminatory practices and to stop the same should they occur.
- The Services Commander shall annually review any biased-based profiling complaints and other possibly discriminatory policing complaints to ensure consistency with the law and appropriate performance by the Department’s Officers.
- The Chief of Police shall provide on request to any person any information concerning biased based profiling and the Department’s effort to ensure lawful police conduct. The Department information may include or be about statistics, training, internal and external awareness/compliance programs, community outreach and other information about community oriented policing. In no event shall any disclosure(s) include in the name of an Officer alleged to be involved in profiling or the name(s) of any person(s) alleging profiling.
- Violations of this directive shall be investigated and resolved in accordance with the procedures described in the “Commendation and Complaint Investigations” (ADM-144) directive and “Discipline, Appeals and Grievances” (ADM-147) directives in effect at the time.

## 133.07 TRAINING

**MANDATORY TRAINING** – All Department personnel shall receive refresher training on a periodic basis either during patrol briefings or during the Department's In-Service Academy. The training will address the harms of racial profiling and discrimination and shall include a review of this policy.

- An Officer who has been found to have engaged in racial profiling or other discrimination shall be disciplined, up to and including termination. An Officer, as part of or in addition to disciplinary action, may be ordered to attend and complete diversity and/or sensitivity training as designated by the Department. Training is not an appealable discipline.

Training whether, in the context of discipline or otherwise, shall emphasize the need for Officers to understand and respect the rights of all persons to be free from unreasonable police action.

