



KENNETH W. STOLLE  
SHERIFF/HIGH CONSTABLE

## POLICY & PROCEDURE GENERAL ORDER

SUBJECT: <b>BIASED BASED ENFORCEMENT</b>		# <b>08-12-00</b>
EFFECTIVE DATE <b>08-11-04</b>	REVISION DATE <b>01-01-2017</b>	PAGE <b>1 OF 4</b>

**VLEPSC - ADM 02.05**  
**MS - NONE**

### **Purpose:**

The purpose of this policy is to provide a clear statement of the Sheriff’s philosophy regarding bias based profiling and to clarify the appropriate basis to be used by deputies when selecting individuals for law enforcement contact, jail operations, and action. Deputies are expected to carry out their policing responsibilities in accordance with legal requirements or restrictions and in a professional manner.

### **Policy:**

The Sheriff’s Office is committed to the unbiased delivery of Law enforcement and correctional services, and neither condones, nor will tolerate, bias based profiling or policing in jail operations, traffic contacts, field contacts, searched or property seized, or any contacts for a law enforcement purpose. Whereas profiling in itself can be a useful tool to law enforcement deputies in carrying out their duties, bias-based profiling or policing undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Furthermore, bias based profiling alienates citizens, reduces public respect and confidence, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action, and judicial intervention.

### **Definition:**

Bias-Based Profiling is the interdiction, detention, arrest, or other treatment of an individual based inappropriately upon one’s race, national origin, citizenship, religion, ethnicity, age, gender, economic status, or sexual orientation. Members of the Sheriff’s Office shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation as the primary reason in determining whether individuals should be stopped, disciplined, searched, or property seized.

## **Procedures:**

### A. General Responsibility

Sheriff's Office appointees are responsible for familiarity with, and adherence to legal guidelines when selecting or targeting any individual for law enforcement purposes.

1. Deputies will apply selection criteria that is objective, unbiased, and based upon facts and observations which can be articulated clearly;
2. Deputies should focus on an individual's conduct or other specific suspect information.
3. Deputies must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity, or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others.
4. In delivery of Sheriff's services, deputies are expected to treat individuals in an impartial, unbiased, and professional manner, regardless of the type of contact or the individual's status (victim, witness, suspect, inmate, etc.).
5. Deputies shall treat every person with courtesy and respect. Deputies shall provide the reason for the stop on every detention, arrest, traffic stop, or other non-consensual encounter of an individual.
6. Deputies shall provide their name, J-code, and supervisor's name whenever the person stopped requests the information. All stops of citizens and vehicles shall be limited to the amount of time necessary to reasonably conduct the deputy's official actions.

### B. Supervisory Responsibility:

1. All Sheriff's Office supervisors are responsible for ensuring that the appointees assigned under their command authority are familiar with the Sheriff's Office philosophy regarding bias based profiling and policing, and apply that philosophy, as well as legal guidelines, in the performance of their duties and responsibilities.

2. All levels of supervision shall take prudent steps to ensure deputies in their command do not engage in bias-based profiling practices, and will take appropriate corrective action in accordance with Policy and Procedure Rules/Regulations and Discipline General Order when discovered, to ensure that this activity does not continue. This should include clearly stating to deputies that bias-based profiling will not be tolerated, ongoing reviews of enforcement activities and reports with a focus to identify possible profiling patterns, and encouraging appropriate enforcement tactics.
3. Supervisors are expressly prohibited from condoning or encouraging bias- based profiling as well as ignoring patterns of bias-based profiling on the part of any member of the Sheriff's Office.

#### C. Training Responsibility

1. The Training Academy is responsible for locating and/or providing initial and on-going training, remedial training, or additional training in topics addressing, or related to, the issue of bias based profiling and policing, including cultural diversity awareness, ethics, communication and interaction with citizens, and other similar issues. All sworn appointees shall receive initial and on-going training in cultural diversity.
2. The Training Academy is also responsible for documenting participation in this training on the attendees' individual training records.

#### D. Professional Standards:

1. The Professional Standards Office is responsible for completing and submitting to the Chief Deputy a monthly report identifying received complaints alleging bias-based profiling or policing action by Sheriff's appointees.
  - a. Complaints from inmates related to bias based enforcement received as a grievance shall be investigated as outlined in Policy and Procedure Inmate Grievance Process General Order.
  - b. Citizens complaints and complaints initiated by other means shall be investigated by Professional Standards, or as assigned by the Chief Deputy

as outlined in Policy and Procedure Receiving, Investigation, and Disposition of Complaints and Appointee Grievances General Order.

2. Professional Standards is responsible for providing an annual report, which documents both the bias based profiling or policing complaints received and the disposition of those cases whose investigations have been completed.

**Revisions:**

The Sheriff may revise or rescind this policy, or any portion thereof, at any time.



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