



Alexandria Police Department

Directive 2.4



NON-BIASED POLICING

Effective Date: 03-06-2020		Cancels: 01-07-2009
Updated Date:	Section(s):	SME Review Date:
Updated Date:	Section(s):	2024
Updated Date:	Section(s):	

CONTENTS

- 2.4.01 PURPOSE AND POLICY
- 2.4.02 DEFINITION
- 2.4.03 PROCEDURES
- 2.4.04 OFFICER RESPONSIBILITIES
- 2.4.05 SUPERVISORY RESPONSIBILITIES
- 2.4.06 TRAINING
- 2.4.07 ADMINISTRATIVE REVIEW

2.4.01 PURPOSE AND POLICY

The purpose of this directive is to emphasize the Department's commitment to protect the constitutional and civil rights of all citizens in all cases. Every member of this Department is required to treat all persons fairly and equally, with dignity and respect.

All police actions, including but not limited to traffic stops, investigative detention, interrogation, arrest or use of force, must always be based on the proper and equitable application of law.

This Department prohibits any form of bias-based policing by any employee. *All enforcement actions, investigative detentions, traffic stops, arrests, searches, property seizures and forfeiture efforts shall be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and other statutory authority. Officers must be able to articulate the specific fact, circumstances and conclusions that justify the actions taken.* Any employee found to have taken any police action based on personal bias is subject to disciplinary action.

Police actions based solely upon characteristics such as a person's race, religion, ethnic background, gender or sexual orientation constitute biased policing and may

involve improper profiling. These practices are illegal, discriminatory by nature and detrimental to the Department, its mission and the community. They also erode the basic foundations of trust and respect that are essential to effective policing. [1.2.9.a]

2.4.02 DEFINITIONS

Reasonable Suspicion – A belief based on objective facts that lead an officer to reasonably suspect that a crime has been committed or is about to be committed. A reasonable suspicion must be based on the totality of the circumstances, including the officer’s knowledge, training, and experience. A reasonable suspicion does not exist unless the officer can articulate the objective factual basis for the officer’s belief.

Probable Cause – A “practical, non-technical” standard that calls upon the “factual and practical considerations of everyday life on which reasonable men act.” See *Illinois v. Gates*. A belief based on objective facts that lead an officer to reasonably suspect a crime has been committed or is about to be committed and the person(s) involved have committed it. Probable cause is also a belief based on objective facts that lead an officer to reasonably suspect evidence of the crime is present in a place to be searched.

Bias Based Profiling – The stop, detention, interdiction, search, questioning, property seizure / forfeiture or other differential treatment of an individual or individuals based solely upon the individual’s or individuals’ race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other similar or identifiable personal characteristic which is not, in itself, indicative of criminal behavior.

Bias Based Policing – The consideration of a person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other common trait in drawing inference that the person may be involved in criminal activity, or in contemplating any type of police activity or discretion.

2.4.03 PROCEDURES

A. Stopping and Approaching Persons and Vehicles

1. In the absence of a specific report, individual characteristics (such as *race*, *ethnicity*, sexual preference, socioeconomic *status*, age, gender, cultural, or religious *preference*) should not be a sole factor in the decision to stop, detain or arrest an individual; such characteristics alone do not justify the investigative stop of an individual or motor vehicle.
2. Officers may rely, in part, on race or nation or ethnic origin in taking appropriate action when they are on the lookout for, or are seeking to stop, detain, or apprehend, one or more specific persons who are identified or described, in part, by race or national or ethnic origin.

3. *When practical, an officer shall provide an explanation of the reason for the stop at the beginning of each traffic stop or field interview, unless, based on the specific circumstances, providing this information would compromise officer safety. Officers shall provide their name and badge number to citizens upon request.*
- 4 Traffic or investigative stops will be based on clearly articulable, reasonable suspicion that a *traffic violation has been committed or a crime has been committed or is about to be committed. No person, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity.*
- 5 Officers will conduct traffic or investigative stops as necessary to discharge their lawful duties of accident prevention and crime suppression. Officers will release stopped individuals as soon as practical. **[1.2.9.a]**
- 6 *Pretextual stops, or those in which the explanation to the citizen for the stop may not reflect all of the officer's actual reasons, are legal and in some circumstances a legitimate tool of effective police work. The officer's pretext is irrelevant when making a stop; the legitimacy of the stop will be gauged by its objective reasonableness. As long as an officer has one legal reason for the stop, then suspicions held by the officer unrelated to the stop are irrelevant.*

B. Field contacts and recording of information will be conducted pursuant to the provisions of. Police Directive 10.37, Warrantless Search.

C. Searches

1. *No person, place, or vehicle will be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information will be documented, including the legal basis for the search and the results thereof.*
2. See Police Directives 10.30, Search Warrants, 10.25, Searches Incident to Arrest, and 10.37, Warrantless Search, for further information.

D. Asset Seizure and Forfeiture

Asset seizure and forfeiture efforts will not be based solely upon the characteristics of the property owner, such as race, ethnicity, sexual preference, socioeconomic status, age, gender, cultural, or religious preference. **[1.2.9.a]**

2.4.04 OFFICER RESPONSIBILITIES

Officers witnessing or who become aware of conduct contrary to this policy will:

- 1. Report their knowledge of the incident to their immediate supervisor; and*
- 2. If the supervisor is the subject of the report or in the absence of their supervisor, the officer must report the behavior to another supervisor or the next level in the chain of command.*

2.4.05 SUPERVISORY RESPONSIBILITIES**[1.2.9.c]**

- A. Supervisors will evaluate their activities and those of subordinates within their control for disparate or unequal treatment and will appropriately intervene to prevent recurrence.
- B. Supervisors will familiarize themselves with this policy and take appropriate action whenever it appears that it is being violated. They will pay particular attention to any indication of inappropriate or illegal discriminatory treatment, whether from favorable or unfavorable bias.
- C. Supervisors will ensure that all personnel in their command are familiar with the content of this policy.
- D. Complaints of racial profiling or other biased policing activity will be processed in the same manner as provided in PD 2.2, Rules of Conduct.
- E. If biased policing occurs, corrective action may include supervisory counseling, remedial training, or disciplinary action. If it is determined that disciplinary action is necessary, administrative investigation and action will be in accordance with Police Directive 2.3, Complaints and Disciplinary Action. **[1.2.9.c]**

2.4.06 TRAINING**[1.2.9.b]**

The Professional Training Unit Supervisor will ensure that all new employees receive training on Fair and Impartial Policing during local training. New recruit officers will receive training on Fair and Impartial Policing during Basic Law Enforcement School at the Northern Virginia Criminal Justice Training Academy (NVCJTA).

The *Professional Training Unit Supervisor* will ensure that *all employees receive annual training on biased policing issues including legal aspects.*

2.4.07 ADMINISTRATIVE REVIEW**[1.2.9.d]**

The *Office of External Affairs and Professional Responsibility* will conduct an annual administrative review of Department practices *and any corrective measures taken* related to non-biased policing.

1. The review should include the following:
 - a. Any citizens' concerns received, related to biased policing.
 - b. Traffic hotline database maintained by *the Office of External Affairs and Professional Responsibility*.
 - c. Random MDB transmissions.
2. This review will summarize data for each calendar year in a report to the *Chief of Police*.

BY AUTHORITY OF:

Michael L. Brown
Chief of Police