

Bias-Free Policing

401.1 PURPOSE AND SCOPE

This policy is applicable to all members of the Department and extends by its very nature to all operational guidelines contained within the Suffolk County Police Department Policy and Procedure Manuals.

Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust. This policy is intended to reaffirm this Department's commitment to bias-free policing and to clarify the circumstances in which Department personnel can consider, when carrying out duties, the specified characteristics of race, ethnicity, national origin, age, gender, religion, disability, status as a victim of domestic violence, English language proficiency, economic status, sexual orientation, or gender identity or expression.

401.1.1 DEFINITIONS

Specified Characteristics - Race, ethnicity, national origin, age, gender, religion, disability, status as a victim of domestic violence, English language proficiency, economic status, sexual orientation, or gender identity or expression.

Biased Policing - Synonymous with "discriminatory policing" and means an inappropriate reliance on the specified characteristics as a basis for providing differing law enforcement services or conducting enforcement.

401.2 POLICY

It is the policy of the Suffolk County Police Department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group. Adherence to bias-free policing develops and nurtures the requisite standards of police conduct necessary for building and maintaining community trust.

401.3 BIASED POLICING PROHIBITED

Department personnel may not consider the specified characteristics except when credible, timely, and locally relevant intelligence links a person or people of a specified characteristic to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes. In those circumstances, personnel may rely on the specified characteristics only in combination with other descriptors.

It is biased policing if any officer's decisions/actions are based on the fact that the individual's demographics (e.g., race, income) are different from the demographics of the majority of the residents in the area in which the individual is found, unless the circumstances otherwise comply with the above policy. Officers may only consider the person's demographics in deciding whether or how to intervene if they have credible, timely, locally relevant information that links a person or people of a specified characteristic to a specific unlawful incident, or to specific unlawful incidents, criminal patterns or schemes.

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401.3.1 FACTORS TO CONSIDER

1. **Locally relevant** - This element requires that the intelligence will be linked to a specific geographical area, such as a park, an intersection or a neighborhood, or a series of the same or similar locations that are part of an established crime pattern, (e.g., commercial stores or religious institutions).
2. **Link between a demographic and a particular crime or crime category** - In the geographically relevant area, there is a demographic group that is linked to a particular crime, (e.g., robbery) or category of crimes, (e.g., drug-related crimes).
3. **Credible and timely intelligence** - The link referenced above is based on credible, (not based on biases, rumor, a single report, etc.), and timely, (i.e., not stale), information/intelligence.
4. **Adding the demographic to the confluence of factors** - The linkage above does not allow for police intervention with any person in that demographic group, but rather allows the officer to add the demographic variable to other factors (e.g., "behavior plus time of day") in making a duty related decision. For instance, the demographic might become a part of the totality of circumstances that produces reasonable suspicion to detain.

401.3.2 EXCEPTIONS TO THE USE OF THE SPECIFIED CHARACTERISTICS

The restrictions above on the use of these specified characteristics for guiding law enforcement decisions/actions do not apply to recruitment activities and to other activities designed to strengthen the Department's relationship with its diverse communities. (For instance, Community Relations Bureau recruitment personnel might develop marketing strategies specific to certain demographic groups; Patrol and/or COPE officers may prioritize certain demographic groups/communities for trust-building activities or crime prevention efforts).

401.4 COMPLIANCE

Every member of this Department shall perform his/her duties in a bias-free manner. Officers are encouraged to intervene at the time apparent biased policing occurs. Officers who have observed or are aware of an alleged instance of biased policing are responsible for promptly reporting any such allegation to a supervisor.

- (a) Supervisors shall ensure that all personnel in their command are familiar with the content of this Policy and will be alert and respond to indications that biased policing is occurring.
- (b) Supervisors receiving notification that a member has engaged in biased policing shall report such conduct to the Internal Affairs Bureau in accordance with the Personnel Complaints Policy.
- (c) Internal Affairs investigators shall investigate all allegations of biased policing in accordance with the Personnel Complaints Policy.

Apparent and alleged violations of this policy shall result in training, counseling, discipline or other remedial intervention as appropriate to the situation.

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No member shall retaliate against any person, whether within or outside of the Department, who reports or provides any information regarding an act of biased policing committed by any other member.

401.5 RELATED POLICIES

- (a) Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected specified characteristics of the individual. When documenting a contact, (e.g., traffic stop data collection, arrest report, Intelligence Debriefing Worksheet (PDCS-1206), the involved officer should include those facts giving rise to the contact. Except for required data-collection forms or methods, including as described within the Contacts and Temporary Detentions Policy, nothing in this Policy shall require any officer to document a contact that would not otherwise require reporting.
- (b) Language assistance resources shall be provided without bias and in accordance with the Limited English Proficiency Services Policy.

401.6 STATUTORY AUTHORITY

It is the policy of the Suffolk County Police Department to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Assurance signed annually by the Police Commissioner. These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department program or activity based on an individual's race, ethnicity, national origin, age, gender, religion, disability, status as a victim of domestic violence, English language proficiency, economic status, sexual orientation, or gender identity or expression. All officers conducting enforcement activities will comply with Suffolk County's Standard Operating Procedure B-07 dated July 31, 2020.

The Department has adopted a Public Notice of Title VI Program Rights that informs the public of Suffolk County's Title VI program assurances and responsibilities. This Public Notice of Title VI Program Rights is posted for public access on the Department's website at: <https://suffolkpd.org/>.

The Department provides Title VI program-related training to personnel conducting traffic enforcement, motor carrier compliance reviews and safety audit activities, including the adherence to FMCSA Enforcement Memorandum regarding English Language Proficiency Services versus Limited English Proficiency Services (MC-ECE-2016-006).

401.7 ADMINISTRATION

The Police Commissioner or designee should periodically review the efforts of the Department to provide fair and objective policing to identify any changes in training or operations that should be made to improve service.

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401.8 FORMS

Forms related to this policy include:

[Intelligence Debriefing Worksheet \(PDCS-1206b\)](#)

Attachments

Intelligence Deriefing Worksheet (PDCS-1206b).pdf

