

Revised 5-19-06, 08-01-13, 1-29-15, 4-8-15, 5-26-17, 5-21-19

DURHAM POLICE DEPARTMENT**86 Dover Road
Durham, New Hampshire 03824
(603)868-2324****POLICY #: 1.2.9****SUBJECT: Bias Policing**

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

Purpose

Discussion

The Durham Police Department does not condone the use of bias in its enforcement programs or in the conduct of day-to-day business as it may lead to allegations of violations of the constitutional rights of the citizens we serve; it undermines the legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias alienates citizens, fosters distrust of law enforcement by the community and invites media scrutiny, legislative action, and judicial intervention.

Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Bias policing; however, is the selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait. This includes, but is not limited to race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group or any other identifiable group or identifiable characteristic.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location or has been, is, or is about to commit a crime or violation, or is currently presenting a threat to the safety of themselves or others.

Policy

The Durham Police Department strictly prohibits the use of bias for the purpose of conducting any department business.

“Bias Policing” shall include, but is not limited to race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, or any other identifiable characteristics being used as the *sole determinant* for agency actions or omissions including, but not limited to day-to-day business, motor vehicle

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stops, field contact and interviews, arrests or detentions, and asset seizure and/or forfeiture.

Procedure

Training

- Newly hired police officers and other employees, as part of the [field training program](#) or job orientation, shall be trained not to use bias in the execution of agency business.
- Those employees hired before June 1, 2001 shall be required to attend annual in-service training, roll-call training, or legal update training that directly support the Durham Police Department prohibition of bias. Any training that falls into any of these categories received before June 1, 2001 shall be sufficient. However, periodic re-training is encouraged.

Corrective Measures

- Employees found violating this policy shall be subject to the [disciplinary system](#) found within this manual.
- It is incumbent upon all agency members to immediately report bias or suspicion of bias used by other agency members in the execution of agency business. Failure by an employee to report bias or suspicion of bias shall subject that employee to the disciplinary system found within this manual.

Administrative Review

- Complaints of bias shall be forwarded to the Chief of Police. The Chief of Police will assign any follow-up investigation to the Captain as a function of [Internal Affairs](#).
- The Captain shall conduct a documented annual administrative review of agency practices that shall include the identification of any reports of bias and shall review agency practices related to profiling to ensure that they are compliant with all legal considerations. If any discrepancies are discovered, the Captain shall prepare a written report to the Deputy Chief of Police detailing the findings and offering a plan for resolution.
- *This report will be separate from the Internal Affairs Review and Statistical Summary.*

Liaison to Community Groups

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- The relationship between law enforcement and groups such as the Lesbian, Gay, Bi-Sexual and Trans-Gender (LGBT) communities has been fraught with suspicion and misunderstanding. In keeping with the mission statement of the Durham Police Department, it is important for us to foster partnerships with groups that deal with bigotry and ignorance and work together to develop an atmosphere of understanding, respect and trust within our community. The Chief of Police, or his/her designee, will act as the department liaison to community groups such as the LGBT community or any other such group.
- See *Standards of Conduct, Workplace Harassment and Discrimination, LGBTQ Specifications* for further guidance.

Reporting

- It is, and has always been the policy of the Durham Police Department to report all hate crime statistics for the Town of Durham to the appropriate State and Federal agencies.
- If the Durham Police Department receives any report of Bias or Hate Crime, regardless if it rises to the level of a criminal offense or not, an offense report shall still be completed.
- An investigation will be conducted by the assigned officer and they shall attempt to identify any involved participants.
- When meeting with the reporting party, the investigating officer will explain to the reporting party that a report will be completed and the type of documentation that will be included in the report.
- Furthermore, if the complaint does not rise to the level of a crime and the involved party is identified, they will be notified a report is being taken that records their statements, words or actions they used in the course of the complaint, and that it may be used in the future if other complaints of Bias or Hate Crimes are reported or discovered.