

# Unbiased Policing

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## I. PURPOSE

The purpose of this policy is to emphasize the department's commitment to unbiased, equitable treatment of all persons. This policy also reaffirms the department's prohibition of any policy, procedure, or practice that constitutes biased policing of any group or individual.

## II. POLICY

It is the policy of the Cheswold Police Department that persons having contact with employees of the department shall be treated in a fair, impartial, equitable, and objective manner, in accordance with law, and without consideration of their individual demographics as defined in this policy.

It is also the policy of the Cheswold Police Department that biased policing is prohibited in its enforcement programs, including traffic contacts, field contacts, and in asset seizure and forfeiture efforts. Biased policing may lead to allegations of violations of the constitutional rights of the individuals we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, it may alienate members of the public, foster distrust of law enforcement by the community, and invite media scrutiny, legislative action or judicial intervention.

## III. DEFINITIONS

***Biased Policing:*** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of individuals or persons based on individual demographics.

***Fair and Impartial Treatment:*** The belief that persons, irrespective of race or other distinctions, shall be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or

mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

***Individual Demographics:*** For the purposes of this policy, personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.

***National Origin:*** As used in this policy, “national origin” refers to an individual’s or their ancestor’s country of birth or origin, or an individual’s possession of the physical, cultural or linguistic characteristics commonly associated with a particular country.

***Police Services:*** These are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic collisions, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

## IV. PROCEDURES

### A. Fair and Impartial Treatment

1. Biased policing is prohibited both in enforcement of the law and the delivery of police services.
2. Officers shall take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.
3. Officers are forbidden from using language or displaying symbols and gestures that are commonly viewed as offensive to or are indicative of bias towards any group or individual.
4. Unless exigent circumstances exist, officers should attempt to avoid engaging in a law enforcement matter when it involves a family member, friend, relative, or other person with whom they have a personal relationship, such that the officer’s objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, they will summon other officers for assistance. Officers should be fully aware of the public perception of potential bias that any such involvement may generate.
5. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.

### B. Routine or Spontaneous Activities in Law Enforcement

1. Officers shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.
2. Officers are prohibited from acting on the belief that possession of a listed characteristic by itself signals a higher risk of criminality.

**C. All Activities Other Than Routine or Spontaneous Law Enforcement Activities**

1. In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider individual demographics only to the extent that there is information, relevant to the locality or time frame, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, a threat to national or homeland security, or an authorized intelligence activity.
2. In order to rely on individual demographics, officers must also reasonably believe that the law enforcement, security, or intelligence activity to be undertaken is merited under the totality of the circumstances, such as any temporal exigency and the nature of any potential harm to be averted.

**F. Supervisory Responsibilities**

1. Supervisors shall:
  - a. Investigate complaints from members of the public, allegations, or what the supervisor believes could be instances of biased policing on the part of individual officers, units, or the department. All such complaints shall be documented and forwarded to the immediate supervisor, copying the chain of command, to the Chief of Police, or his/her designee.
  - b. Observe the practices of officers to ensure biased policing tactics are not being utilized.
2. Supervisors are authorized to request database information on the documented stops and searches performed by their officers.

**G. Training**

1. All officers shall complete State of Delaware Council on Police Training approved training related to biased policing issues, including legal aspects.
2. The Training Section shall conduct basic academy, periodic in-service and, where deemed necessary, remedial training on subjects related to:
  - a. Implicit bias and biased policing

- b. Cultural diversity
- c. Police-public interaction
- d. Standards of conduct
- e. Police ethics
- f. Conducting motor vehicle stops
- g. Field contacts
- h. Search issues
- i. Asset seizure and forfeiture
- j. Interview techniques
- k. Discrimination
- l. Community support
- m. Related topics suitable for preventing incidents of biased policing

**H. Public Integrity**

1. To ensure Public Integrity the Chief of Police, or his/her designee shall maintain data relating specifically to complaints of biased policing.
2. A monthly report will be completed, (as needed) that summarizes inquiries and complaints alleging biased policing on the part of department employees during the previous month. The monthly report shall include a comparison of the most recent complaints against records documented in earlier complaints.
3. The Chief of Police, or his/her designee shall conduct a documented annual administrative review of department practices, including community concerns.
4. Information shall be provided in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.
5. The Chief of Police, or his/her designee will facilitate completion of appropriate corrective measures if biased policing occurs.

ORDER EXECUTED and ISSUED this 29th day of JUNE, 2020.

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Christopher Workman  
Chief of Police