



Apex Police Department General Order



Title Bias Based Reviews & Deterrence		Order Number 706-20
Effective Date: July 31, 2020	Amends: General Order 706-15	
CALEA Standard: 1.2.9	Rescinds:	
Reference: NCGS 143B-903 GO 302 – Personnel Complaint Investigations GO 310 – Disciplinary System and Complaint Resolution Procedure GO 502 – Training Programs GO 1001 – Traffic Safety and Selective Enforcement	Pages: 5	
Forms: SBI-122 – Traffic Stop Report		

Bias Based Reviews & Deterrence

Purpose

The purpose of this directive is to affirm the department’s commitment to bias-free policing in all its encounters between an officer and any person. Additionally, to reinforce procedures that serve to assure public confidence and mutual trust through the provision of service and enforcing laws in a fair and equitable manner.

Policy

It is the policy of the Apex Police Department to protect the constitutional rights of all persons. The department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all. All employees are strictly prohibited from engaging in bias-based profiling in traffic contacts, field contacts, arrests, asset seizure, asset forfeiture efforts, or any other official police action or duty. (1.2.9 (a))

Definitions

Biased Policing – The selection of an individual(s) for enforcement action based solely on a trait

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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, culture group, or any other identifiable characteristics. (SOURCE: CALEA)

Bias – Prejudice or partiality, which may be based on preconceived ideas, a person’s upbringing, culture, experience, or education.

Detention – The act of stopping or restraining an individual’s freedom to walk away, approaching and questioning an individual outside the realm of consensual encounter, or stopping an individual suspected of being personally involved in criminal activity.

Ethnicity – A cluster of characteristics, which may include race but also cultural characteristics or traits, which are shared by a group with a common experience or history.

Probable Cause – Facts and/or circumstances within an officer’s knowledge and of which the officer has reasonable, trustworthy information where sufficient to warrant a prudent person in believing that the person had committed an offense or was committing an offense. (SOURCE: Farb; Arrest, Search, and Investigation in North Carolina, Fourth Edition, 2011)

Racial Profiling – A law enforcement-initiated action based on an individual’s race, ethnicity, national origin, or religion, rather than on an individual’s behavior or information identifying the individual as having engaged in criminal or other unlawful activity. **Racial profiling is strictly prohibited.**

Race – A category of people of a particular descent, including White, Black, Asian, etc. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to a group of people of an identified classification.

Reasonable Suspicion – Articulable, objective facts based on the totality of the circumstances which leads an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. (SOURCE: Farb; Arrest, Search, and Investigation in North Carolina, Fourth Edition, 2011)

Stop – The restraining of an individual’s liberty by physical force or a show of authority under the color of law.

Search – Looking for or seeking out that which is otherwise concealed from view.

Procedure

1. Reasonable suspicion or probable cause, as required by the United States Constitution and/or the North Carolina Constitution or other statutory authority, will form the basis for any enforcement action(s) or any other related official police action. Individuals will only be

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subjected to stops, seizures, or detention upon reasonable suspicion or probable cause that they have committed, are committing, or are about to commit a criminal offense or other unlawful act.

2. Officers must be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for an arrest, traffic stop, or investigative detention.
 - Officers should document the elements of reasonable suspicion or probable cause in the appropriate report(s).
3. Employees will maintain professionalism, integrity, and accountability in all contacts with the public in order to continue to enhance public trust within our community. Policing based on bias in any manner is inconsistent with the mission of the department, and is therefore prohibited. (1.2.9 (a))

Prevention of Misperceptions of Biased Policing

1. In an effort to prevent inappropriate and/or inaccurate perceptions of biased policing, officers should use the following techniques and strategies when conducting official interactions with the public:
 - Be courteous, polite, and professional
 - Introduce themselves (providing name and agency affiliation) and explain to the person the reason for the stop as soon as practical; unless providing this information will compromise the safety of officers or other persons
 - Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense
 - Answer questions the person may have, including explaining options for the dispositions of related enforcement action
 - Provide the officer's name and employee identification number when requested

Supervisor Responsibility

1. All supervisors are responsible for continually monitoring and examining all areas of police actions and activities under their command and control, in order to identify any indication of biased policing or discriminatory practices.
2. Supervisors will ensure that all employees under their command are familiar with the content of this General Order and will ensure adherence to its provisions.

Biased Policing Complaint Investigation

1. All employees will be aware of biased policing prohibitions and will report any suspected concern or violation to their immediate supervisor, the on-duty supervisor, a Watch Commander, a Division Commander, Deputy Chief of Police, or Chief of Police.

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2. Supervisors receiving information from subordinates or any other source regarding suspected or alleged biased policing will ensure that the information is forwarded to the Chief of Police through their chain of command.
3. All reports of complaints of biased policing will be documented and investigated in accordance with General Order 302 – *Personnel Complaint Investigation*.
4. Any employee found to be involved in biased policing or who fails to report suspicions of biased policing may be subject to counseling, training, disciplinary action in accordance with General Order 310 – *Disciplinary System and Complaint Resolution Procedure* and any other applicable written directive, and civil and/or criminal liability, if applicable.

Training (1.2.9 (b))

1. Training on biased policing issues, including legal aspects, will be provided to all sworn personnel in accordance with General Order 502 – *Training Programs* or as mandated by the North Carolina Criminal Justice Standards Education and Training Standards Commission. At a minimum training will be conducted:
 - During the field training program
 - Annually, through shift briefing or other training on this General Order and any other applicable written directives
 - As needed or directed by the Deputy Chief of Police or Chief of Police
 - **NOTE:** Legal Updates training is conducted annually during mandated in-service training and may include any legal aspects/updates relating to bias based policing

Documentation and Review

1. Pursuant to General Order 1001 – *Traffic Safety and Selective Enforcement*, the Crime Analyst will prepare a statistical report comparing CAD/RMS traffic stop data to submitted Traffic Stop Reports (SBI-122 – *Traffic Stop Report* in paper or electronic form). The report will be made available to each Division Commander no later than the fifth of each month following the review period. The Crime Analyst will also submit the report as part of his/her monthly report.
 - Each Division Commander will review the report for the personnel assigned to his/her division and document the review as part of his/her monthly report. The monthly report will:
 - Serve as documentation that the review has been completed
 - Include any findings, concerns, and/or actions taken in accordance with this General Order and any other applicable written directive
 - Be forwarded to the Chief of Police through the chain of command

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- Quarterly, the Crime Analyst will prepare a report from the submitted Traffic Stop Reports, which will include demographic summaries by officer. The report will be forwarded to those at the rank of Lieutenant and above for review.
 - Any findings, concerns, and/or actions taken in accordance with this General Order and any other applicable written directive will be documented in a memorandum and forwarded to the Chief of Police, through the chain of command.
- 2. Annually, the Deputy Chief of Police will conduct a documented administrative review of the department's practices, which will include, at a minimum, the following: (1.2.9 (c))
 - Biased policing training conducted during the year
 - Complaints alleging biased policing
 - Corrective action taken, if any, including re-training, counseling, discipline, policy review/update, etc.
 - Initiatives to address community concerns regarding biased policing
- 3. The review will be completed and submitted to the Chief of Police, through the chain of command, no later than January 31st of the year following the period subject to the administrative review.
 - This date may be extended with the approval of the Chief of Police.

Text in "Green" denotes a significant change in policy

BY ORDER OF:



John W. Letteney
Chief of Police