



<b>WHITEMARSH TOWNSHIP POLICE DEPARTMENT</b> <b>Lafayette Hill, Pennsylvania</b>	
<b>General Order</b> <input checked="" type="checkbox"/> <b>Special Order</b> <input type="checkbox"/>	<b>ORDER NUMBER</b>  <b>1.8.3</b>

<b>Subject:</b> <b>Bias Based Policing</b>		
Relevant Pennsylvania Law Enforcement Accreditation Commission Standards: 1.8.3		
<b>Date of Issue</b> November 8, 2019	<b>Effective Date</b> November 8, 2019	<b>Expiration Date</b> Until Amended or Rescinded
<b>Amends</b> General Order 1.8.3 from 9/27/2013	<b>Rescinds</b>	
<b>Authorization:</b> Chief Christopher P. Ward		
<b>Distribution</b> 1. General Order Manuals 2. Master Directives File 3. Training Verification for all Personnel		

## I. Purpose

The Purpose of this procedure is to unequivocally state that profiling racial and ethnic status or gender or sexual orientation or any combination of these is totally unacceptable, and to provide guidelines to officers to prevent such occurrences while protecting officers when they act within the dictates of the law and policy from unwarranted accusations.

## II. Policy

It is the policy of this police department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an infraction of the law.

## III. Definitions

- A. Racial Profiling—The detention, interdiction, or other disparate treatment of any person based solely on their actual or perceived racial or ethnic status.

- B. Reasonable Suspicion—also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

#### **IV. Procedure**

- A. Officers will not engage in the detention, interdiction, or other disparate treatment of any person based solely on their actual or perceived racial or ethnic status, gender or sexual orientation or any combination of these.  
(PLEAC 1.8.3-A)
- B. Department efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
- C. Officers will receive initial and ongoing training (once every three years) in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, and the laws governing search and seizure, and interpersonal communication skills.  
(PLEAC 1.8.3-B)
- D. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- E. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of the law in conducting such activities.
- F. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop, the description of the person or vehicle being detained, and the reason for the stop.
- G. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. The proper form must be filled out by the officer and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by the physical appearance or from the driver's license or other document provided by the individual.
- H. The Whitemarsh Township Police Department will use traffic crash data and citizen complaints regarding possible vehicle code violations to identify areas

for selective enforcement details aimed at public awareness, education and enforcement of the vehicle code. This type of enforcement is a form of acceptable police practice or directed patrol used to address public safety and/or citizen complaints and not a specific segment of the population.

- I. A motorist once cited or warned, shall not be detained beyond the point where there does not exist reasonable suspicion of further criminal activity, and no person or vehicle shall 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 shall be recorded, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searched only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refuse to sign", inserting initials and the signature of any witness in the signature block.
- J. If the police vehicle is equipped with a video camera, the video and audio shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated during the contact.
- K. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- L. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.

#### **V. Complaints of bias based policing.**

- A. Any person may file a complaint with the department if they feel they have been stopped or searched based on racial, ethnic, sexual orientation or gender-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. The procedures in General Order 2.3.1 shall be followed with regards to accepting a citizen complaint.
- B. Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen complaint form which may be mailed, and shall record the person's name, address, and telephone number. (G.O. 2.3.1)
- C. Supervisors receiving such a report shall forward it to the appropriate Division Commander with a copy to the Chief of Police. All such reports shall be

investigated and the complainant shall be informed of the results of the investigation within a reasonable time. The investigator's conclusion shall be forwarded to the Chief of Police and shall contain findings and any suggestions for disciplinary action or changes in policy, training or tactics. (PLEAC 1.8.3-C)

- D. On an annual basis, the department shall make available to the public a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated and the corrective actions taken to address the issue. (PLEAC 1.8.3-D)
- E. Supervisors shall review profiling complaints, periodically review reports filled on stops by officers and monitor officers on vehicle stops, taking appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers.