

|   |   |                           |                                     |
|---|---|---------------------------|-------------------------------------|
|  | Operational General Order   | 6.04 Bias-Based Profiling | PAGE 1 OF 2                         |
|   | SUBJECT   |                           | EFFECTIVE DATE                      |
|   | <b>Virginia Beach Police Department General Order</b><br><b>Chapter 6 - Constitutional Issues</b> |                           | <b>08/29/2016</b>                   |
|   |   |                           | ORIGINATOR/REVIEW                   |
| DISTRIBUTION  |   | CALEA: 1.2.9              | Professional Development & Training |
| ALL   |   |                           |                                     |
| BY THE AUTHORITY OF THE CHIEF OF POLICE:  |   | <i>James A. Ceena</i>     |                                     |

**Purpose**

To establish training, administrative reporting and the prohibition of bias-based profiling by members of the Virginia Beach Police Department.

**Definition**

Bias-Based Profiling- is the interdiction, detention, arrest, or other treatment of an individual based inappropriately on race, ethnicity, color, religion, age, sex, national origin, disability, gender, sexual orientation, gender identity/expression, pregnancy or childbirth, military service, genetic information, immigration status, housing status, occupation, language fluency or any other basis protected by federal, state, or local laws.

**Policy (CALEA 1.2.9)**

The Virginia Beach Police Department does not train, endorse, support, or condone any type of bias-based profiling in its interactions with the public. Members of this department shall not consider race, ethnicity, color, religion, age, sex, national origin, disability, gender, sexual orientation, gender identity/expression, pregnancy or childbirth, military service, genetic information, immigration status, housing status, occupation, language fluency or any other basis protected by federal, state, or local laws the primary reason in determining whether individuals should be stopped, searched or property seized.

Officers should focus on a person's conduct or other specific suspect information. Officers must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. All vehicle stops will similarly be based on a reasonable suspicion that the driver, occupants, or vehicle have been involved in a criminal offense or the driver of a vehicle committed a motor vehicle violation or other offense.

This order is not intended to inhibit officers from continuing to use their police skills to detect evidence of criminal activity during stops of persons and/or vehicles. Officers' abilities to uncover evidence of criminal activity during a stop have always been a valuable asset necessary in protecting the citizens of Virginia Beach. This order does not preclude officers from:

- Considering a person's apparent age when investigating a possible curfew violation or consumption/possession of alcoholic beverages.
- Conducting voluntary citizen contacts in order to solicit information or cooperation

- Conducting traffic safety check points in conformance with General Order 12.07, (Traffic Safety Check Points)

Officers shall treat every person with courtesy and respect. Officers shall provide the reason for the stop on every traffic stop, interdiction interaction, detention, arrest, or other non-consensual encounter of an individual.

Officers shall provide their name, badge number, and supervisor's name whenever the person stopped requests the information. All stops of citizens and vehicles shall be limited to the amount of time necessary to reasonably conduct the officer's official actions.

Whenever a person complains that an officer has engaged in bias-based profiling, the officer will immediately notify the shift supervisor. The citizen should be advised of the procedure and a request made to the citizen to remain at the scene until a supervisor arrives. If the citizen chooses to leave prior to the arrival of a supervisor, the officer should offer the citizen the name and contact number of the supervisor. The shift supervisor will conduct a preliminary investigation to determine the validity of the complaint and offer an explanation of the officer's actions if appropriate. In all cases where a citizen alleges bias-based profiling, the supervisor will document the encounter and forward the information to the Office of Internal Affairs. In cases where the citizen is satisfied after the initial contact with a supervisor, the case will be classified as an information case by IA and concluded. In cases where the citizen indicates they are not satisfied or desire to make a complaint, the supervisor will complete the required reports in accordance with the Administrative Investigations Field Guide.

A documented annual administrative review of agency practices and citizen's concerns related to bias-based profiling will be conducted by the Office of Internal Affairs and submitted to the Chief of Police.

On an annual basis, Department personnel with any enforcement authority will receive training on bias-based profiling. This training may include training on field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, legal issues, and community support.

All levels of supervision shall take prudent steps to ensure officers in their command do not engage in bias-based profiling practices, and will take appropriate corrective measures in accordance within the provisions outlined in General Order 2.07 - Discipline, when discovered, to ensure that this activity does not continue. This should include clearly stating to officers that bias-based profiling will not be tolerated, ongoing reviews of enforcement activities and reports with a focus to identify possible profiling patterns, and encouraging appropriate enforcement tactics. Supervisors are expressly prohibited from condoning or encouraging bias-based profiling as well as ignoring patterns of bias-based profiling on the part of any member of the department.