



# Athens-Clarke County Police Department

## Directive 8.02



### NON-BIASED POLICING

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### CONTENTS

- 8.02.01**      **POLICY AND PURPOSE**
- 8.02.02**      **DEFINITIONS**
- 8.02.03**      **PROCEDURES**
- 8.02.04**      **SUPERVISORY RESPONSIBILITIES**
- 8.02.05**      **TRAINING**
- 8.02.06**      **ADMINISTRATIVE REVIEW**

#### **8.02.01      POLICY AND PURPOSE**

It will be the policy of the Athens-Clarke County Police Department for all police actions, including but not limited to traffic stops, investigative detentions, interrogations, arrests, or uses of force, to always be professional and based on the proper and equitable application of law. This Department prohibits any form of bias-based policing by any employee. These practices are illegal, discriminatory by nature, and detrimental to the department, its mission and the community. The Department requires that all employees discharge duties in a procedurally just manner, including but not limited to the following:

- Treating all persons with dignity and respect;
- Allowing citizens to voice their thoughts and concerns during encounters (when facts and circumstances allow for it);
- Being transparent by taking the time and effort to explain actions (when facts and circumstances allow for it); and
- Having trustworthy motives.

An employee found to have taken any police action based on personal bias is subject to disciplinary action.

[CLE 1.2.9 a] and [SC 1.18 a]

The purpose of this directive is to emphasize the Department's commitment to protect the constitutional and civil rights of all citizens in all cases and ensure the basic foundations of trust and respect with the community that are essential to effective policing. Every member of this Department is required to treat all persons fairly and with dignity and respect.

#### 8.02.02 DEFINITIONS

Bias-Based Policing: the practice of using race, ethnicity, religion, gender, sexual orientation, economic status, age cultural group, or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching, arresting, or taking any other action against a person.

Reasonable Suspicion: A belief based on objective facts that lead an experienced officer to reasonably suspect that a crime has been committed, is being committed, or is about to be committed. Reasonable suspicion is a legal standard of proof that is less than probable cause but more than an inchoate and unparticularized suspicion or hunch and it **must be based on specific and articulable facts** taken together with rational inferences from those facts. Reasonable suspicion must be based on the totality of the circumstances, including the officer's knowledge, training, and experience. Reasonable suspicion does not exist unless the officer can articulate the objective factual basis for the officer's belief.

#### 8.02.03 PROCEDURES

##### A. Stopping and Approaching Persons and Vehicles

1. In the absence of a specific report or description, individual characteristics (such as race, ethnicity, sexual preference, socioeconomic status, age, gender, cultural, or religion) shall not be a sole factor in the decision to stop, detain, or arrest an individual; such characteristics alone do not justify the investigative stop of an individual or motor vehicle.
2. Officers should take into account the reported characteristics of an individual based on credible information that links a person of those specific characteristics to a particular criminal incident or series of crimes.

3. Traffic or investigative stops will be based on clearly articulable, reasonable suspicion that a crime, traffic offense, or other offense has been committed, is being committed, or is about to be committed.
4. Officers will conduct traffic or investigative stops as necessary to discharge their lawful duties of accident prevention and crime suppression. Officers will release stopped individuals as soon as the purpose for the stop has been thoroughly and properly investigated.
5. Officers will not expand the scope of any traffic or investigative stop beyond the initial purpose of the stop unless the officer develops clearly articulable, reasonable suspicion that another offense has been committed, is being committed, or is about to be committed.
6. Traffic and investigative stops will be conducted pursuant to the provisions of **Directive 5A.03 – Warrantless Searches**.

#### B. Video Camera

Officers who are issued body-worn cameras or operating vehicles equipped with a video camera system will operate their videos in accordance with established procedures for body-worn cameras and other mobile audio/video recording equipment, including:

1. Circumstances and methods by which the camera is to be activated and deactivated.
2. Proper labeling of recorded materials.
3. Time periods for retention of recorded materials.
4. Procedures for supervisory review of recorded materials.

#### C. Searches

1. Officers will conduct all searches in accordance with constitutional guidelines.
2. Officers will search incident to all arrests and conduct inventories in all appropriate cases.
3. Officers should initiate a search based only on information relevant to any fact, pattern, condition, behavior, or conduct relevant to an unlawful act or omission of the individual.

4. See [\*\*Directive 5A.07 – Search Warrants, 5A.08 – Search Incident to Arrest, and 5A.03 – Warrantless Searches\*\*](#) for further information.

D. Asset Seizure and Forfeiture

1. Asset seizure and forfeiture efforts will not be based solely upon the characteristics of the property owner, such as race, ethnicity, sexual preference, socioeconomic status, age, gender, cultural, or religious preference.

#### 8.02.04 SUPERVISORY RESPONSIBILITIES

- A. Supervisors will evaluate their activities and those of subordinates within their control for disparate or unequal treatment and will appropriately intervene to prevent occurrence.
- B. Supervisors will familiarize themselves with this policy and take appropriate action whenever it appears that it is being violated. They will pay particular attention to any indication of inappropriate or illegal discriminatory treatment, whether from favorable or unfavorable bias.
- C. Supervisors will ensure that all personnel in their command are familiar with the content of this policy.
- D. Complaints of racial profiling or other bias-based policing activity will be processed in the same manner as provided in **Directive 2.31 – Complaints and Disciplinary Actions**, by generating a BlueTeam entry.
- E. If bias-based policing occurs, corrective action may include supervisory counseling, remedial training, or disciplinary action. If it is determined that disciplinary action is necessary, administrative investigation and action will be in accordance with **Directive 2.31 – Complaints and Disciplinary Actions**.

[SC 1.18 b]

- F. All Unit-Level Commander will submit four quarterly reports each year (e.g., Q1, Q2, Q3, and Q4) to the Office of Professional Standards and the Accreditation Unit documenting their efforts and their supervisors' efforts to monitor officers' conduct related to bias-based policing. The report should be in memo format and shall include at a minimum:
  1. The reporting period for the report;
  2. Methods used to monitor for bias-based policing;
  3. Any concerns or trends of potential bias-based policing; and

4. Any unit-level complaints of bias-based policing received, along with confirmation that any complaints were investigated, the status of the findings, and corrective actions taken (if appropriate).

**8.02.05 TRAINING**

The Career Development and Training Unit Commander will ensure that training of personnel, including non-biased policing issues, bias based profiling, legal aspects, and updates is conducted for newly hired employees, as well as annually for all employees.

**[CLE 1.2.9 b], [CLE 33.5.1] and [SC 2.1 a, d]**

**8.02.06 ADMINISTRATIVE REVIEW**

**[SC 1.18 b-c] and [CLE 1.2.9 c]**

- A. The Office of Professional Standards will conduct a documented annual administrative review of Department practices related to bias-based policing.
  1. The review should include the following:
    - a. *Any citizen's concerns received related to bias-based policing;*
    - b. *Review and assessment of policy and training;*
    - c. *Corrective measures taken if bias-based profiling occurs;*
    - d. *Traffic and other relevant enforcement action data; and*
    - e. *The quarterly reports for the corresponding year.*
  2. This review will summarize data for each calendar year in a report to the Chief of Police.

**By Authority of:**

**Jerry G. Saulters  
Interim Chief of Police**