

Washtenaw County Sheriff's Office

General Order

Biased Police Practices: Contact, Data Collection

Reference Number: 2.03 GO



Jerry L. Clayton, Sheriff

Subject:	Biased Police Practices: Contact, Data Collection
Chapter:	Administrative Operations
Status:	Reviewed-No Change
Compliance:	Class 2
Supersedes:	All Previous Directives or Specific Directives
Standards Reference:	
Prepared by:	Jerry L. Clayton, Sheriff
Reviewed by:	Jerry L. Clayton, Sheriff
Issued by:	Mark Ptaszek, Undersheriff
Issuing Authority:	Jerry L. Clayton, Sheriff
Date of Issue:	08-19-19
Public Facing:	Yes

I. PURPOSE

- A. The purpose of this policy is to reaffirm the Washtenaw County Sheriffs' Office commitment to unbiased policing and to provide clear and specific directions regarding the procedures agency members shall adhere to that assures the delivery of effective service to the public while guaranteeing to all persons equal protection under the law.

- B. Every contact between a law enforcement officer and a member of the community is an opportunity for the officer to create either a positive or negative image of law enforcement in the member of the community's mind. Even if the employee has not conducted him/herself in a non-biased manner, a failure by the officer to perform their duties in the most professional and courteous manner during the contact may leave the member of the community feeling disrespected and underserved. This policy is intended to communicate what is expected of Sheriff office employees during member of the community contacts.

- C. To establish the procedures for the collection of data which evaluates member of the community contact with respect to biased police practices.

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II. SCOPE

- A. This procedure applies to all full-time and part-time Sheriff's Office employees who regularly make investigative or enforcement contact with members of the community and inmates as a part of their assigned duties.

III. DEFINITIONS

- A. Member of the Community - A general member of the public, who is subjected to police-initiated contact, as a part of an investigation or other enforcement action. Includes but is not limited to: suspects, possible suspects, pedestrians, vehicle drivers *and* occupants, vessel operators *and* occupants.
- B. Police-Initiated Contact - Investigative contact with a member of the community by a Sheriff's Office employee during the course of assigned duties. Contact with the member of the community is initiated by the employee and results in temporary detaining or searching of the member of the community. The contact may be as a result of a traffic stop, Be On the Lookout (BOL), investigation of suspicious activity or other activity.
 - 1. Police-initiated contact also includes public relations (PR) contacts made by the employee on behalf of the agency to promote or enhance agency goodwill, or as follow-up to a previous investigation. PR contacts do not include casual greetings of a personal nature or presentations or demonstrations to a group of people.
- C. Enforcement Personnel - All Police Services Division employees who are certified or non-certified, full or part-time, paid or unpaid, who by course of their duties initiate law enforcement action against a member of the community. This includes Deputies, Command Officers, Marine Safety Officers, Reserve Deputies, Animal Control Officers, and Community Service Officers.

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- D. Biased Policing - Any law enforcement-initiated action that does not rely upon the behavior of an individual, or specific suspect information generated from a credible source, but does rely upon the subjective use of the following characteristics: race, ethnicity, national origin, religion, age, gender and sexual orientation
- E. Criminal Assessment Components - Are comprised of three primary areas; Behavior, Characteristics, and Key Indicators that provide information, circumstances and facts that law enforcement use as the basis to generate criminal suspects and identify potential criminal activity.
- F. Subjective Application of Criminal Assessment Components - Any time an officer allows personal emotions, opinions and biases to influence how that officer will utilize information relative to behavior, characteristics, and key indicators when deciding to initiate all investigative detentions, traffic stops, arrest, searches and seizures of persons and/or property.
- G. Objective Application of Criminal Assessment Components - Any time an officer uses; directly observed behavior or circumstances known to be consistent with an individual involved in criminal behavior and/ or the timely utilization of specific information from a credible and reliable source as the basis to generate criminal suspects and identify potential criminal activity.

IV. POLICY

- A. It is the policy of the Washtenaw County Sheriffs' Office that all police-initiated actions, including all investigative detentions, traffic stops, arrest, searches and seizures of persons and/or property by employees will be based on a standard of reasonable suspicion or probable cause consistent with the Fourth Amendment of the United States Constitution. Employees must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for the investigative detention, traffic stops, arrest, and searches.
- B. Employees shall not subjectively consider race, ethnicity, national origin, religion, age, gender and sexual orientation in establishing either reasonable suspicion, probable cause, when deciding to initiate

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nonconsensual contacts that do not amount to legal detentions, or as a basis for requesting consent to search.

- C. Employees may objectively consider race, ethnicity, national origin, religion, age, gender and sexual orientation as an acceptable Criminal Assessment Component when deciding to initiate all investigative detentions, traffic stops, arrest, searches and seizures of persons and/or property.

V. PROCEDURE

A. Member of the Community Contact

- 1. In an effort to prevent inaccurate member of the community and community perceptions of biased policing by the Sheriffs' office, each employee shall only assess situations and individuals by objectively evaluating behavior, characteristics and other key indicators prior to the contact or traffic stop.
- 2. During contact the employee shall do the following:
 - a) Introduce himself or herself to the member of the community (providing name and that they represent the Washtenaw County Sheriffs' Office).
 - b) State the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.
 - (1) During traffic stops and pedestrian contacts, the employee shall provide this information prior to asking the member of the community for identification and other forms of information.

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- c) Only make decisions regarding subsequent courses of action based on the objective assessment of the circumstances. Detentions shall take no longer than is necessary and reasonable for the known or suspected offense.
- d) Answer any questions the member of the community may have, including explaining options for traffic citation dispositions, if relevant.
- e) Employees shall provide their names and badge numbers when requested. This may be done in writing or on a business card.
- f) Explain the reason for the contact to the member of the community if s/he determines that the reasonable suspicion for the officers' actions was unfounded. Offer an apology if appropriate after reconsidering the circumstances.

B. Data Collection

1. Enforcement Personnel

- a) Upon completion of *each* police-initiated contact with a member of the community, the enforcement personnel will record the required data about the contact on the form provided (Contact Log). Such data will include, but may not be limited to:
 - (1) Type of initial contact.
 - (2) Reason for initial contact.
 - (3) Gender of member of the community (do not ask, record your observations).
 - (4) Age of member of the community (do not ask, record your observations).
 - (5) Race of member of the community (do not ask, record your observations).
 - (6) Location of contact with member of the community.
 - (7) Time of contact.

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- (8) Whether a search was initiated of the member of the community or vehicle/vessel.
 - (9) Whether any evidence was seized as a result of the search.
 - (10) Action taken by the enforcement personnel.
 - (11) The licensing state and license plate number of the vehicle or vessel.
- b) At the end of each shift, the enforcement personnel will turn the form in with their shift activity log to their appropriate supervisor for review.

VI. MODIFICATION

- A. The Sheriff, Under Sheriff, Chief Deputy, or Division Commander may modify the provisions of this special operating order.

VII. COMPLIANCE

- A. All employees shall comply with all provisions of this procedural guideline. A violation of any section is a Class 2 offense and may result in corrective discipline.
- B. A violation may also be a violation of other Sheriff's Office professional conduct standards which may result in corrective disciplinary action up to and including discharge.