

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject
Unbiased Policing

Topic	Series	Number
OPS	304	15

Effective Date
March 19, 2007

Replaces:
**GO-OPS-304.15 (Unbiased Policing),
Effective Date June 6, 2002**

Rescinds
**SO-03-11 [Addendum to GO-OPS-304.15
(Unbiased Policing)], Effective Date
June 12, 2003**

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I. BACKGROUND

According to recent census statistics, more than one quarter billion (250,000,000,000) persons live in the United States. A substantial and growing segment of the population is composed of racial and ethnic minorities. The Metropolitan Police Department (MPD) recognizes that the capacity of law enforcement personnel to provide service and enforce laws in a fair and equitable manner regarding minority groups has been scrutinized, on a national level, in the community, in the media, and in the courtroom. This concern demonstrates a need for a policy that clearly addresses the issue of biased policing.

The equal protection of human rights as specified in the District of Columbia Human Rights Act is a fundamental responsibility of law enforcement personnel. As such, clearly defined standards that guide member conduct in all interactions between the police and the public will aid and benefit the member, the Department and community. The Department has established standards of acceptable conduct that are applicable to all interactions between police and the public, including but not limited to, providing assistance to persons who are victims of crime, investigative and enforcement activities. Moreover, these standards seek to advance the goal of law enforcement to maintain the public trust.

To that end, D.C. Official Code § 5-1103 establishes the Office of Citizen Complaint Review (OCCR) for the purpose of independent and effective review of complaints against police officers filed by citizens. D.C. Official Code § 5-1107 establishes the authority of the OCCR to investigate certain citizen complaints, including allegations of biased policing as defined in this general order. Further, D.C. Official Code § 5-1114 authorizes the MPD to investigate complaints falling under the investigative authority of OCCR in instances when the complaint has not been filed with, or reported to, OCCR. See General Order 1202.5 (Citizen Complaints) and SO – 01-01 (Office of Citizen Complaint Review and the Citizen Complaint Review Board).

II. POLICY

The policy of the Metropolitan Police Department is to treat all persons equally, without bias or prejudice. Biased policing, as hereafter defined, is prohibited. (CALEA 1.2.9. a)

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Biased policing - The practice of a law enforcement officer singling out or treating differently any person on the sole basis of race, color, ethnicity, national origin, religion, age, gender, gender identity, sexual orientation, family responsibilities, disability, educational level, political affiliation, source of income, place of residence or business of an individual. More specifically, this applies when the practice is the determining factor in deciding how to respond to requests for assistance or otherwise to provide services, or in selecting which individuals to subject to routine investigative activities, or in deciding upon the scope and substance of law enforcement activity. See General Order 201.26 (Duties, Responsibilities and Conduct of Members of the Department).

Biased policing does not include reliance on such characteristics in combination with other identifying factors when the law enforcement member is seeking to apprehend a specific suspect and any of the above characteristics is part of the description of the suspect.

2. Reasonable suspicion – A combination of specific facts and circumstances that would justify a reasonable officer to believe that a certain person had committed, is committing, or is about to commit a criminal act; more than a hunch or mere speculation but less than probable cause necessary to arrest.

IV. PROCEDURAL GUIDELINES

A. Policing Impartially (CALEA 1.2.9-a)

1. Members shall use the standard of reasonable suspicion, in accordance with the Fourth Amendment of the United States Constitution, (unreasonable search and seizure) as the basis for:
 - a. Investigative stops;
 - b. Traffic stops; or

- c. Pedestrian stops.
2. Members shall use the standard of probable cause as the basis for:
 - a. Arrests;
 - b. Searches; or
 - c. Property seizures and forfeiture efforts.
3. Members shall be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause.
4. Members may take into account the listed characteristics of a specific suspect or suspects based on trustworthy, relevant information that links a person of a specific race/ethnicity to a particular unlawful incident(s).
5. Except as provided in Part IV.A.4 herein, members shall not:
 - a. Consider, in isolation, any of the listed characteristics in establishing either reasonable suspicion or probable cause;
 - b. Consider any of the listed characteristics in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search; or
 - c. Consider any of the listed characteristics in deciding how to respond to requests for assistance or for the provision of services or otherwise in making law enforcement decisions.

B. Standards and Conduct

1. Upon conducting citizen or vehicle stops, members shall comply with the provisions outlined in General Order 304.10 (Police-Citizen Contacts, Stops and Frisks) and General Order 303.1 (Traffic Enforcement); and
 - a. Be courteous and professional. Officers are prohibited from using language, or displaying symbols and gestures that are commonly viewed as offensive to, or indicative of bias towards any group;
 - b. Introduce himself/herself to the citizen (providing name and district/division affiliation) and state the reason for the stop as soon as practical, unless providing this information will

compromise officer or public safety. (When conducting vehicle stops, the member shall provide this information before asking the driver for his or her license and registration);

- c. Ensure that the detention lasts no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays. If the officer determines that the reasonable suspicion was unfounded, he/she should explain this to the person detained; and
- d. Provide his/her name and badge number when requested, in writing or by presenting a business card.

Note: Providing citizens with an explanation for why they were stopped fosters better relations with the community and reduces the perception of bias on the part of police.

2. Members shall immediately report any observation of misconduct and/or any incident involving misconduct to a supervisory official.

C. Supervising Officials shall:

1. Familiarize members with the contents of this general order through roll call discussions, PSA team meetings, and in-service training. (CALEA 1.2.9-b)
2. Within one (1) hour of observation or report of an incident involving misconduct, conduct an immediate investigation into circumstances surrounding instances of biased policing.
 - a. Enter the details of the circumstances into the Personnel Performance Management System (PPMS).
 - b. Obtain Investigation Summary (IS) numbers.
3. Recommend appropriate disciplinary action in accordance with GO-PER-120.21 (Disciplinary Procedures and Processes). (CALEA 1.2.9-c)
4. Counsel members when necessary or appropriate. (CALEA 1.2.9-c)
5. Document compliance or non-compliance with this general order using PD Form 62-E (Optional Documentation Form) and incorporate the documentation into the affected member's annual performance

evaluation as set forth in GO-PER-201.20 (Performance Rating Plan for Sworn Members) when necessary or appropriate.

- D. Commanding Officers shall ensure:
1. All personnel under his/her command are familiar with this policy.
 2. Supervising officials observe the conduct of officers to ensure biased policing practices are not used.
 3. Instances of non-compliance with this general order are documented according to GO-PER-201.20 and incorporated into the affected member's annual performance evaluations where necessary or appropriate.
 4. Violations of this policy result in disciplinary action as set forth in GO-PER-120.21 (Disciplinary Procedures and Processes).
- E. The Assistant Chief, Office of Professional Responsibility shall:
1. Monitor all PD Form 99s (Citizen Complaint) alleging biased policing.
 2. In conjunction with the Office of General Counsel, conduct an administrative review of Department practices and citizen complaints; Include the findings of the administrative review in the annual report to the Chief of Police. (CALEA 1.2.9-d)
 3. Forward, through the Office of the Chief of Police, to the Assistant Chief, Human Services (HS), a compilation of all recommendations detailing training improvements.
 4. Forward, through the Office of the Chief of Police, to the Executive Director, Office of Organizational Development (OOD), any recommendations for modifications to applicable general orders.
- F. Institute of Police Science personnel shall develop and conduct regular roll call and in-service training for all sworn members on the application of this policy. (CALEA 1.2.9-b)

V. CROSS REFERENCES

1. GO-PER-120.21 (Disciplinary Procedures and Processes)
2. General Order 1202.5 (Citizen Complaints)

3. GO-PER-201.20 (Performance Rating Plan for Sworn Members)
4. General Order 201.26 (Duties, Responsibilities and Conduct of Members of the Department)
5. General Order 304.10 (Police - Citizen Contacts, Stops, and Frisks)
6. General Order 303.1 (Traffic Enforcement)
7. General Order 602.01 (Automobile Searches and Inventories)
8. SO-01-01 (Office of Citizen Complaint Review and the Citizen Complaint Review Board)

//SIGNED//
Cathy L. Lanier
Acting Chief of Police

CLL:SOA:DAH:DEP:pas