

CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 06-02
BIASED BASED POLICING	Date: August 8, 2019
VLEPSC Number: ADM.02.05, OPR.07.04	Manual Number: 400.05
	Effective Date: August 8, 2019
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Review Date: As Needed

I. POLICY

It is the policy of the Charlottesville Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws of the City of Charlottesville and the Commonwealth of Virginia. The Charlottesville Police Department insists that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law.

II. PURPOSE

The purpose of this policy is to unequivocally state that biased-based policing in law enforcement is unacceptable. This policy shall provide guidelines for officers to prevent such occurrences and to protect our officers from unwarranted accusations when they act within the dictates of the law and departmental policy.

III. DEFINITIONS

A. *Biased-Based Policing* - The detention, interdiction, or other disparate treatment of any person on the sole basis of their racial, ethnic status, or characteristics.

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 their training and experience, and/or reliable information received from credible outside sources.

IV. DISCUSSION

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, from depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Charlottesville Police Department is charged with protecting these rights, for all, regardless of race, creed, color, ethnicity, sex, sexual orientation, physical handicap, or religion.

Because of the nature of our business, law enforcement officers are required to be observant, to identify unusual occurrences, and enforce violations of the law. It is this proactive enforcement that keeps our citizens free from crime by apprehending criminals.

This policy is intended to enhance the Charlottesville Police Department in accomplishing this mission in a way that respects the dignity of all persons and yet sends a strong message to potential lawbreakers that if they violate the law, they are likely to encounter the police.

V. PROCEDURE

- A. The Department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood crime will be reduced and/or prevented by proactive patrol.
 - A. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, laws of search and seizure, and interpersonal communication skills.
 - B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
 - C. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
 - D. 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 a law violation.
 - E. Appropriate enforcement action should always be completed, generally in the form of a warning, summons, or arrest.
 - F. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable articulable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of probable cause, a warrant, a valid warrant exception, or the violator's voluntary consent. Officers will rely on a minimum standard of reasonable articulable suspicion when requesting voluntary consent to search a vehicle subsequent to routine traffic stops. Reasonable

articulable suspicion shall also be the minimum standard required to conduct a K-9 sniff subsequent to routine traffic stops.

G. If the police vehicle is equipped with a video camera and the officer has been trained in its use, the video and sound should be activated prior to the stop to record the behavior of the vehicle or person and should remain activated until the person is released. The procedures under General Order 541.10 Mobile Video Recording Systems shall be followed.

H. 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 cause for disciplinary action, up to and including dismissal.

9. If the Department provides public information pamphlets to officers regarding the purposes of proactive enforcement, officers may distribute the pamphlet to each person subjected to such activities, whenever appropriate.

B. Complaints of Biased-based policing

A. Any person may file a complaint with the Department if they feel they have been stopped, detained, or searched based on racial, ethnic, or gender-associated policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because they filed such a complaint.

B. All Biased-based policing complaints received by the Charlottesville Police Department shall be handled in accordance with General Order 517.01 – Internal Investigations and Citizen Complaints.