

EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

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SUBJECT: Fair and Impartial Policing
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RESEARCHED BY: LT Steve Gonzalez
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CHIEF OF POLICE: _____

53.1 PURPOSE

The purpose of this policy is to reaffirm the East Lansing Police Department's commitment to the unbiased, equitable treatment of all persons.

53.2 POLICY

Employees of the East Lansing Police Department are prohibited from engaging in bias based policing. Members of this agency will treat all individuals in a fair, impartial, equitable, and objective manner.

53.3 DEFINITIONS

Bias Based Policing: The influence of personal prejudices in law enforcement action or the delivery of police services based solely on an individual's race, ethnicity, national origin, immigration/citizenship status, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable trait.

Fair and Impartial Policing: The expectation that members of the East Lansing Police Department will perform their duties in service of all persons irrespective of race, ethnicity, national origin, immigration/citizenship status, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable trait.

Enforcement Based Contact: Police action that includes surveillance operations, investigative detentions and/or questioning, traffic stops, arrests, searches, and seizures.

Reasonable Suspicion: An objective basis, supported by specific and articulable facts, for suspecting a person of committing a violation of law.

Probable Cause: When facts and circumstances within an officer's knowledge are sufficient to warrant a prudent person in believing that the suspect has committed, or is about to commit an offense.

53.4 IMPARTIAL POLICING

- A. Department personnel engaged in the enforcement of ordinances and statutes shall do so based on the standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and/or statutory authority.
 - 1. To establish reasonable suspicion or probable cause employees must be able to articulate specific facts, circumstances, and conclusions.
 - 2. Officers may take into account the reported physical descriptors of a specific individual, suspect, or group of suspects when based on reliable, credible, and relevant information which links an individual or group to a specific crime or series of crimes.
- B. Enforcement action based solely on bias based profiling is prohibited.
- C. It is recognized that in the course of their official duties sworn members of the East Lansing Police Department will be required to conduct enforcement based contacts that are directly related to a potential criminal investigation. In order to prevent the perception that these contacts are bias based officers should employ the following strategies when reasonable:
 - 1. Introduce one's self and explain the reason for the contact as soon as reasonably practical unless a jeopardy to officer safety exists by doing so.
 - 2. Ensure the length of detention does not extend longer than necessary to conduct the appropriate investigation.
 - 3. If reasonable and appropriate, utilize the concepts and tactics learned through department sponsored non-escalation/de-escalation training sessions.

53.5 SUPERVISORY RESPONSIBILITIES

- A. Departmental supervisors shall be responsible for monitoring the conduct and behavior of employee actions within their purview.
- B. Supervisors are responsible for ensuring that employees are carrying out their duties in an impartial, fair, and ethical manner.
- C. Supervisors that identify an employee failing to conduct themselves in accordance with this policy shall take immediate corrective action and report the incident to the next level of the chain of command.

- D.** Supervisors receiving a complaint against an employee alleging biased based policing shall accept and process the complaint in accordance with policy 5-17.

53.6 REVIEW AND ASSESSMENT

- A.** At the direction of the Chief of Police or his/her designee an annual review shall be conducted to assess the department's practices as they relate to impartial policing efforts. This review shall include the following:
 - 1.** Concerns relayed to the department by citizens or city commissions as they relate to impartial policing.
 - 2.** A review of all complaints against employees as defined in policy 5-17.
 - 3.** Consideration of the previous year's accusations of racial profiling and the associated investigation's findings.
 - 4.** Review of the department's training efforts to prevent bias based policing.

53.7 IMMIGRATION RELATED ENFORCEMENT

- A.** It is the policy of the East Lansing Police Department to ensure equal enforcement under the law and service to all individuals regardless of their immigration status.
- B.** Employees should not question, detain, nor arrest any individual based solely on their immigration status; this includes the routine or unwarranted questioning of an individual in order to determine their legality of being in the United States.
 - 1.** Should an employee determine the need to ask such questions an articulable relationship to an ongoing criminal investigation, not solely related to immigration status, must be established.
 - 2.** The East Lansing Police Department complies with foreign government requests for notification when a respective citizen is arrested. Employees having a reasonable belief that an individual under arrest is a citizen of another country may solicit citizenship information so that the appropriate consulate notification may be made.
- C.** A judicial warrant shall be required prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Patrol (CBP) or prior to arresting, detaining, or transporting an individual at the formal or informal request of ICE or CBP.