

# Anti-Racial and Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Golden Valley Police Department's commitment to policing that is equitable.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

**Racial profiling** - means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

1. the behavior of that individual; or
2. information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

This includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471.).

**Racial and ethnic stereotypes** - Cognitive shortcuts informed by a system of beliefs about typical characteristics of members of a given ethnic group, their status, societal and cultural norms.

**Coded Messaging** –(Dog Whistle) - a shorthand, coded, or subtle way of communicating stereotypes (e.g. racial, ethnic, gender, etc.) with harmful effects.

## 401.2 POLICY

The Golden Valley Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

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### **401.3 RACIAL PROFILING AND BIAS-BASED POLICING PROHIBITED**

Bias-based policing and racial profiling are strictly prohibited.

Officers are prohibited from using race or racial or ethnic stereotypes as the determining factor to inform with whom to interact or how the interaction is carried out. However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial and bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member. Members shall refrain from using Coded Messaging (Dog Whistles) while on duty.

#### **401.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 INFORMATION TO BE PROVIDED**

Officers shall (Minn. Stat. § 626.8471, Subd. 3):

- (a) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise officer or public safety.
- (b) Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
- (c) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.
- (d) When requested, provide their name and badge number and identify this department during routine stops.
- (e) When requested, officers should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Department, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

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### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors shall discuss any issues with the involved officer and their supervisor in a timely manner.
  - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors shall periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - (a) Supervisors shall document these periodic reviews.
  - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### **401.6 ADMINISTRATION**

Each year, the Patrol Assistant Chief shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report shall contain only aggregate data and shall not contain any identifying information about any specific complaint, citizen, officers, or employee. The Chief of Police shall review the report to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

### **401.7 TRAINING**

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

#### **401.7.1 ADDITIONAL TRAINING REQUIREMENTS**

The Training Coordinator should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to officers on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

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The Chief of Police and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7).