

Recommendation 100815-2

The PPB should rewrite directive 344.05, bias-based policing/racial profiling prohibited. The amended directive should be identical to or consistent with the Seattle police department's "bias-free policing" policy, including its mission statement, its core principles and its supporting policy statements.

FULL TEXT

THE PPB SHOULD REWRITE DIRECTIVE 344.05, BIAS-BASED POLICING/RACIAL PROFILING PROHIBITED. THE AMENDED DIRECTIVE SHOULD BE IDENTICAL TO OR CONSISTENT WITH THE SEATTLE POLICE DEPARTMENT'S "BIAS-FREE POLICING" POLICY, INCLUDING ITS MISSION STATEMENT, ITS CORE PRINCIPLES AND ITS SUPPORTING POLICY STATEMENTS.

Specifically, PPB Directive 344.05, Bias-Based Policing/Racial Profiling Prohibited, <https://www.portlandoregon.gov/police/article/556832>, should be rewritten to include all of the introductory mission statement and its nine core principles, with all of the supporting policy statements, found in Section Nos. 1-9 of the Seattle Police Department's bias-free policing policy, 5.140 - Bias-Free Policing, <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

The rewritten PPB policy would adopt and incorporate the SPD policy's introductory mission statement which provides as follows:

"The Seattle Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner.

The Department recognizes that bias can occur at both an individual and an institutional level and is committed to eradicating both.

Our objective is to provide equitable police services based upon the needs of the people we encounter.

The intent of this policy is to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with Seattle's diverse groups and communities.

Bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal and local laws as well as other discernible personal characteristics of an individual. Such 'discernible person characteristics' include, but are not limited to, the following:

- Age
- Disability status
- Economic status
- Familial status
- Gender

- Gender identity
- Homelessness [not included in Directive 344.05] - Mental illness
- National origin
- Political ideology
- Race, ethnicity, or color
- Religion
- Sexual orientation - Veteran status”

The rewritten PPB policy would establish nine core principles by adopting and incorporating all of the SPD’s core principles and all of its supporting policy statements which provide, in part:

1. Every Employee is Responsible for Knowing and Complying With This Policy

The Chief of Police will reinforce that bias-based policing is unacceptable through specific yearly training, regular updates, and such other means as many be appropriate.

Supervisors are responsible for ensuring all personnel in their command are operating in compliance with this policy.

2. Officers Will Not Engage in Bias-Based Policing

Employees shall not make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent.

Law enforcement and investigation decisions must be based upon observable behavior or specific intelligence.

Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description.

Employees shall not express -- verbally, in writing, or by other gesture -- any prejudice or derogatory comments concerning discernible personal characteristics.

No employee shall retaliate against any person who initiates or provides testimony related ... to the Department or Departmental employees

Employees who engage in, condone, or ignore bias-based policing will be subject to discipline.

Supervisors and commanders who fail to respond to, document and review allegations of bias-based policing will be subject to discipline.

3. The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances

Officers may take into account the discernible personal characteristics of an individual in establishing reasonable suspicion or probable cause only when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a person to a particular unlawful incident.

Officers must articulate specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

Officers are expected to consider relevant personal characteristics of an individual when determining whether to provide services designed for individuals with those characteristics (e.g., behavioral crisis, homelessness, addictions, etc.).

4. All Employees Share Responsibility for Preventing Bias-Based Policing

Employees who have observed or are aware of others who have engaged in bias-based policing shall specifically report such incidents to a supervisor

Supervisors, commanders and civilian managers have an individual obligation to ensure the timely and complete review and documentation of all allegations of violation of this policy.

5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing

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6. Employees Will Document All Allegations of Bias-Based Policing

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7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing

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8. An Annual Report Will Be Prepared for the Chief of Police and the Public

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9. Disparate Impacts

The Seattle Police Department is committed to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes. It is possible that the long term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department's policy is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.

.... the Department shall periodically analyze data which will assist in identification of SPD practices -- including stops, citations and arrests -- that may have a disparate impact on particular protected classes relative to the general population.

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