



CHELTHENHAM TOWNSHIP POLICE DEPARTMENT

Directive 70	Prohibition of Bias Based Policing
Effective Date: 07/05/06	Chapter 2: Standards for Law Enforcement Training
Revised Date: 06/01/20	Section 3: Internal Affairs
Reevaluation Date: 06/01/22	 Issued By: John Frye, Chief of Police

Replaces: Directive 70: Biased Based Policing issued 7/20/16
Distribution: Police Sworn
PLEAC References: 1.8.3
Revisions: FINAL

I. PURPOSE:

To reaffirm the Cheltenham Township Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race / ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing services and enforcing laws in an equitable manner.

II. POLICY:

- A. It is the policy of the Cheltenham Township Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an infraction of the law.
- B. Investigative detentions, traffic stops arrests, searches, frisks, and property seizures by police officers shall be based upon a standard of **reasonable suspicion** or **probable cause** in accordance with the Fourth Amendment of the U.S. Constitution and Article I, Section 8 of the Pennsylvania Constitution. Police Officers must be able to articulate the specific facts and circumstances that

support reasonable suspicion or probable cause for investigative detentions, traffic stops, frisks, arrests, nonconsensual searches, and property seizures.

- C. The Cheltenham Township Police Department prohibits the bias-based profiling of any group based solely on race, color, gender, age, religion, national origin, ancestry, sexual orientation, physical or mental disabilities (or a perception of such disabilities) by police personnel.
- D. Initial training in the recruit's Field Training and in-house refresher training on this policy and bias-based policing issues shall be provided annually for sworn personnel as directed by the Chief of Police.(PLEAC 1.8.3 b)
- E. Corrective measures shall be undertaken if bias-based policing occurs.(PLEAC 1.8.3 c)
- F. The Professional Standards Division shall conduct an annual administrative review of data related to the Department's compliance to this policy and any citizen concerns or complaints received.(PLEAC 1.8.3 d)

III. DEFINITIONS:

Bias Based Profiling: (Racial Profiling) The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or physical characteristics.

Reasonable Suspicion: (Articulable Suspicion) Suspicion that is more than a mere hunch, based on a set of explainable facts and circumstances, that would warrant an experienced police officer to believe that an infraction of the law has, is, or is going to be committed by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and / or reliable information received from credible outside sources.

IV. REGULATIONS:

- A. **Bias-Based Policing Prohibited:** Officers shall not consider the race, ethnicity, age, gender, sexual orientation, religion or disability as the **sole reason** for stopping a vehicle, issuing a citation, making an arrest, conducting a field interview, seizing assets, seeking asset forfeiture, or conducting a search. All forms of bias-based policing are prohibited by this department.(PLEAC 1.8.3 a)
- B. **Reasonable Suspicion Required:** Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon probable cause for arrest or reasonable suspicion that they have committed, or are in the process of committing, a crime.

C. Flash Information: In the absence of a specific, credible report that would include many descriptors of a specific suspect(s), no personal bias or combination of biases shall be used as a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

1. Flash Description: Race and other descriptors may be used in the event officers are instructed to “be on the look out” for one or more specific suspect(s) who have been described in part by age, race, ethnicity, gender or national origin. An officer may consider and rely on such information in determining whether there is a reasonable suspicion to believe an observed individual is the person being sought for investigation.

D. Professionalism: Sworn personnel shall treat all citizens with courtesy and respect when making contact.

E. Explanation for Stop to be Provided: Persons stopped for investigation shall be provided with an explanation for why they were stopped; unless disclosure of such information is withheld for tactical or investigative purposes. Police shall provide written documentation of the stop (i.e.: Non-traffic citation, summary citation, warning notice or business card) if requested. Providing citizens with an explanation for why they were stopped fosters better relations with the community and reduces complaints of bias on the part of the police.

F. Voluntary Conversations: Nothing in this section shall limit the officer’s ability to interview witnesses or initiate voluntary conversations with citizens not suspected of an offense.

G. Name and Badge Number to be Provided: Upon request, an officer will provide his / her name and badge number or business card to any citizen who requests this information.

H. Documentation: Appropriate enforcement action should always be documented, generally in the form of a warning, citation or IRF. Appropriate report(s) shall be completed for arrest of a suspect or issuance of a non-traffic citation. Any unusual circumstances or events will be noted in the report.

I. Detain No Longer than Necessary: No motorist or pedestrian, once cited or warned, shall be detained beyond the point where no reasonable suspicion of further criminal activity exists. Ensure that the citizen understands the reason for any investigative delays.

J. Frisks, searches and seizures will be conducted in accordance with policies and procedures set forth by the Department and Federal, State and local laws.

NOTE: If the traffic or pedestrian stop results in a frisk or search, the reason for the frisk or search and the results thereof shall be documented in the IRF.

K. Training:

- 1. Initial Training:** The Professional Standards Division, or a designee, shall conduct initial training on the prohibition of bias-based policing and related issues for all police personnel.(PLEAC 1.8.3 b)
- 2. Refresher Training:** Refresher training in the bias-based policing and related issues shall be conducted annually including, but not limited to topics such as: Bias-based profiling, cultural diversity, interaction with citizens, policy, ethics and related topics in a format determined by the Department.(PLEAC 1.8.3 b)

L. Complaints of Bias Based Profiling:

- 1. Complaints shall be Accepted:** Any person may file a complaint with the Department if they feel they have been stopped or searched as a result of bias based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or retaliated against because they have filed such a complaint.
- 2. Complaints shall be Referred to a Supervisor:** Any member contacted by a person who wishes to file such a complaint shall refer the citizen to a supervisor, who shall follow the prescribed manner of handling complaints against police as outlined in Directive 43.
- 3. Founded Complaints:** If a pattern or instance of bias-based policing is found to be sustained by investigation, the Department shall implement corrective measures appropriate to the situation. Corrective measures include, but are not limited to: Retraining, progressive discipline, or separation from the Department, as directed by the Chief of Police.(PLEAC 1.8.3 c)

M. Annual Administrative Review: The Professional Standards Division shall conduct an annual administrative review of agency compliance to its bias based policing policy. An annual summary of all allegations of bias-based policing, citizen concerns or complaints, and the findings on each complaint shall be maintained by the Professional Standards Division.(PLEAC 1.8.3 d)