

	Fair and Impartial Policing		
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1.0 PURPOSE

1.1 To emphasize the Department's commitment to fair and impartial treatment of all persons when providing police services.

1.2 To clearly define and prohibit bias influenced policing in law enforcement encounters.

2.0 DEFINITION

BIAS INFLUENCED POLICING: The practice of a law enforcement agent relying, to any degree, on race, ethnicity, religion, or national origin in selecting which individuals to subject to routine or spontaneous investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except where there is trustworthy information, relevant to the locality and time frame, that links persons of a particular race, ethnicity, religion, or national origin to an identified criminal incident or scheme. (MLEAC 1.5.4 a)

3.0 LAW ENFORCEMENT ACTION OR SERVICES PERSONNEL

3.1 Every member of the Ferndale Police Department shall treat all people in a fair and impartial manner and in accordance with Title VII of the Civil Rights Act of 1964, Chapter 28 of Ferndale code "Human Rights Ordinance" and the Michigan Elliott-Larson Civil Rights Act when providing services or taking enforcement action such as public contacts, traffic stops, field interviews or investigations, asset forfeitures or the detention of a person. All members are prohibited from making law enforcement decisions or taking police actions based upon his or her own personal or societal biases or stereotypes, rather than relying on facts and observed behaviors which would lead a member to believe that an individual has been, is currently, or is about to be involved in criminal activity (MLEAC 1.5.4 b). Examples of traits or lifestyles that may cause a biased reaction include:

- 3.1.1 Race
- 3.1.2 National Origin
- 3.1.3 Ethnic Background
- 3.1.4 Immigration Status
- 3.1.5 Gender
- 3.1.6 Gender identity
- 3.1.7 Sexual orientation
- 3.1.8 Marital Status
- 3.1.9 Economic Status
- 3.1.10 Individuals with Disability
- 3.1.11 Age
- 3.1.12 Height and Weight
- 3.1.13 Religion

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3.2 Members must articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to justify a stop or enforcement action.

3.3 When practical and absent exigent circumstances, members should accommodate a subject who through observation or articulation of particular facts has a(n):

3.3.1 Physical or mental disabilities

3.3.2 Injury

3.3.4 Illness

3.3.5 Infirmary

3.4 Members should accommodate a person who lacks English proficiency or is deaf or deaf/blind and cannot communicate without an interpreter or other assistance.

4.0 USE OF TRAITS FOR REASONABLE SUSPICION OR PROBABLE CAUSE

4.1 Officers may use traits and characteristics such as age, race, ethnicity or national origin along with descriptive features such as hair color, height, weight, or gender to assist in establishing reasonable suspicion or probable cause or for other legitimate law enforcement purposes.

5.0 PERSONAL INVOLVEMENT OR CONFLICT OF INTEREST

5.1 To prevent inappropriate perceptions of biased law enforcement, personnel shall refrain from any law enforcement action that involves a person with whom they have a private or intimate relationship, a relative, or when off duty and involved in the incident.

5.2 Members may still act in an emergency involving self-defense, imminent threat of serious or life-threatening injury to a person or when a serious offense is being committed in their presence.

5.3 Members should, as soon as practical, advise Dispatch of the need for assistance.

6.0 EMPLOYEE RESPONSIBILITIES

6.1 All members are required to comply with the law, Department policy, rules, and directives.

6.2 All members are obligated, when they have the means and opportunity, to intervene if they observe other employees or those assisting the Department or being assisted by the Department engaging in illegal, unfair, partial or excessive behavior.

6.3 Each member shall report behavior that the employee believes is illegal, unfair, partial, excessive, inappropriate, or a violation of or not within the intent of Department policy, rules, procedures or directives to a supervisor or command officer as soon as is practical.

7.0 SUPERVISOR RESPONSIBILITIES

7.1 Any supervisor receiving a report of inappropriate behavior shall, as soon as is practical, document the complaint and send it to the Chief or their designee. If necessary, supervisors are responsible to take immediate corrective action to mitigate the incident.

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7.2 Supervisory staff are primarily responsible for monitoring employee behavior to identify incidents that are illegal, unfair, partial, excessive, inappropriate, or a violation of or not within the intent of, Department policy, rules, procedures or directives.

8.0 AUDIT

8.1 In an effort to provide for early intervention, supervisors, during each quarter of the calendar year, will audit the activity of each member they supervise by reviewing a random selection of video and related reports or documentation. The goal is to ensure all activity and behavior reflects Department expectations, policies, rules, procedures, and values.

8.2 Supervisors will attempt to review two (2) officer generated citizen contacts a month of each subordinate assigned to his or her command. Other types of calls for service may be reviewed when there are not at least two (2) officer generated citizen contacts.

8.2.1 Sergeants will audit officers.

8.2.2 The Detective Lieutenant will audit specialists who routinely engage in patrol activities.

8.2.3 Lieutenants will audit sergeants.

8.2.4 The Captain will audit any Lieutenant who routinely engages in patrol activities.

8.3 Command staff are encouraged to review the following types of incident recordings:

8.3.1 Any incident that generates a police conduct complaint

8.3.2 Vehicle and foot pursuits

8.3.3 Incidents that lead to any use of force

8.3.4 Whenever an officer or citizen is injured

8.3.5 Whenever there is significant damage to city owned property

8.3.6 Any high liability activity

8.4 A report shall be prepared by the shift commander or designee, describing:

8.4.1 Date of audit

8.4.2 Member's name being audited

8.4.3 Incident number or identifier of activity reviewed

8.4.4 Marker or identifier of video or audio reviewed

8.4.5 Behavior observed in audited material that exceeds Department's expectation

8.4.6 Behavior or actions that may be considered illegal, unfair, partial, excessive, inappropriate, or a violation of or not within the intent of department policy, rules, procedures, directives or core values

8.4.7 Behavior that indicates additional training is needed to improve safety practices, procedural issues or the operation of Department equipment

8.5 The report shall be submitted to the Captain's office no later than five business days after each quarter.

8.6 The Captain and shift commanders will review the supervisor's audit. Observations of exemplary behavior will be documented in Guardian Tracker.

8.7 If the Captain or shift commander determines inappropriate behavior occurred, remedial training or appropriate corrective action will be administered. (MLEAC 1.5.4 d)

8.7.1 These actions shall be documented in the report and entered in Guardian Tracker.

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8.8 If disciplinary action is required, a copy of the original report along with remarks from the Captain or shift commander shall be forwarded to the Chief's office for follow-up or assignment to internal investigations.

9.0 COMMAND RESPONSIBILITIES

9.1 The Chief or their designee will provide an annual written report on practices, community concerns, and complaints made regarding employee behavior to determine if Department training or policy modification is needed. The report will be provided to the Captain and retained as a management record of the Department.

10.0 POLICE CONDUCT COMPLAINTS

10.1 Allegations or complaints of illegal, unfair, partial, excessive or inappropriate behavior are taken seriously. The Department will investigate all complaints as outlined in the Police Conduct Complaint and Internal Investigation policies. If evidence is found to support the complaint, appropriate action will be taken in accordance with the Disciplinary Process policy. (MLEAC 1.5.4 c)

11.0 TRAINING

11.1 Training agency personnel in the impropriety of bias influenced policing, including legal requirements and sanctions will occur annually. (MLEAC 1.5.4 e)

12.0 COMPLIANCE

12.1 Violations of this policy, or portions thereof, may result in disciplinary action.

13.0 OFFICER ASSIGNED TO OTHER AGENCIES

13.1 Department officers assigned to or assisting other law enforcement agencies will be guided by this policy.

14.0 APPLICATION

14.1 This order constitutes Department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.



Dennis M. Emmi
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