



# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Bias Based Profiling</b>	Effective Date: June 29, 2016	Policy Number: <b>3.65</b>
Accreditation Reference: 1.2.5	Review Date: June 29, 2019	Supercedes: January 1, 2016
Attachments:	L. Shane Nelson, Sheriff	

## I. PURPOSE

This policy is intended to reaffirm the commitment of the Deschutes County Sheriff's Office to unbiased policing, to clarify the circumstances when deputies can consider race or ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable manner.

## II. POLICY

All investigative field interviews, traffic stops, arrests, searches and property seizures by deputies will be based on a standard of reasonable suspicion and/or probable cause as required by the U.S. and Oregon Constitutions and Oregon state law. Deputies must be able to articulate specific facts, circumstances and conclusions which support probable cause arrest or reasonable suspicion for the traffic stop or field interview.

## III. DEFINITIONS

LECC is the Oregon Law Enforcement Contacts Policy and Data Review Committee per [ORS 131.906](#).

*Profiling* means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

## IV. PROCEDURES

A. Deputies shall not target an individual for suspicion of violating a provision of law based on age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability.

Deputies may, however, take into account the reported race, ethnicity, national origin or gender of a specific suspect based on credible or reliable information that links specific unlawful activity to a particular individual or group of associated individuals of a particular race, ethnicity or nationality. This information would be used in the same way we would use specific information regarding age, height, hair color, etc., about specific suspects.

No person shall be singled out or treated differently as a consequence of age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability.

- B.** In an effort to prevent inappropriate perceptions of biased law enforcement, each deputy shall conduct the following steps when conducting pedestrian and vehicle stops:
1. Introduce himself and explain to the person the reason for the stop as soon as practical, unless providing this information will compromise the investigation or the safety of the deputy or other persons.
  2. Ensure that the length of the stop is no longer than necessary to take appropriate action for the known or suspected offense.
  3. Answer any questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.
  4. Provide your name when requested or offer a business card.
  5. Be courteous, polite and professional.

## **V. TRAINING**

Annual training shall be provided to all agency personnel on this policy as well as various topics that can be associated with the practice of bias based profiling. Related topics can include, but are not limited to: ethics, field contacts, traffic stops, interview techniques, cultural diversity and discrimination, and legal issues that surround these topics.

## **VI. VIOLATIONS AND INVESTIGATION OF COMPLAINTS**

All complaints of profiling shall be investigated through the procedures in [Policy 3.01 Complaint Review](#).

All personnel shall report any incident of bias based profiling to their supervisor immediately.

The Sheriff's Office will allow for complaints of profiling to be made in person; in a writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail; or by telephone, anonymously or through a third party.

[Complaint forms](#) will be available per [Policy 3.01](#).

Complaints of profiling may be made to the Sheriff's Office up to 180 days after the alleged commission of profiling. Complaints older than 180 days will be reviewed on a case by case basis by the Patrol Captain.

If the profiling complaint is founded, the Sheriff shall take disciplinary action consistent with the Sheriff's Office Disciplinary Action Policy. (See [Policy 3.03 Disciplinary Action](#))

## **VII. EXCHANGE OF COMPLAINTS WITH LECC**

### **A. Providing Complaints to LECC**

The Patrol Captain shall be responsible for submitting the [LECC Profiling Complaint Report](#) and a summary of the subsequent investigation to the Law Enforcement Contacts Policy and Data Review Committee (LECC) in each instance a profiling complaint is received by the Sheriff's Office. The Patrol Captain shall provide this data to LECC within 30 days of complaint being received, after complainant has been contacted and initial follow-up has been accomplished. The Patrol Captain shall also provide the disposition of the complaint when available, and update the LECC if additional information or findings are discovered.

### **B. Receiving Complaints from LECC**

The Patrol Captain shall be responsible for receiving complaints forwarded from the committee and confirm receipt of intake reports with the LECC. Complaints received by the LECC will be investigated

through the procedures per [Policy 3.01, Complaint Review](#) within 30 days. Once the Sheriff's Office has concluded its investigation, the Patrol Captain shall notify the LECC with a disposition.

## **VIII. ANNUAL REVIEW**

An annual administrative review shall be conducted by the Sheriff or his designee with regard to bias based profiling complaints as well as citizen concerns.