
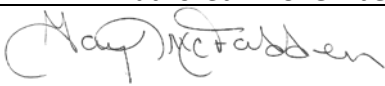


## Mecklenburg County Sheriff's Office

	<b>MCSO General Order # 37</b>	Effective Date: <b>June 5, 2020</b>
	Subject: <b>Racial, Ethnic or Bias Based Profiling</b>	
	Rescinds: No Previous Version	Authored: <b>November 18, 2019</b>
	Approved: <b>Sheriff Garry L. McFadden</b> 	

**Applicable Standards: CALEA 1.2.9**

**I. Purpose:**

The purpose of this policy is to reaffirm the commitment of the Mecklenburg County Sheriff's Office (MCSO) to unbiased encounters between MCSO employees and any person; to reinforce procedures that ensure public confidence and mutual trust by providing services in a fair and equitable fashion; and to protect MCSO employees from unwarranted accusations of misconduct when they act within the dictates of this policy and the law.

**II. Policy:**

It is the policy of the Mecklenburg County Sheriff's Office that the practice of racial, ethnic or biased-based profiling or treatment by MCSO personnel is strictly prohibited. Mecklenburg County Sheriff's Office employees shall treat all people with whom they have contact equally and without regard to their race, gender, ethnicity, religion, age, citizenship, sexual orientation, political persuasion or any other stereotype. No race, ethnicity or stereotype shall be the motivation for the decision to initiate any law enforcement activity. The initiation of a law enforcement activity based solely on race, ethnicity, or stereotype biases constitutes profiling and is expressly prohibited by the Mecklenburg County Sheriff's Office.

**III. Definitions:**

**Bias:** The selection or treatment of, or perspective about, an individual or group based solely on a common trait including, but not limited to, race, ethnicity, gender, sexual orientation, religion, economic status, age, and/or cultural background.

**Bias-Based Profiling:** Bias-based profiling includes practices by individuals, managerial standards, and program administration, both intentional and non-intentional, that incorporate prejudicial judgments based on bias.

**Implicit Bias:** Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

**Race or Ethnicity:** Means of a particular descent, including Alaskan Native or American Indian, Asian or Pacific Islander, Black, Caucasian/White, or Hispanic/Latino.

**Racial Profiling:** A law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.

#### IV. Prohibited Practices:

- A. The use of bias-based and/or racial profiling by deputy sheriffs in any law enforcement encounters with persons viewed as suspects and/or potential suspects in criminal activities is strictly prohibited. The encounters to which this prohibition applies include, but are not limited to, motor vehicle stops, field contacts, and asset seizure and forfeiture operations.
- B. The prohibition against bias-based profiling and racial profiling does not preclude MCSO personnel from using race, ethnicity, or national origin as factors in a detention decision. For instance, a suspect's race, ethnicity, or national origin may be legitimate factors in deciding whether to detain a suspect when those factors are used to describe the specific suspect for whom law enforcement is searching.

Detaining a person and inquiring into that person's activities based solely upon that person's race, ethnicity, or national origin, or solely because of bias, is prohibited bias-based profiling or racial profiling.

#### **Examples of racial profiling include, but are not limited to, the following:**

1. Citing a driver who is speeding in a stream of traffic where most other drivers are also speeding, solely because of the cited driver's race, ethnicity, or national origin.
2. Detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

#### V. Training:

- A. The Mecklenburg County Sheriff's Office Training Academy will provide training and education for MCSO personnel on implicit bias and racial profiling.
- B. As needed, the Mecklenburg County Sheriff's Office may schedule and require MCSO personnel to attend in-service training or other training offerings on bias-based profiling.

#### VI. Investigating Profiling Complaints:

- A. The Mecklenburg County Sheriff's Office shall accept and investigate complaints from any person who believes that an MCSO employee has engaged in bias-based profiling or racial profiling with respect to him or her. No person shall be discouraged, intimidated, or

coerced from filing a complaint, nor discriminated against because he or she files such a complaint.

- B. Any MCSO employee who receives an allegation of bias-based profiling or racial profiling shall record the name, address and telephone number of the person who lodges the allegation and shall:
  - 1. Forward the complaint to the Office of Professional Compliance.
  - 2. Direct the complainant to the Office of Professional Compliance.
- C. All MCSO employees shall report any allegations of bias-based profiling or racial profiling to their respective superiors immediately.
- D. In processing and investigating any complaint alleging that an MCSO employee has engaged in bias-based profiling or racial profiling, the Office of Professional Compliance shall follow protocols as required in MCSO General Order # 4 Discipline, Internal Investigations and Employee Rights.
- E. At the beginning of the investigation into the complaint, the Office of Professional Compliance shall determine whether there is a video and/or audio recording of the event upon which the complaint is based. If a recording exists, the Office of Professional Compliance shall promptly obtain the video and/or audio recording as part of the investigative file.
- F. At the conclusion of the investigation, the Office of Professional Compliance shall forward all findings and/or disciplinary action, retraining, or policy changes to the Sheriff.
- G. If a bias-based profiling or racial profiling complaint is sustained against an MCSO employee and in violation of this policy, that employee shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; or termination of employment.

**VII. Collection, Analysis and Reporting Information:**

- A. North Carolina General Statute § 114-10.01 requires that the Mecklenburg County Sheriff's Office keep statistics on traffic stops. All deputies who make a vehicle stop must accurately complete an SBI-122 form (Traffic Stop Report) and turn it in to the Field Operations Administrative Supervisor along with a copy of the citation or written warning. An electronic version of this form may also be used, if available.
- B. Each deputy is issued a unique identification number to be used on the SBI-122 reports in the block titled "Officer ID" and is required to use the same unique identification number each time an SBI-122 is submitted.
- C. For vehicles stopped at checking stations, an SBI-122 form does not need to be completed, unless one of the following takes place:
  - 1. An arrest occurs; or
  - 2. A citation or warning ticket is issued; or

3. A verbal warning is given; or
4. Contraband is found; or
5. Any property is seized; or
6. A search of the vehicle or any of its occupants occurs; or
7. Physical resistance by an occupant of the vehicle is encountered; or
8. Any injury occurs to an occupant of the vehicle; or
9. Force is used against any occupant of the vehicle; or
10. An investigation occurs as a result of the checking station stop.

**VIII. Annual Review:**

The Office of Professional Compliance will conduct a documented annual review of agency practices related to bias based profiling to include sustained violations of misconduct that have occurred during the reporting period. The review will determine whether patterns exist within the agency, and if additional training or policy changes are necessary. This administrative review along with any recommendations will be forwarded to the Sheriff.

**IX. Closing:**

Questions regarding the Racial, Ethnic and Bias Based Profiling policy should be referred to your Chain of Command or the Office of Professional Compliance.