

POLICY AND PROCEDURES MANUAL

Fergus Falls Police Department

Policy Title	Policy Statement on Impartial Policing
Policy Number	309 (Formerly 70.07)
References	The Fourth Amendment to the United States Constitution United States Code: Title 18-Section 242, Title 42-Section 1983 Minnesota State Statute: 626.8471 Minnesota State Rule: 6700.0900 <u>Case Law Created By:</u> Terry v. Ohio, 392 U.S. 1 (1968) United States v. Martinez-Fuerte, 428 U.S. 523 (1976) Illinois v. Gates, 462 U.S. 1 (1989) Whren v. United States, 517 U.S. 806 (1996) Brown v. City of Oneonta, 195 F. 3d 111 (1999)
Effective Date	December 1, 2009
Distribution	All Personnel
Rescinds	July 1991

PURPOSE

The changing diversity of the community this department serves necessitates a reaffirmation and a renewed commitment to impartial/unbiased policing. This policy strives to reinforce procedures that serve to assure the public that the Fergus Falls Police Department provides service and enforces laws in a fair and equitable manner to all.

POLICY

A. Policing Impartially

1. Members of the Fergus Falls Police Department will conduct investigative detentions, pedestrian and vehicle stops, arrests, searches, and property seizures in accordance with the guarantees of the Fourth Amendment to the United States Constitution. Members of the department must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause relating to any of the above described policing actions.
2. Certain descriptors or identifying characteristics are utilized by members of the Fergus Falls Police Department in establishing reasonable suspicion or developing probable cause. It is these standard descriptors which make a person different from other persons. The following characteristics are standard descriptors: gender, age, height, weight, race, complexion, body build, hair color, eye color, tattooing, and the presence or absence of facial hair.

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Clothing is also an observable descriptor that affords a means to establish reasonable suspicion or develop probable cause.

In addition to the above descriptors, there are other descriptors which apply more widely when describing groups of humans. These obviously include gender, race, ethnicity, national origin, sexual orientation, and religion. Members of the Fergus Falls Police Department will not use descriptors in the above listing as the sole means of establishing reasonable suspicion or developing probable cause. Members are reminded that in performing a police action, they are impacting the civil rights of a citizen and in doing so will be mindful of the need to base this impact on specific individual descriptors.

A. Preventing Perceptions of Biased Policing – Procedural Guidelines

In an effort to prevent the perception of biased law enforcement, members of the Fergus Falls Police Department shall utilize the following guidelines:

1. Be respectful and professional.
2. Introduce yourself or identify yourself to the citizen and state the reason for your contact as soon as practical, unless in doing so this information may compromise the officer or the public's safety.
3. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.
4. Attempt to answer any relevant questions the citizen may have regarding the contact, including relevant referrals to other agencies when appropriate.
5. Provide your name and badge number when requested.
6. Explain and/or apologize if it is determined that reasonable suspicion was unfounded after your initial contact.

SUPERVISOR'S RESPONSIBILITY

Fergus falls Police department supervisory officers have both a moral and a legal responsibility to detect and respond to bias policing actions of subordinates.