


PBP FORM 290 		<b>PITTSBURGH BUREAU OF POLICE</b>		<b>SUBJECT:</b>  “UNBIASED POLICING”	<b>ORDER NUMBER:</b>  11-3
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<b>RE-ISSUE DATE:</b> 10/13/2017	<b>EFFECTIVE DATE:</b> 05/30/2014	<b>ANNUAL REVIEW DATE:</b> MAY	<b>RESCINDS:</b> NONE	<b>AMENDS:</b> NONE	

## 1.0 POLICY

- 1.1 Maintenance of public trust and confidence in the police is critical to effective policing and is achieved largely through fair and equitable treatment of the public. This is a basic requirement of law enforcement and the right of all persons in our society. All persons having contact with members of the Pittsburgh Bureau of Police shall be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.
- 1.2 Pursuant to federal law, the enforcement of immigration law generally rests with the Immigration and Customs Enforcement (ICE) and not with the state and local law enforcement. Members shall not dedicate time or resources to the enforcement of federal immigration law where the only violation of law is a suspected civil immigration violation.

## 2.0 PURPOSE

- 2.1 The purpose of this policy is to emphasize this department’s commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services.

## 3.0 DEFINITIONS

- 3.1 **Biased Policing:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers that interferes with their professional judgment, or training, departmental policy, or adherence to law. Bias-based policing—also referred to in some instances as “profiling”—includes but is not limited to prejudicial decisions affecting individuals in classes protected by federal and state law. It also includes, for example, persons with whom officers have such “personal involvement” that they cannot act impartially, as defined herein.
- 3.2 **Equal Treatment:** In the present context, equal treatment means that persons, irrespective of race or other distinction, shall be treated in the same basic manner under the same or similar circumstances. This *does not* mean that all persons in the same or similar circumstances can or must be treated *identically* in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.
- 3.3 **Police Service Functions:** Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include but are not limited to such tasks as assistance at fire scenes, traffic accidents, medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.
- 3.4 **Criminal Activity:** Participation in any activity that violates federal, state, or local criminal law.
- 3.5 **National Crime Information Center (NCIC):** The computerized database of criminal justice information maintained by the Federal Bureau of Investigation of the United States Department of Justice.
- 3.6 **Criminal enforcement action:** Any type of action that would call for an officer to need to check an individual through the NCIC system, such as but not limited to, a violation of the motor vehicle code, or a stop incident to an investigation of potential criminal conduct, or any dangerous or hazardous situation.
- 3.7 **Criminal matter:** A criminal arrest warrant, issued by any court, related to a request for such a warrant by a federal, state, county, local or municipal law enforcement agency will be considered a criminal matter. Recognized law enforcement agencies will include any federal department with arrest powers, such as, but not limited to, the Departments of the Treasury; Alcohol, Tobacco and Firearms; and Immigration and Customs Enforcement.

- 3.8 Immigration Detainer: An official request issued by ICE, or other federal agency charged with enforcement of civil immigration laws, to another federal, state or local law enforcement agency to detain an individual based on a violation of a civil immigration law.
- 3.9 Administrative Warrant: Warrants used by Immigrations and Customs Enforcement officers to arrest non-citizens who have committed immigration violations. An administrative warrant is not a criminal warrant signed by a judge.

#### **4.0 PROCEDURES**

##### **4.1 Fair and Equal Treatment**

- 4.1.1 Bias-based policing is prohibited both in enforcement of the law and the delivery of police services.
- 4.1.2 Officers may not use race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group, or an individual’s ability/inability to speak English, as the criteria for determining when or how to take enforcement action or provide police services.
- 4.1.3 Officers must be able to articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take any enforcement action including but not limited to, investigative detentions, traffic stops, frisks, arrests, searches, and property seizures.
- 4.1.4 Officers shall take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- 4.1.5 Officers who cannot make objective judgments uninfluenced by prejudicial views or attitudes, intolerance to or preference for certain individuals that are unrelated to the situation at hand shall, as soon as reasonably possible, request that another officer assume responsibility for the matter.
- 4.1.6 Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, or relative such that the officer’s objectivity may be, or may appear to be, compromised.
- 4.1.7 Officers who are personally involved in enforcement actions shall summon other officers for assistance or intervention where reasonably possible unless the officer is the victim of the crime.
- 4.1.8 Nothing in this policy prohibits officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin in combination with other facts to assist in establishing reasonable suspicion or probable cause in the same manner that officers would use hair color, height, weight, or gender for such purposes.

#### **5.0 IMMIGRATION STATUS ISSUES**

- 5.1 Officers must uphold the Constitutional and civil rights of persons regardless of their immigration status.
- 5.2 Officers are prohibited from arresting or detaining persons for the sole purpose of investigating their immigration status.
- 5.2.1 Members shall not inquire about a person’s immigration status unless such an inquiry is necessary to an investigation involving criminal activity, as that term is defined in this policy.
- 5.2.2 Members must articulate why inquiry into the person’s immigration status is necessary to an investigation involving criminal activity using objective and clearly defined facts. In such a case, these articulable facts must be specifically spelled out and explained in detail in the member’s written report.
- 5.2.3 Officers shall not inquire as to a victim’s/witness’s immigration status. Officers must protect crime victims regardless of their immigration status, and should encourage all victims and witnesses to report crimes, regardless of their immigration status.
- 5.3 Members shall not arrest or detain any individual based on a civil immigration warrant and any administrative warrants listed in the National Crime Information Center Database (NCIC). These federal administrative warrants are not valid warrants for Fourth Amendment purposes because they are not reviewed by a judge or neutral magistrate.
- 5.4 If an officer determines that there is a federal criminal warrant issued against the detainee, the officer must follow regular standard practices applicable to all criminal warrants.

#### **6.0 COMPLAINTS**

- 6.1 Officers who witness or who are aware of instances of bias-based policing shall report the incident to their supervisor.

- 6.2 All such complaints shall be forwarded to the Office of Municipal Investigations for investigation.
- 6.3 The Office of Municipal Investigations shall be responsible for investigating all bias-based policing complaints.
- 6.4 The Chief of Police or his/her designee shall conduct a quarterly review of agency compliance to its bias-based policing directives and any citizen concerns or complaints received in that regard during that time period.
- 6.5 Additional diversity and sensitivity training may be designated for officers with sustained racial profiling or sustained discrimination complaints filed against them.
- 6.6 Non-compliance with this policy may result in disciplinary action.

**7.0 TRAINING**

- 7.1 The Pittsburgh Bureau of Police shall provide initial and in-house refresher training on this General Order and bias based policing issues at least once every three years to all sworn personnel. The format and content of said training shall be determined by the Chief of Police or his designee.

Approved By:



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Scott Schubert  
Chief of Police