Purpose

The purpose of this policy is to clearly define USMPD’s commitment to the prohibition of bias-based profiling.

Policy

It is the policy of the University of Southern Maine Police Department (USMPD) to police in a proactive manner, to investigate suspicious persons and circumstances and to actively enforce state statutes in accordance with the law. Bias-based profiling and/or any other discriminatory practice by members of the Department is strictly prohibited. Accordingly, race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group, etc. will not be the basis for the detention, interdiction or other disparate treatment of any person(s) by Members of this Department.

A. Definitions

1. Bias-Based Profiling - the selection of individual(s) based solely on a common trait or group. This includes, but is not limited to, race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group or any other identifiable group, not related to a case. Bias-Based Profiling may also be defined as a police action based on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal behavior.

2. Reasonable Suspicion – knowledge sufficient to induce an ordinarily prudent and cautious officer to believe criminal activity is at hand. It must be based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant intrusion.
B. Procedures

1. Bias-Based Profiling by any department personnel is prohibited. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for any search or seizure including, but not limited to, traffic stops, field contacts, and in asset seizure and forfeiture efforts.

2. USMPD does not permit the use of bias-based profiling in their law enforcement efforts. Such practices may lead to allegations of violations of the constitutional rights of the citizens served, undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, and judicial intervention.

3. Law enforcement personnel are to consider a person’s conduct or other specific suspect information. There must be reasonable suspicion, supported by specific articulated facts that the person contacted regarding his/her identification, activity or location has, is, or is about to commit a crime, or is currently presenting a threat to the safety of his/her self or others.

4. In the absence of a specific report, race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group or any other identifiable characteristics, etc., of an individual will not be a factor in determining the existence of probable cause to detain or place into custody any person(s), or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of that person, or for the investigatory stop of a motor vehicle.

5. In response to a specific credible report of criminal activity, race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place a person under custodial detention or arrest.

6. Stops or detentions based on race, age, gender, sexual orientation, or any other prejudicial basis by members of the Police Department are prohibited.

7. The detention of any person which is not based on factors related to a violation of federal law, Maine statutes or University of Maine System student conduct code or personnel policy is prohibited.
8. No member of the University of Southern Maine Police unit shall stop, detain or search any person when such action is motivated by race, ethnicity, age, gender or sexual orientation, religion, economic status, cultural group, etc.

9. The University of Southern Maine Police unit will not use bias-based profiling to make the determination of pursuing Asset Seizure and Forfeiture efforts.

C. Training

1. University of Southern Maine Police Officers are to receive initial training on bias-based profiling issues which may include field contacts, traffic stops, search issues, cultural diversity, discrimination and during in-service training on an annual basis.

2. Additional diversity and sensitivity training will be designated for those members with sustained bias-based profiling or other sustained discrimination complaints filed against them.

3. This policy is to be reviewed annually.

Cl. Investigation

1. All complaints of bias-based profiling or other discriminatory practices against Members of the USMPD are to be received, documented and investigated in accordance to the departmental policy entitled Investigation of Employee Misconduct. The Chief of Police shall notify the Office of the Attorney General of investigations or complaints against members of this agency.

CII. Administrative Review

1. The Captain will be responsible for completing a documented annual review of this policy.

2. At a minimum the review will include:
   
a. A review of citizen complaints and/or comments received regarding biased based profiling.

b. An overview of training conducted.

c. Recommendations, if any, for changes in procedures and practices.
This document has been reviewed and approved by Ronald G. Saindon

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who is an authorized representative of the University of Southern Maine Department of Public Safety.

Date: 6/8/2020 Signature: [Signature]

Title: Chief of Police & Director of Public Safety