

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

DATE: January 31, 2019
TO: Chief Robert Merner
FROM: Lt. Michael Maloney
RE: Annual Bias-Based Profiling Analysis- 2018

This analysis will serve as an administrative review of the department's response to Bias Based Profiling for calendar year 2018. The department has a policy titled Bias Based Policing (SOP O-144). The policy became effective on January 26th 2017. All department members are required to read and acknowledge the content of the policy.

The policy clarifies the circumstances in which race, ethnicity, gender, sexual orientation, gender expression, or other potentially improper criteria can legitimately be used as factors establishing reasonable suspicion or probable cause. It also reinforces procedures that serve to assure the public that we are providing services and enforcing laws fairly, equitably, and impartially. Portsmouth Police will not initiate police contact, action, or intervention based solely on the aforementioned or other potentially erroneous criteria.

All enforcement actions, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., will be based on reasonable suspicion or probable cause as required by NH statutes and the 4th Amendment of the US Constitution.

Except in cases where credible, reliable, locally-relevant information that links persons of specific description criteria to particular criminal incidents, officers will not consider race, ethnicity, gender, sexual orientation, gender expression, or other improper criteria in establishing either reasonable suspicion or probable cause. Persons will not be singled out or otherwise treated differently because of their race, ethnicity, gender, sexual orientation, gender expression, or other improper criteria.

The policy also addresses procedures for receiving calls for service that potentially involve bias. For example, if a call is received in the Communications Center or an officer is flagged down and someone reports a concern based solely on a person's race, ethnicity, gender, sexual orientation the reporting party is questioned further. They will be referred to the Shift Commander at the same time being advised that the department will not stop, detain and or question an individual based only on one or any of the above characteristics. The caller should be questioned further as to what specific behaviors the subject is displaying that could in fact be a need for a legitimate police response. Occasions like this are also an opportunity for the department to inform the public on our bias based policy philosophy and policy.

Officers will receive initial and periodic training in subjects that promote and encourage impartial policing. In 2018 all sworn members received specific training relative to bias

based policing. Applicable training subjects may include, but are not limited to, officer safety, courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpretational communication skills, and constitutional and case law. Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing.

Citizen complaints that allege officers conducted policing activities based on any improper criteria will be investigated consistent with department policy. A custom field in Guardian Tracking allows the department to track any citizen complaints or internal affairs that have been reported to be based on bias or prejudice.

In 2017 there was one instance of a citizen complaint that alleged bias based on race. This complaint was investigated formally by a supervisor and determined to be unfounded. In 2018 there were no complaints alleging bias. Considering that the department handled over 50,000 calls for service in 2018 it is commendable that there was not a single complaint alleging bias. Based on this, it appears clear the members of the department exercise their authority with due regard to race, ethnicity, sexual preference or other personal preference issues.

END OF REPORT

