


YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Biased-Based Policing	NUMBER: GO 2-57
EFFECTIVE DATE: March 1, 2021	REVIEW DATE: November 4, 2020
AMENDS/SUPERSEDES: GO 2-57, May 30, 2019	APPROVED: _____  Sheriff
VLEPSC: ADM.02.05	

1 **INDEX WORDS**

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9 **POLICY**

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11 It is the policy of the York-Poquoson Sheriff's Office that the interdiction or disparate treatment

12 of any person on the basis of their racial, ethnic, gender, sex, sexual orientation, national origin,

13 religion, disability or other protected status by the laws or Constitution of the Commonwealth of

14 Virginia and the United States is expressly prohibited.

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16 **PURPOSE**

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18 The purpose of this directive is to unequivocally state that racial, ethnic and gender profiling in

19 law enforcement is totally unacceptable, to provide guidelines for deputies to prevent such

20 occurrences, and to protect deputies from unwarranted accusations when they act within the

21 dictates of law and Sheriff's Office policy.

22

23 **DEFINITIONS**

- 24
- 25 • Biased-based policing
 - 26 ○ Any conduct by law enforcement officers motivated solely by an individual's race,
 - 27 gender, ethnicity, age, socio-economic level.
 - 28
 - 29 • Racially Biased Policing
 - 30 ○ Occurs when law enforcement officers inappropriately considers race or ethnicity in
 - 31 deciding with whom and how to intervene in an enforcement capacity.
 - 32
 - 33 • Racial Profiling
 - 34 ○ The practice of interdicting or detaining an individual based on a broad set of criteria
 - 35 that casts suspicion on an entire class or race of people without any individualized
 - 36 suspicion of the particular person being stopped.

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- Reasonable Suspicion
 - Also known as articulable suspicion. Suspicion that is more than a mere hunch, but rather, is based on a set of articulable facts and circumstances that would warrant a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion.
 - This can be based on the observations of a deputy sheriff combined with his or her training and experience, and/or reliable information received from other credible sources.
 - See [GO 2-1, Constitutional Safeguards](#).

PROCEDURES

- General
 - The York-Poquoson Sheriff’s Office efforts shall be directed toward assigning deputies to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
 - Biased based profiling is prohibited
 - Section [52-30.1](#)., Code of Virginia, defines biased based profiling as:
 - Actions of a law enforcement officer that are based solely on the real or perceived:
 - ✓ Race,
 - ✓ Ethnicity,
 - ✓ Age,
 - ✓ Gender, or
 - ✓ Any combination thereof, or
 - ✓ Other noncriminal characteristics of an individual, except
 - ✓ When such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.
 - Traffic enforcement shall be accompanied by consistent, ongoing supervisory oversight to ensure that deputies do not go beyond the parameters of reasonableness in conducting such activities.
 - Motorists and pedestrians shall only be subjected to stops, seizures or detention based upon reasonable suspicion that they have committed, are committing, or about to commit an infraction.
 - ❖ Each time a motorist is stopped, the deputy shall radio to the 911 Emergency Communications Center the location of the stop and this information shall be logged in the CAD system.
 - Nothing in this policy shall prohibit a deputy from interdicting, detaining or taking other enforcement action against a person who enjoys a protected status as long as

81 there are additional credible factors, such as a vehicle description, clothing
82 description, etc. justifying the action.

- 83
- 84 • Training
 - 85 ○ Deputies shall receive initial and ongoing training in:
 - 86 ▪ Cultural diversity, and
 - 87 ▪ Interpersonal communications skills.
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 - 89 ○ Training programs shall emphasize the need to respect the rights of all citizens to be
 - 90 free from unreasonable government intrusion or police action.

91

92 COMMUNITY POLICING REPORTING REQUIREMENTS

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- 94 • In accordance with Section [52-30.2.C.](#), Code of Virginia, the following data shall be
95 collected and retained for every motor vehicle stop, stop and frisk of a person based on
96 reasonable suspicion and all other investigatory detentions that do not result in an arrest or
97 the issuance of a summons conducted by law enforcement and reported to the Virginia State
98 Police in accordance with procedures established by the VSP:
 - 99 ○ Vehicle driver's race;
 - 100 ○ Vehicle driver's ethnicity;
 - 101 ○ Vehicle driver's age;
 - 102 ○ Vehicle driver's gender;
 - 103 ○ Reason for the vehicle stop, stop and frisk or investigatory detention;
 - 104 ○ Location of the vehicle stop, stop and frisk or investigatory detention;
 - 105 ○ Whether a warning, citation or summons was issued;
 - 106 ○ Whether any person was arrested;
 - 107 ○ If a warning, written citation or summons was issued or person arrested the following
108 shall be recorded:
 - 109 ➤ The warning provided; or
 - 110 ➤ Violation charged; or
 - 111 ➤ Crime charged; and
 - 112 ➤ Whether the vehicle or any person was searched.
- 113
- 114 • In accordance with Section [52-30.2.D.](#), Code of Virginia, each state and local law
115 enforcement agency shall collect the number of complaints the agency receives alleging the
116 use of excessive force.

118 **COMPLAINTS OF RACIAL/ETHNIC PROFILING**

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120 • Filing of Complaints

121 ○ Any person may file a complaint with the York-Poquoson Sheriff's Office if they feel
122 they have been stopped or searched based on racial, or biased based profiling.

123 ■ No person shall be discouraged, intimidated, or coerced from filing such a
124 complaint, nor shall any person be discriminated against or retaliated against
125 because they have filed a complaint.

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127 ○ Complaints shall be investigated pursuant to [RR 1-9, Complaints-Internal Affairs](#).