



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT:

BIAS-FREE POLICING

GENERAL ORDER NO.

17-XX

SUPERCEDES:
JUNE 6, 2003

DATED:
April 26, 2017

SECTION CODE:

This Order contains the following numbered Sections:

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- II. POLICY STATEMENT**
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I. PURPOSE

The purpose of this order is to establish policies and procedures that prevent members of the Newark Police Division from engaging in any form of discriminatory practices and to ensure that every citizen will receive fair, respectful, and equitable treatment that is free of bias when that person encounters a member Newark Police Division.

II. POLICY

It is the policy of the Newark Police Division that when members provide police services, conduct field stops, conduct investigations, conduct searches, seize property, or make arrests, it shall be done fairly, impartially, and free of bias as such bias violates the Constitutions of both the United States of America and the State of New Jersey, and it is otherwise unlawful. Some of the protected characteristics, perceived or actual, include, but are not limited to the following: age, race, color, ethnic background, national origin, gender, gender identity, sexual orientation, disability, religion, economic status, or political belief system.

Bias-based policing conduct is strictly prohibited. Police action must be based upon conduct, not a person's protected characteristics. Members will be subject to discipline, from suspension up to termination, for practicing biased-based policing. Taking police action against a person based upon that person's protected characteristics degrades the public's confidence in the Division and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Division's ability to enforce the law.

III. DEFINITIONS

1. Biased-Based Policing: When a member of the Newark Police Division takes an enforcement action, or makes a decision to provide or not provide police services, and that action or decision is motivated solely, or in part, on an individual's perceived or actual characteristics. Note: The member must establish credible information about a locality and time linking an individual(s) with that characteristic to a specific crime, a crime pattern, or scheme before enforcement actions is taken.

2. Enforcement Actions: Includes any contact with a citizen that is not consensual. Examples include: pedestrian stops, traffic stops, frisks, summons issuance, detention, searches, seizures, warnings, and use of force.



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- 3. Explicit Bias:** Bias that results from a member's consciously held belief or attitude. In contrast to implicit bias, an explicit bias is one of which a person is or can be aware.
- 4. Fair and Impartial Treatment:** The understanding that individuals, irrespective of race or other protected characteristics, will be treated in the same manner under the same or similar circumstances.
- 5. Implicit Bias:** Bias that results from an unconscious negative or uncomplimentary association, feeling, perception, attitude and/or stereotype that influences an officer's judgment or conduct with respect to another person. Unlike explicit bias, an implicit bias may exist without the member's awareness and can contradict that member's stated beliefs.
- 6. Individual Characteristics:** For purposes of this General Order, a set of protected personal characteristics that include, but are not limited to, age, race, color, ethnic background, national origin, gender, gender identity, sexual orientation, disability, religion, economic status, or political belief system.
- 7. Integrity Control Officer (ICO):** a superior officer assigned to a command with responsibilities outlined in G.O. 80-1, who reports directly to the Commander of the Office of Professional Responsibility.
- 8. Member:** Any employee of the Newark Police Division.
- 9. Police Services:** Sometimes referred to as community-caretaking functions, these are actions and activities that include enforcement of the law, but also may include contributing to the overall well-being and safety of the public. These actions include, but are not limited to: assistance at a fire scene, traffic accidents, medical emergencies, rendering first aid, proactive crime prevention, traffic control, public information, community engagement, calls for service, or education.

IV. PROCEDURES

Bias-based policing is prohibited both in the enforcement of laws and the delivery of police services. Services will be delivered in an equitable and respectful manner that effectively enforces the law, complies with constitutional and other legal standards and promotes trust between the community and the Police Division.



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Members shall not consider an individual's protected characteristics when engaging in enforcement of laws or when delivering police services. The only exception will be when the individual's protected characteristics are part of a specific detailed, **"Be On The Lookout" (BOLO)** description (i.e., Wanted Flyer) or Amber Alert. In such situations, information concerning the protected characteristic of the suspect or wanted person may be legally used by members, along with other objective factors (i.e., vehicle, clothing, height, weight, etc.), as the basis for enforcement actions.

In an effort to prevent inaccurate perceptions of biased-based policing, each member shall do the following when conducting Field Stops (i.e., pedestrian or vehicle):

- a) Be courteous, respectful, and professional;
- b) Introduce him or herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. On vehicle stops, the officer shall provide this information before asking the driver for his or her license, registration, or insurance;
- c) Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the purpose of reasonable delays if any;
- d) Answer any questions the citizen may have, including explaining options for traffic summons dispositions, if relevant;
- e) Provide his or her name and badge number when requested, in writing or on a business card (if authorized); and
- f) Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

Unless exigent circumstances exist, members of the Newark Police Division shall not engage in law enforcement matters when it involves his/her own family member, friend, relative, or other person with whom the member has a personal relationship. This restriction is designed to prevent any conflict of interest and to prevent the objective decisions of the member from being, in fact, or appearing to be compromised. It is also designed to prevent any appearance of impropriety to a third party, including the justice system. In situations where the member is personally involved, the member shall recuse him or herself and shall call for another member to handle the matter.

V. REPORTING REQUIREMENTS

When feasible, members shall intervene at the time the bias-based policing incident occurs, which may prevent further damage to the trust and confidence between the community and the Police Division.



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Members who witness or who are aware of instances of bias-based policing shall report the incident to a supervisor.

Where there has been an allegation of bias-based policing, the investigating supervisor will complete a complaint entry into BlueTeam to document the circumstances of the allegation and the steps that were taken to address the matter. The targeted citizen's information will be collected, if the citizen wishes to provide it, including: citizen's name; address; phone number or email address; and name and contact information of witnesses who observed the incident.

The investigating supervisor shall submit all documentation of an allegation of bias-based policing by the end of their workday to the Office of Professional Standards (OPS).

VI. TRAINING

Newark Police Division shall provide bias-free training to all members of the Newark Police Division. NPD will ensure that all members receive, at a minimum, an initial eight hours of comprehensive and interdisciplinary training on bias-free policing, including implicit bias, explicit bias, procedural justice, and police legitimacy. Thereafter, a minimum of four hours of training shall be given annually based on developments in New Jersey or federal law and/or NPD policy. Training will emphasize that discriminatory policing, in the form of either selective enforcement or non-enforcement of the laws including the selection or rejection of particular policing tactics or strategies, is prohibited by policy and will subject the offending member(s), whether supervisory or rank and file, to discipline.

Bias-free training will address the following areas:

- a) Methods and strategies for more effective policing which rely upon nondiscriminatory factors;
- b) Police and community perspectives related to discriminatory policing;
- c) Federal and State Constitutional and other legal requirements related to equal protection and unlawful discrimination;
- d) The protection of civil rights as a central part of the police mission and as essential to effective policing;
- e) The existence and impact of arbitrary classifications, stereotypes, and implicit bias in decision making;



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- f) Instruction in the data collection protocols;
- g) Identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and
- h) Methods, strategies, and techniques to reduce misunderstandings, de-escalate conflict, and avoid complaints due to perceived bias or discrimination, including problem-oriented policing strategies.

VII. SUPERVISOR RESPONSIBILITIES

Active and conscientious supervision is essential in guarding members of the Police Division against preventable allegations of bias-based policing and monitoring instances where citizens make allegations of bias-based policing against members.

Supervisors will play a key role in ensuring that members serve the community in a bias-free manner, including:

Monitoring and assessing subordinate personnel for any behavior that may conflict with the purpose of this policy;

- a. Interceding immediately should any behavior indicate the member is using bias-based policing by discussing the issue with the Member and their immediate supervisor;
- b. Completing a complaint entry into BlueTeam to document the circumstances of the allegation and the steps that were taken to resolve the matter; and
- c. Ensuring that no retaliatory actions are taken against any member of the Police Division who discloses information concerning racial or bias-based policing.

VIII. ADMINISTRATIVE REVIEW

Cumulative and quarterly demographic analyses of the enforcement activities of Newark Police Division members will be conducted by the Integrity Control Officer (ICO) to ensure that the bias-free policing policy is implemented and adequately monitored.

The ICO will identify and evaluate trends, outliers, or other relevant indicators. This data will be analyzed and weighed based on the type of enforcement activities, member's unit



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or assignment, demographics of subject, shift or time of day, force used and resistance encountered, and peer comparisons.

This data shall be based on accurate, complete, and reliable information, including but not limited to:

- a) Misconduct complaints;
- b) Stop and detention data;
- c) Use of force analysis; and
- d) Enforcement practices based on community input.

Members, including supervisors, found to have engaged in bias-based policing will receive immediate counseling, mediation, corrective training, and/or may be subject to disciplinary action ranging from suspension up to termination.

IX. RESPONSIBILITY FOR COMPLIANCE

All Division members shall be responsible for complying with this policy. Command and Supervisory Officers will review, understand and comply with this policy and shall ensure that subordinate personnel also review, understand, and comply with this policy.

X. EFFECT OF ORDER

This Order is effective immediately upon promulgation. Any previous Orders, Memoranda, Directives, or portions thereof, that conflict with this Order are rescinded.

BY ORDER OF:

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

AFA/jr/mem