



# NEWARK POLICE DIVISION GENERAL ORDER



<b>SUBJECT:</b> <b>BIAS-FREE POLICING</b>		<b>GENERAL ORDER NO.</b> <b>17-06</b>
<b>SUPERCEDES:</b> <b>G.O. 03-04 (JUNE 6, 2003)</b>	<b>DATED:</b> <b>September 19, 2017</b>	<b>SECTION CODE:</b> <b>A-42</b>

**This General Order contains the following numbered sections:**

- I. PURPOSE**
- II. POLICY**
- III. DEFINITIONS**
- IV. PROCEDURES**
- V. REPORTING REQUIREMENTS**
- VI. TRAINING**
- VII. SUPERVISORY RESPONSIBILITIES**
- VIII. ADMINISTRATIVE REVIEW**
- IX. RESPONSIBILITY FOR COMPLIANCE**
- X. EFFECT OF ORDER**



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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 of the Newark Police Division.

## II. POLICY

It is the policy of the Newark Police Division that all decisions and actions by members shall be fair, impartial, and free of bias and unlawful discrimination. This policy applies equally to all law enforcement activities and the provision of all police services.

Bias-based conduct is strictly prohibited. Members' decisions and actions must be based upon conduct, not a person's specific characteristics including, but not limited to age, race, color, ethnic background, national origin, gender, gender identity, sexual orientation, disability, religion, economic status, or political belief system. Members will be subject to discipline, (including counseling, mediation and training) up to and including termination, for practicing or condoning bias-based policing. Treating a person differently based upon that person's specific 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. Bias-Based Policing:** The differential treatment of any person by members motivated by the specific characteristics, perceived or actual, of that person.

**2. Explicit Bias:** Attitudes and beliefs about a person or group on a conscious level. These biases and their expression often arise as the direct result of a perceived threat.

**3. 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, implicit bias may exist without the member's awareness and can contradict that member's stated beliefs.



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**4. 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 Standards.

**5. Member:** A sworn or civilian employee of the Newark Police Division.

**6. Police Services:** Sometimes referred to as community-caretaking functions, these are actions and activities that lay outside the enforcement of the law, which 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 scenes, traffic accidents, medical emergencies, rendering first aid, proactive crime prevention, traffic control, public information, community engagement, answering calls for service, or education.

**7. Specific Characteristics:** For purposes of this General Order, a set of specific 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.

#### IV. PROCEDURES

1. 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.

2. Members shall not consider an individual's specific characteristics when engaging in enforcement activities or delivering police services.

The only exception will be when the individual's specific characteristics are part of a detailed, "**Be On The Lookout**" (BOLO) description (e.g., wanted flyer or Amber Alert). In such situations, information concerning the characteristics 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 taking action.

3. In an effort to prevent inaccurate perceptions of bias-based policing, each member shall do the following when interacting with members of the public:



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- a) Be courteous, respectful, and professional;
  - b) Introduce himself 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.
  - c) On vehicle stops, the officer shall provide this information (described above in Section IV, sub. 3(b)) before asking the driver for his or her license, registration, or insurance. Do not ask the driver if they know why they are being stopped;
  - d) Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the reason for any delays;
  - e) Answer any questions the citizen may have, including explaining options for traffic summons dispositions, if relevant;
  - f) Provide his or her name and badge number when requested, in writing or on a business card (if authorized); and
  - g) Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).
4. The use of racially offensive and derogatory language towards the public is expressly prohibited.
  5. Unless exigent circumstances exist, members of the Newark Police Division shall not engage in law enforcement matters that involve the member's 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 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.



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## V. REPORTING REQUIREMENTS

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

Members who witness or who are aware of instances of bias-based policing shall report the incident as soon as possible to a supervisor. Failure to report will subject the officer to disciplinary action.

Where there has been an allegation of bias-based policing, the investigating supervisor will complete a complaint entry into "BlueTeam" or other appropriate data system to document the circumstances of the allegation and the steps that were taken to address the matter.

The complaining 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 new recruits and current members of the Newark Police Division.

NPD will ensure that all members receive, at a minimum, an initial eight (8) 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 (4) hours of training shall be given annually based on New Jersey or federal law and/or NPD policy. Training will emphasize that bias-based 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) The existence and impact of arbitrary classifications, stereotypes, and implicit bias in decision making;



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- 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 is essential to effective policing;
- e) Identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels;
- f) Methods and strategies for more effective policing which rely upon nondiscriminatory factors;
- g) Cultural competency;
- 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;
- i) Instruction in data collection protocols.

## **VII. SUPERVISORY 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" or other appropriate data system to document the circumstances of the allegation and the steps that were taken to resolve the matter; and



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- c. Ensuring that no retaliatory actions are taken against any member of the Police Division who discloses information concerning discriminatory and/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 anti-discrimination/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 or assignment, demographics of subjects, 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 violated this Order will be subject to disciplinary action (including counseling, mediation and training) up to and including 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 also ensure that all subordinate personnel read and acknowledge understanding of this directive.



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## 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 hereby rescinded.

BY ORDER OF

A handwritten signature in blue ink, consisting of stylized, overlapping letters, likely representing the name Anthony F. Ambrose.

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ANTHONY F. AMBROSE  
PUBLIC SAFETY DIRECTOR

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