

**SECTION V
CHAPTER 6 - Work Rules
ARTICLE VI - Bias Free Policing Procedures**

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1.0 PURPOSE

1.1 The intent of this policy is to reaffirm the Vermont State Police commitment to unbiased policing, to clarify the circumstances in which members can consider race, ethnicity, gender or other potentially improper criteria when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable and impartial way.

2.0 POLICY

2.1 It is the policy of the Vermont State Police that the department shall not condone the use of any bias based policing in the services our employees provide to the community in connection with our law enforcement activities.

3.0 PROCEDURE

3.1 Policing Impartially

(1) Definitions

(A) Bias-Based Policing - Conduct by law enforcement members motivated solely by an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria.

(B) Bias-Based Reporting - it is understood that citizens or community members might contact the Department for reasons solely based on an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria. It is our policy not to knowingly initiate State Police contact/action/intervention based solely on any of the aforementioned or other potentially improper criteria.

(2) If any member of the agency receives a call for service, whose only foundation has to do with an individual's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria, the employee will attempt to explore if there are any specific behaviors that call for police response. If no specific behavior is identified, the caller's contact information will be obtained and he/she will be advised that the member in charge of the shift will contact him/her.

(3) The member will contact the shift supervisor and provide the circumstances of the call. The shift supervisor will contact the caller and explain that we do not respond to calls for service that are based solely on a person's race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria.

The shift supervisor should attempt to educate the caller on our bias free policing policy and philosophy. He/She should also explain that we respond to behaviors/actions of individuals that appear suspicious, threatening, illegal, etc. and not to situations based solely on a person's characteristics/attributes as defined above. The shift supervisor will document this interaction via a CAD report.

(4) Investigative detentions, traffic stops, arrests, searches and property seizures by members will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Members must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches and property seizures.

(5) Except as provided in (6) below, members shall not:

(A) consider race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria in establishing reasonable suspicion or probable cause;

(B) consider race, ethnicity, gender, age, perceived or known mental illness, sexual orientation, religion, disability, socioeconomic level, or other potentially improper criteria in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

(6) Members may take into account the reported race, ethnicity, gender or other potentially improper criteria of a specific suspect or suspects based on relevant information that links a person or persons of a specific race, ethnicity, gender or other potentially improper criteria to a particular unlawful incident(s). Race, ethnicity, gender or other potentially improper criteria can never be used as the sole basis for probable cause or reasonable suspicion or motivating factors in taking law enforcement actions.

3.2 Preventing Perceptions of Biased Policing

(1) In an effort to prevent inappropriate perceptions of biased law enforcement, each member shall do the following when conducting pedestrian and vehicle stops:

(A) be courteous and professional;

(B) identify himself/herself to the citizen (providing name and agency) and state the reason for the stop as soon as practical, unless providing this information will compromise the members or public safety;

(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;

(D) answer any questions the citizen may have;

(E) Provide the member's name and duty assignment verbally, when requested. Members may also provide the information in writing or on a business card.

(F) Explain if the member determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

3.3 Compliance

(1) The Vermont State Police are committed to providing periodic cultural training for its' members. It is the goal of this Department to ensure that all employees are sensitive to, and aware of, cultural diversity issues and what constitutes biased policing.

(2) The Vermont State Police is committed to the vigorous investigation of complaints of this nature and violations of this policy shall result in disciplinary action.

(3) Additionally, the Vermont State Police has in place committees to review all video tapes on reported use of force, pursuit, and vehicle searches. The opinions and recommendations of each respective committee are forwarded to the Vermont State Police Office of Professional Development for review.

3.4 Supervision and Accountability

(1) Supervisors shall ensure that all members in their command are familiar with the content of this policy and are operating in compliance with it. Supervisors should randomly review records such as reports or video/audio recordings, or otherwise monitor the conduct of the members in their command for the purpose of ensuring compliance with this policy and to identify training issues.

(2) Upon the request from a member of the public, members will explain how a person should make a complaint regarding an officer's conduct.

(3) All members are required to report allegations, complaints, or knowledge of a suspected violation of this policy in accordance with [Section III, Article III](#), of the Department's Rules and Regulations.

(4) The Department shall investigate alleged violations of this policy in accordance with the provisions of Section III, Article III, of the Department's Rules and Regulations.

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The Vermont State Police Manual is not intended to apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

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