



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 87	Subject: Bias Based Profiling	Effective Date: 01/26/2001
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to reaffirm the University of Pennsylvania Police Department’s (UPPD’s) policy and practice prohibiting the use of bias based profiling against any specific group of persons. Additionally, this directive will outline the procedure for documenting all traffic stops and investigations of persons as required by the department.

II. Policy

The UPPD does not condone the use of bias based profiling of any group by sworn personnel and prohibits any policy, procedure, or practice that constitutes profiling any group of the population for the purposes of traffic stops or investigation based upon that profile alone. The UPPD respects and is committed to the protection of the rights of every individual and pledges to treat everyone fairly and without favoritism in all enforcement actions. All investigative detentions, traffic stops, arrests, searches and seizures of property by sworn police officers will be based upon a standard of “reasonable suspicion” or “probable cause” as required by the Fourth Amendment of the United States Constitution and statutory authority.

III. Scope

This directive shall affect all sworn police officers.

IV. Definitions

- A. Biased Based Profiling: when a police officer stops, takes enforcement or investigative action against a citizen based solely on the person’s race, ethnicity, gender, sexual orientation, religion, socio-economic status, or disability. Biased based profiling may also be defined as characterizing any of the aforementioned groups with a tendency to participate in criminal behavior.
- B. Reasonable Suspicion: More than a mere hunch. Based on a set of articulable facts and circumstances that would warrant a person of average caution in believing that an offense has been committed, is being committed, or is about to be committed by a specific person. It can

be based on an officer's observations, training and experience, or information received from credible outside sources or third parties. Police initiated action must be based on a person's illegal behavior or on the basis of information which matches a suspect's individual description.

- C. Probable Cause: Probable cause to arrest assumes facts and circumstances that would lead a reasonable person to believe that an offense has been or is being committed by the person about to be arrested. Probable cause to search means assumes and circumstances that would lead a reasonable person to believe that a crime has been committed, and that fruits of that crime, instruments of the crime, evidence of the crime, or contraband are presently in the place that is about to be searched.

V. Procedures

A. Initiating Enforcement, Investigations And Citizen Contact

1. Race/ethnicity can **never** be used as the **sole** basis for probable cause or reasonable suspicion. Officers must be able to describe how physical and personal characteristics are **specifically related** to establishing reasonable suspicion or probable cause when initiating enforcement based on such characteristics.
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers 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.
3. Officers shall not consider **any personal or perceived bias** in establishing either reasonable suspicion or probable cause. Similarly, except as provided in this policy, officers shall not consider race/ethnicity/human diversity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
4. Officers may take into account the reported race/ethnicity/human diversity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to particular unlawful incident(s). The standard for "trustworthy" information is the same one that officers should apply to any information they use to establish reasonable suspicion or probable cause. It means that the information is worthy of confidence. "Locally relevant" means information is worthy of local conditions.
5. Sworn personnel will be personally responsible for treating all citizens with courtesy and respect when making contact. Officers are forbidden from using language, or displaying symbols and gestures that are commonly viewed as offensive to, or are indicative of bias towards any group.

6. All persons stopped by an officer shall be provided with an explanation for why they were stopped, unless disclosure of such information would undermine an investigation or jeopardize the officer's safety. Motorists are entitled to both a verbal explanation and written documentation of the stop (i.e. Traffic Citation or Warning). If the officer determines that his or her initial reasonable suspicion did not permit a rise to further police interaction, the officer will apologize for inconveniencing the individual who was stopped.
 - a) Providing citizens with an explanation for why they were stopped fosters better relations with the community and reduces the perception of bias on the part of the police.
 - b) Nothing in this directive shall limit the officer's ability to interview witnesses or discourage routine conversations with citizens not suspected of an offense.
7. Officers who have stopped a motorist, issued a citation, made an arrest, conducted a field interview, conducted an investigative detention, or conducted a search will document all relative information on the UPPD Incident Report (UPPD-10), including:
 - a) The name of the person stopped/searched/arrested or detained;
 - b) The individual's age, race, sex, date of birth, social security number (if known), address and phone number;
 - c) The individual's height, weight, build, eye color, hair color, facial hair and complexion;
 - d) The individual's operator's license number (if known), vehicle information; and
 - e) The reason for the stop.
 - f) At the conclusion of the stop, officers will apologize and/or explain if he or she determines that the reasonable suspicion did not permit a rise to further police interaction.
8. If the individual is frisked and/or searched, the officer will state the justification for the frisk or search. If the individual is operating a vehicle and provides consent for the vehicle to be searched, or the occupant of a property provides consent for the property to be searched, the officer will complete a "Waiver of Rights and Consent to Search Form" (UPPD-55) and will obtain the signature of the individual providing consent which the officer will then witness. All consent searches will commence only after the receipt of the signed waiver.

B. SUPERVISORY RESPONSIBILITY

1. Supervisors will:
 - a) Ensure that their personnel are familiar with this directive and support its provisions;

- b) Receive all citizen complaints or allegations of bias based profiling on the part of officers as per **Directive 52, "Citizen Complaint Process"**;
 - c) Review completed UPPD Incident Forms to ensure that the proper information is recorded; and
 - d) Observe the practices of officers to ensure bias based profiling tactics are not utilized.
 - (1) The review of pedestrian and vehicular stops will be conducted at every supervisory level. PennComm Police Supervisors and Sergeants will review each submitted report of a pedestrian and/or vehicle stop on a per incident basis to ensure that the required information is being submitted for every individual stopped; and to further ensure that the individual officers are in adherence to this policy relative to the prohibition of bias based profiling.
 - (2) Shift Commanders will review aggregate data of all pedestrian and vehicular stops minimally twice a month. A written report indicating the number of stops made by each officer (including the race and gender of the individual stopped, and the outcome of the stop ((i.e. citation issued, arrest made, search conducted)) shall be completed by each Shift Commander and will be forwarded to the Captain of Staff and Administrative Services every month.
 - (3) The Captain of Staff and Administrative Services will review the aggregate data submitted by each Shift Commander and will produce a written report to the Chief of Police on a monthly basis. This report will provide a breakdown of all pedestrian and vehicular stops made by each shift and will include the percentages of stops made for every ethnic group and gender. Further, the report will indicate any potential violations of this directive and action steps taken to address the deficiency.
 - (4) The Chief of Police will review the monthly report submitted by the Captain of Staff and Administrative Services. The data provided in the monthly reports will be summarized and an annual report will be compiled (see section V.D.1. of this directive).
- 2. Supervisors are authorized and encouraged to request database information on the documented stops and searches performed by their personnel at any time. If upon review a pattern of behavior for a particular officer is revealed, the Supervisor will conduct an evaluation to determine whether the officer routinely stops members of a particular group for violations of vehicle laws as a pretext for investigating other violations of criminal law.
 - 3. Supervisors will take corrective measures, which may include additional training, and/or disciplinary action when bias based profiling may be evident. Additionally, supervisors will advise the Chief of Police through the chain of command when such activity occurs and will document all corrective measures taken.

C. Training

1. All sworn officers will receive this directive and shall be required to be trained on the subject during their Field Training program.
2. All officers shall receive training on an annual basis relative to the contents of this directive. Departmental training will illustrate how racial and ethnic stereotypes could influence the discretion and judgment of officers; and what steps officers can take to overcome stereotypic behaviors. Training may be conducted through in-service, special courses, or roll-call training. Participation in training will be documented and recorded in the departmental training record. Specific learning objectives and content of training materials will be periodically reviewed in consultation with local and national experts in issues of cultural diversity and other issues related to policing and community interactions. The cultural diversity training will build skills in the areas of judgment, discretion, and the interpretation of non-verbal behavior, and will include practical cognitive strategies for recognizing when stereotypes may be influencing the judgment of police officers.
3. The UPPD Training Officer shall coordinate special training on profiling or related subjects when required for a particular unit or officer when requested by the Chief of Police.

D. Annual Review Of Data

1. The Captain of Staff and Administrative Services, or designee, will on an annual basis conduct a review of aggregate data on all pedestrian and vehicular stops, citations, arrests and searches by perceived race or ethnicity, and by gender. Further, the report will indicate the proportion by perceived race or ethnicity, and gender, of those investigative stops that result in the issuance of a citation, an arrest, or a search. A report indicating the findings will be forwarded to the Chief of Police and the Professional Standards and Training Supervisor. The Professional Standards and Training Supervisor shall forward the completed report to the Vice President for Public Safety via chain of command, who will then present the data to the Public Safety Advisory Board.

E. Annual Review Of Policy And Community Input

1. On an annual basis, the contents of this policy will be reviewed by the Professional Standards and Training Supervisor to ensure that it remains relevant and consistent with the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA) and with the best practices of national law enforcement organizations. Further, the contents of this policy shall be made available to the University of Pennsylvania community through the Division of Public Safety Web Page (www.publicsafety.upenn.edu) and through its dissemination to University-wide resource centers. The department will encourage members of the community to provide input to the policy and this input will guide the department in its annual review of the directive.

F. Quality Control Feedback

1. The Chief of Police (or designee) will, on a regular basis, make contact with individuals who were stopped by the UPPD to determine that the interaction between the officer(s) and the individual who was stopped was handled in a professional manner; and that the stop was in accordance with this directive.

G. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

H. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

I. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.