

Lincoln County Sheriff's Office  
Standard Operating Policies Manual

General Order

**2-22 HATE / BIAS CRIMES and BIASED BASED PROFILING**

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Approved by: Sheriff Todd B. Brackett



**I. POLICY**

It is the policy of the Lincoln County Sheriff's Office to safeguard the state and federal rights of all individuals without regard to race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. Any bias-motivated acts including violence, threats of violence, property damage, or the threat of property damage, harassment, intimidation, or any other bias-motivated crime or act will be given the utmost priority. BOT 13-1

The Lincoln County Sheriff's Office does not condone and will not tolerate bias-based profiling and/or any other discriminatory practice by any employee, contractor, or sub-contractor. Any behavior directly or indirectly related to personal bias including profiling is strictly prohibited. This includes stops, detentions, or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. The Sheriff also requires that individuals are only stopped or detained when legal authority exists to do so and that deputies base their enforcement actions solely on an individual's conduct and behavior or specific suspect information. BOT 13-1

It is the responsibility of each deputy to be familiar with the Maine Civil Rights Act and applicable criminal standards. Given this is a statutorily mandated policy, deputies must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. BOT 13-4

**II. PURPOSE**

The purpose of this policy is to assist employees in identifying incidents motivated by bias; based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry, in reporting such incidents, and in defining appropriate steps for assisting victims, apprehending suspects, and to prohibit employees from bias-based profiling. MLEAP 2.01

**III. DEFINITIONS**

**Bias-Motivated Incident:** Means any incident motivated in whole or in part by bias-motivated conduct. The bias motivation would include bias based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. BOT 6-4

**Hate/Bias Crime:** Means any crime motivated in whole or in part by bias based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. BOT 6-4

**Bias-Based Profiling:** Means targeting an individual based on a trait common to a group for enforcement action to include, but not limited to race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. BOT 13-2

**Enforcement Activities:** Activities both on and off-duty, undertaken by any employee that arise from their authority related to employment, oath of office, state statute, or federal law. Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement or other contact with citizens.

**Probable Cause:** A set of facts or circumstances based on reliable information or personal knowledge or observation by an officer, which reasonably shows or would warrant an ordinary prudent reasonable officer in believing that a person has committed, is threatening, or is about to commit some criminal violation of the law.

**Reasonable Suspicion:** A suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.

#### **IV. PROCEDURES - INVESTGATIONS**

##### **A. Deputy Sheriffs (LEO) BOT 6-7**

1. Respond to the scene of bias crime/incident, takes steps to ensure everyone's safety and keep the incident from escalating and secure and preserve the scene.
2. Thoroughly investigate the incident, documenting the facts, language, and physical evidence in an incident report.

##### **B. Supervisor BOT 6-7**

1. The supervisor shall confer with the initial responding deputy, ensure that all necessary preliminary actions have been taken and inform the agency's Civil Rights Officer.

##### **C. Civil Rights Officer(CRO) BOT 6-7, 6-10, 6-11**

1. The Civil Rights Officer is assigned by the Sheriff. All employees are required to know who the CRO is and shall inform any member of the public the name of that officer voluntarily or upon request. The Civil Rights Officer may assume control of the investigation. This includes:

- a. Assuring that the scene is properly protected, preserved, and processed. If

evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to remove such material as soon as possible and the deputy or CRO shall follow-up to ensure that this is accomplished in a timely manner.

b. Conduct or cause to be conducted a comprehensive interview with all victims and witnesses at the scene, including a canvas of the neighborhood for additional sources of information.

c. Notify other appropriate personnel in the chain of command.

2. Investigate bias crime/incident to make a determination as to motive.
3. Notify the Office of the Attorney General by contacting the Investigation Division at 207-626-8520. BOT 6-7, 6-8
4. Work closely with the Office of the District Attorney to ensure that a legally adequate case is developed for prosecution. BOT 6-9
5. Assume lead role in providing on-going assistance to the crime victim to include:
  - a. Contacting the victim periodically to determine whether the victim is receiving adequate and appropriate assistance.
  - b. Providing information to the victim about the status of the criminal investigation.

## **V. PROCEDURES - EMPLOYEES**

### **A. Employee Responsibilities**

1. All Lincoln County Sheriff's Office employees, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all duties in a professional manner.
2. All investigative detentions, traffic stops, arrests, searches, and seizures of property by Sheriff's Office employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority. Deputies must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, traffic stop, or investigative detention.
3. Deputies may consider the reported race, ethnicity, or national origin of a specific suspect or suspects based on credible, reliable, locally-relevant information that links a person of a specific race to a particular criminal incident or links a specific series of crimes in an area to a group of individuals of a particular ethnicity.
  - a. The criteria of locally relevant requires that the information linking race to

crime be based on local conditions. That is, deputies could not rely on widely held stereotypes or even the fact that in many areas of the country a certain race is linked to a certain crime. Deputies must have information that supports the link between race and specific criminal activity in their area.

4. Except as provided in section 3 above, deputies shall not consider race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry in establishing either reasonable suspicion or probable cause.

5. To prevent inappropriate perceptions of biased law enforcement, deputies shall utilize the following strategies when conducting pedestrian and vehicle stops:

a. Introduce himself or herself, providing name and agency name, and explain to the citizen the reason for the stop as soon as practical, unless providing this information will compromise the safety of deputies or other persons. See example below. However, due to the nature and purpose of the operations, undercover deputies or deputies acting as decoys are exempt from identifying themselves until the point that arrest, detention, or enforcement actions undertaken.

Example: "Good morning I am or my name is Deputy Smith, with the Sheriff's Office may I see your license, registration, and proof of insurance please. (Wait for material) Do have any idea why I stopped you today? (Wait for reply) State reason: your right headlight is out, I have you at 52 miles per hour, etc" Then simply proceed with appropriate conversation and actions.

b. Ensure that the length of the stop is no longer than necessary to take appropriate action for the known or suspected offense.

c. Answer any questions the individual may have, including explaining options for the disposition of the traffic citation, if relevant.

d. Provide his or her name when requested to do so, in writing or on a business card.

e. Deputies shall provide an explanation if it is determined that the reasonable suspicions were unfounded. (e.g., after a BOLO stop).

f. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry of any person stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action.

## B. Supervisor Responsibilities

1. Supervisors shall ensure that deputies follow the policies and procedures

outlined here. It is the responsibility of supervisors to monitor the activities of their personnel and to identify potential bias-based policing activity.

2. An on-duty supervisor shall be responsible for making contact, when possible, with any known complainant alleging bias-based law enforcement practices by any deputy(s) under their command, either on the scene or by telephone and shall document the content of the complaint.

3. Upon receipt of a bias-based policing complaint, each supervisor shall address the matter in a timely manner and in compliance with policy. All complaints must be reported to the CRO and the Sheriff as soon as possible.

4. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias based profiling and treatment of individuals. Any indications of such shall be reported immediately to the CRO and Sheriff.

## **VI. ALLEGATIONS of BIASED POLICING**

A. If a person complains to any deputy or if any deputy becomes aware that he or she or another deputy has engaged in practices prohibited by this policy, the deputy will immediately notify his or her supervisor with details of the situation.

1. When practical to do so, the supervisor will report to the scene to mediate the situation.

2. Any employee accused of bias-based activity shall provide the complainant(s) with the full name and agency telephone number of the deputies immediate supervisor. The supervisor shall in turn notify the CRO and Sheriff.

3. Any employee accused of bias-based activity shall complete a memorandum detailing the incident, the allegation made, the purpose for the contact with the individual(s). The Memorandum shall be forwarded to the Sheriff through the chain of command.

B. Any person who believes he or she was stopped, detained, or searched based solely on a biased based profile is encouraged to file a complaint with the agency.

C. Investigations of allegations of bias-based policing shall be conducted promptly and in the same manner prescribed in Policy 1-10.

D. Should the Attorney General's Office receive a complaint of bias-based profiling, the Chief of Investigations of the Office of the Attorney General will review the complaint and determine whether an investigation is warranted and, if so, will coordinate any such investigation with the Lincoln County Sheriff's Office to assure that it is thorough and completed in a timely fashion. The Chief of Investigations will also, as necessary, provide recommendations and support to the Sheriff's Office during their review, investigation, and resolution of a complaint.

## **VII. REVIEW and REPORTING REQUIREMENTS**

A. Dependent on the findings of each complaint as well as the specific factors involved, corrective measures may be taken to remedy violations of this policy. Corrective measures may include but are not limited to training, counseling, policy review, and discipline up to and including termination of employment. In addition, employees may face civil and criminal liability in accordance with Title 42 U.S.C. 1983, Title 42 U.S.C. 14141 and Title 18 U.S.C. 242.

B. The Sheriff or designee will conduct and document an annual review of practices and/or citizen complaints/concerns received to identify any biased based profiling patterns or practices that may exist. Additionally, training needs and policy amendments will be also be reviewed annually. Any training need, policy amendments, and findings of the annual review will be maintained in a binder by the civil rights officer.

C. If a pattern or practice is identified, the Sheriff will ensure that an investigation is completed promptly and that any necessary corrective action is taken.

D. The Sheriff shall notify the Office of the Attorney General of any complaint of bias-based profiling and the results of any related investigation against any member of the Lincoln County Sheriff's Office. BOT-13-3

## **VIII. RETALIATION**

A. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because he or she filed a complaint.

B. No employee, regardless of rank, shall retaliate against any fellow employee, official, civilian, or volunteer for reporting incidents of bias-based policing or for participating in or cooperating with the investigation of those incidents.

C. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to disciplinary action up to and including termination.

## **IX. TRAINING – MLEAP 2.01**

A. Employees shall receive biennial training on bias-based policing.

B. Training topics may include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

C. Training on bias-based policing shall be documented.