



LINCOLN POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 1490
TOPIC: UNLAWFUL OR IMPROPER BIAS IN PUBLIC SAFETY
ISSUED BY: MICHON MORROW, CHIEF OF POLICE
DATE: 1-1-2024
SUPERSEDES: G.O. 1490, 2023
REFERENCE: N.R.S. 20-501-506, et seq.

I. POLICY

The Lincoln Police Department does not condone unlawful or improper bias in public safety as it can lead to allegations of violations of the constitutional rights of the community we serve and undermines legitimate law enforcement efforts. The purpose of this order is to clarify the circumstances in which officers can consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups, when making law enforcement decisions, and to establish procedures that assure the public that the department serves the public and enforces laws in an equitable way. (1.2.9)

II. PROCEDURE

A. Definitions

1. Biased-Based Policing – using race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups as a reason to restrict a person's liberty when these classifications are not a descriptive factor relating to a suspected criminal event;
2. Bias by Proxy – Bias by proxy occurs when individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial profiling or implicit bias. When the police act on a request for service rooted in racial bias, they risk perpetuating the caller's bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.
3. Disparate Treatment – differential treatment of persons on the basis of race, color, or national origin;
4. Motor vehicle stop – any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, or towed vehicle at a state weighing station; and
5. Racial profiling – detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual.

B. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in the U.S. and Nebraska Constitutions. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, vehicle stops, arrests, nonconsensual searches, and property seizures.

C. Employees shall not use race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups as motivating factors for law enforcement decisions or actions, unless these classifications comprise part of the physical description of an individual sought for lawful purposes. These decisions include, but are not limited to, arrests, detentions, field contacts, vehicle stops, searches, property seizures and asset forfeiture. (1.2.9)

1. Officers may take into account race, ethnicity, gender or national origin as one part of the description of a suspect, if the totality of the circumstances constitutes reasonable suspicion or probable cause.
2. Race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups shall never be used as the sole basis for reasonable suspicion or probable cause.

- D. Except as provided above, officers shall not consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups in:
 - 1. Establishing reasonable suspicion or probable cause, or
 - 2. Deciding to initiate nonconsensual encounters that do not amount to legal detentions, or
 - 3. Requesting consent to search.

- E. In order to minimize perceptions of unlawful or improper bias when stopping pedestrians or vehicles, officers shall:
 - 1. Be courteous and professional.
 - 2. Introduce themselves to the community member and state the reason for the stop as soon as practical, unless to do so immediately would compromise officer or public safety. In traffic violation stops, the officer should provide this information before asking the driver for their license and other documents.
 - 3. Ensure that the detention is for a period of time no longer than necessary to take the appropriate action and explain any unusual delays.
 - 4. Explain the citation, if any, and answer any pertinent questions the person may have.
 - 5. Provide their business card or name and employee number in writing upon request.
 - 6. Explain and/or apologize if it is determined that the reasonable suspicion or probable cause leading to the stop was unfounded.

- F. In instances of perceived unlawful or improper bias by proxy officers should contact their supervisor for guidance on how to proceed. Members shall complete a report detailing the circumstances and disposition.

- G. In compliance with Nebraska law, officers will record data about all motor vehicle stops, using either software or forms provided for this purpose. (1.2.9)

- H. All complaints regarding unlawful or improper bias or disparate treatment based on an individual's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups made against an employee of the Department shall be investigated in accordance with General Order 1430, "Internal Investigations"
 - 1. A copy of each allegation of racial profiling shall be forwarded to the Nebraska Commission on Law Enforcement and Criminal Justice by the Professional Standards Sergeant.
 - 2. The Commission shall also be provided with a written notification of the review and disposition of the allegation.
 - 3. No information revealing the identity of the law enforcement officer, or the complainant shall be used, transmitted or disclosed in the documentation alleging racial profiling sent to the Commission.

- I. All officers shall receive training on the issue of unlawful or improper bias in public safety during the basic academy or in-service training. An annual review will be conducted. (1.2.9)

- J. Supervisors shall ensure that all personnel in their command operate in compliance with this policy. (1.2.9)