PISCATAQUIS COUNTY SHERIFF'S OFFICE

HATE/BIAS CRIMES and BIAS-BASED PROFILING

Number: 6-A

Effective date: 02/15/2019
Reviewed & Revised: 06/01/2020
Reviewed & Revised: 08/03/2026

Division: Law Enforcement

I. PURPOSE

The purpose of this policy is to assist employees in identifying and reporting incidents motivated by bias based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry, and to define appropriate steps to support victims and apprehend suspects.

II. POLICY

It is the policy of this law enforcement agency to safeguard the rights of all individuals under state and federal law 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.
It is each deputy's responsibility to be familiar with the Maine Civil Rights Act and applicable criminal standards.

III. DEFINITIONS

Bias-Motivated Incident: Any incident motivated in whole or in part by bias-motivated conduct. The bias motivation includes bias based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry.

Hate/Bias Crime: 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.

Probable Cause: A set of facts or circumstances based on reliable information, personal knowledge, or observation by a deputy that reasonably shows or would warrant an ordinary, prudent, reasonable deputy 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 that of themselves do not give rise to the probable cause requisite to justify a lawful arrest but that give rise to more than a bare suspicion, i.e., a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.

IV. PROCEDURES – Bias Investigations

A. Emergency Communication Specialist (ECS)

Whenever an ECS receives a call for a bias-motivated incident or hate/bias crime, the ECS will advise the responding unit(s).

B. Law Enforcement Deputy [Deputy]
1. Respond to the scene of the bias crime/incident, take steps to ensure everyone's safety, prevent 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.

C. Supervisor
1. The supervisor shall confer with the initial responding Deputy to ensure that all necessary preliminary actions have been taken and notify the agency's Civil Rights Deputy.

D. Civil Rights Deputy
1. The Civil Rights Deputy for this agency shall be assigned by the Sheriff. The Sheriff will ensure that the Civil Rights Deputy's name and contact information are forwarded to the Office of the Attorney General. The Office of the Attorney General shall be notified of any change in the Civil Rights Deputy position. The Sheriff will ensure that the Civil Rights Deputy is provided sufficient training. Any Deputy shall inform any member of the public or law enforcement agency of the name of that deputy.
2. The Civil Rights Deputy may assume control of the investigation. This includes:
a. Ensuring that the scene is adequately protected, preserved, and processed. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the property owner shall be contacted to remove such material as soon as possible, and the Deputy shall follow up to ensure that this is accomplished promptly.
b. Conduct comprehensive interviews with all victims and witnesses, including a canvas of the neighborhood for additional sources of information.
c. Notify other appropriate personnel in the chain of command.
3. Investigate bias crime/incident to determine the motive.
4. The Civil Rights Deputy shall notify the Office of the Attorney General by contacting the Investigation Division at 207-626-8520.
5. The Civil Rights Deputy shall work closely with the Office of the District Attorney and the Office of the Attorney General to ensure that a legally adequate case is developed for prosecution.
6. Assume a lead role in providing continuing assistance to the crime victim, including:
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.

Sheriff Robert Young

PISCATAQUIS COUNTY SHERIFF'S OFFICE

HATE/BIAS CRIMES and BIAS-BASED PROFILING

Number: 6-B

Effective date: 02/15/2019
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Division: Law Enforcement

I. PURPOSE

The purpose of this policy is to prevent employees from engaging in bias-based policing.

II. POLICY

It is the policy of this agency to safeguard the state and federal rights of all individuals, regardless of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry.
Bias-based policing and/or any other discriminatory practice by members of this agency is strictly prohibited. This includes stops, detentions, searches, or asset seizures and forfeitures based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry. This agency also requires that individuals be stopped or detained only when legal authority exists to do so, and that members of this agency base their enforcement actions solely on an individual's conduct or behavior or on specific information about the suspect.

III. DEFINITIONS

Bias-Based Policing: Targeting an individual based on a trait common to a group for enforcement action, including, but not limited to, race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry.

Enforcement Activities: Activities both on and off-duty undertaken by department personnel 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 seizures and forfeitures, and general law enforcement interactions with citizens.

Probable Cause: A set of facts or circumstances based on reliable information or personal knowledge or observation by an deputy, which reasonably shows or would warrant an ordinary, prudent, reasonable deputy 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 and articulable as opposed to an imaginary or purely conjectural suspicion.

IV.PROCEDURES

A. Employee Responsibilities

1. All department employees, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect and will professionally conduct all law enforcement duties.

2. All investigative detentions, traffic stops, arrests, searches, and property seizures by department 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/or statute. Deputies must be able to articulate specific facts, circumstances, and conclusions that 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 locally relevant criteria require that the information linking race to crime be based on local conditions. That is, deputies may 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 supporting a 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 reasonable suspicion or probable cause.

5. To prevent inappropriate perceptions of biased law enforcement, deputies shall engage 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. In vehicle stops, deputies should provide this information before asking the driver for his or her license, registration, and proof of insurance. However, due to the nature and purpose of the operations, undercover deputies or deputies acting as decoys are exempt from identifying themselves until arrest, detention, or enforcement actions are undertaken.

   b. Ensure that the length of the detention 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 and badge number when requested, in writing or on a business card.

   e. Deputies shall explain if it is determined that the reasonable suspicions were unfounded, e.g., after a BOLO stop.

   f. Documenting any misleading information related to the actual or perceived race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, or ancestry stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action consistent with agency policy.

B. Supervisor Responsibilities

1. Supervisors shall ensure that deputies follow the policies and procedures outlined in this policy. Supervisors are responsible for monitoring their personnel's activities and identifying potential bias-based policing activity.

2. An on-duty supervisor shall be responsible for contacting, when possible, any known complainant alleging bias-based law enforcement practices by any Deputy 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 promptly per agency policy for investigating citizen complaints.
4. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based policing and treatment of individuals.

V. ALLEGATIONS of Bias-Based Policing
A. Whenever a person complains that a deputy has engaged in practices prohibited by this policy, the deputy will immediately notify his or her supervisor.
1. When practical, the supervisor will report to the scene to mediate the situation.
2. A Deputy accused of bias-based activity shall provide the complainant(s) with the full name and agency telephone number of the deputy's immediate supervisor and the contact name and agency telephone number of the administration.
3. A Deputy accused of bias-based activity shall complete a memorandum detailing the incident, the allegation made, and the purpose for the stop, detention, investigative activity, or arrest. The memorandum shall be directed to the SHERIFF and submitted through the deputy's chain of command.
B. Any person who believes he or she was stopped, detained, or searched solely based on a biased profile may file a complaint with the agency. A Deputy receiving such a complaint shall follow the procedures outlined in the agency policy for investigating citizen complaints.

C. Should the Attorney General's Office receive a complaint of bias-based policing, 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 this agency to ensure that it is thorough and completed in a timely fashion. The Chief of Investigations will also, as necessary, provide recommendations and support to law enforcement agencies regarding their review, investigation, and resolution of a complaint.

D. Investigations of allegations of bias-based policing shall be conducted in a like and consistent manner as outlined in the agency's policy for investigating citizen complaints.

VI. REVIEW and REPORTING Requirements
A. Depending on the findings of each complaint as well as the specific factors involved, corrective measures will 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, members may face civil and criminal liability under Title 42 U.S.C. § 1983, Title 42 U.S.C. § 14141, and Title 18 U.S.C. § 242.

B. The SHERIFF shall notify the Office of the Attorney General of any complaint of bias-based policing made against any member of the agency and the results of said investigation of the complaint.

C. Annually, the SHERIFF or designee will conduct a documented administrative review of agency practices and citizen complaints/concerns received to ensure that illegal or bias-based

policing is not occurring during operations of this agency. Additionally, any necessary training issues or policy changes will be addressed.
D. If a pattern is identified, the SHERIFF shall be responsible for ensuring that an investigation is conducted to determine whether Deputies of this agency have violated the provisions of this policy and/or any other department policies and procedures.

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

B. No member of this agency, regardless of rank, shall retaliate against any fellow deputy, 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.

VIII. TRAINING
A. Members 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

IX. COLLECTION of Information. Deputies shall record in a manner prescribed by the agency the following information regarding vehicle stops for traffic infractions:
A. Characteristics of race, color, ethnicity, gender, and age of each person stopped for a traffic infraction. Identifying such characteristics must be based on the law enforcement deputy's observations and perceptions of the stop. The person who was stopped may not be required to provide the information.

B. The nature of each alleged traffic infraction that resulted in a stop;

C. Whether a warning or citation was issued, an arrest was made, or a search was conducted as a result of each stop for a traffic infraction, and

D. Any additional information this agency determines appropriate. The additional information may not include any other personally identifiable information about a person who was stopped for a traffic infraction, such as the person's driver's license number, name, or address.

Sheriff Robert Young