

**CITY OF CONCORD POLICE DEPARTMENT  
CONCORD, NEW HAMPSHIRE**

<b>GENERAL ORDER</b>	<b>NUMBER: 1-10</b>
<b>SUBJECT: FAIR AND IMPARTIAL POLICING</b>	
<b>DISTRIBUTION: A</b>	<b>EFFECTIVE DATE: 3/12/2024</b>

I. PURPOSE:

The purpose of this General Order is to prevent and prohibit the practice of biased policing and other discriminatory practices in law enforcement-related activities involving members of the Concord Police Department. This General Order is intended to ensure that members of the Concord Police Department are committed to unbiased, equitable treatment of all persons in enforcing the law and providing police services in order to enhance legitimate law enforcement efforts and promote trust within the community, while at the same time clarifying the circumstances in which department members may consider specified characteristics when carrying out their duties.

II. POLICY:

It is the policy of the Concord Police Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions. Maintenance of public trust and confidence in the police is critical to effective policing and is achieved largely through fair and equitable treatment of the public. In addition to the requirements prescribed by law, members of the Concord Police Department are required to act, speak, and conduct themselves in a professional manner, and whenever possible, maintain a courteous, professional attitude in all contacts with the public. In the absence of any specific report or suspicious circumstances, the actual or perceived race, ethnic background, color, age, gender, sexual orientation, religion, economic status, cultural group or any other identifiable group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Concord Police Department.

III. RESPONSIBILITY:

It is the responsibility of all members of the Concord Police Department to become familiar with the procedure listed below and to comply with the contents of this General Order.

IV. DEFINITIONS:

A. Biased Policing: The arrest, detention, interdiction, or other disparate treatment of an individual without reasonable suspicion or on the basis of the actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual, except when such status is used in combination with other identifying factors in

seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect. Biased-based policing, referred to in some instances as “profiling” includes but is not limited to, prejudicial decisions affecting individuals to classes protected by federal and state law. It also includes, for example, persons with whom officers have such “personal involvement” that they cannot act impartially, as defined herein.

- B. Police Services: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.
- C. Reasonable Suspicion: Also known as “articulable suspicion.” Suspicion that is more than mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his/her training and experience, and/or reliable information received from credible outside sources.

V. PROCEDURE:

A. Fair and Impartial Treatment

1. Biased policing is prohibited in enforcement of the law and the delivery of police services by members of the Concord Police Department.
2. Stops or detentions based solely on the actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other prejudicial basis by any member of the Concord Police Department are prohibited.
3. The detention of any individual, which is not based on factors related to reasonable suspicion of a violation of the law is prohibited.
4. Members will not use actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual as the sole determinants in selecting who to stop, detain, investigate, initiate asset seizure or forfeiture proceedings upon or otherwise exert law enforcement authority.
5. Officers must be able to articulate the specific law enforcement or public safety purpose of any traffic stop or other contact.

6. When determining if reasonable suspicion exists for a stop, search or detention, or when developing probable cause for an arrest, members may consider the factors above, when one or more of those factors are part of the description of a known or suspected offender wanted in connection with a specific criminal or suspicious incident based on a credible report.
7. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, or relative such that the officer's objectivity may be, or may appear to be, compromised.
8. Officers who cannot make objective judgments uninfluenced by prejudicial views or attitudes, intolerance to or preference for certain individuals that are unrelated to the situation at hand shall, as soon as reasonably possible, request that another officer assume responsibility for the matter.
9. Nothing in this policy prohibits officers from using the traits and characteristics of persons, such as the actual or perceived race, ethnicity, or national origin in combination with other facts to assist in establishing reasonable suspicion or probable cause in the same manner that officers would use hair color, height, weight, or gender for such purposes.

B. Compliance and Duties of Department Members

1. Department members who believe there is, or is made aware of any violation of this General Order shall report the incident to a supervisor. Where appropriate, department members should also intervene to prevent such incident.
2. Each supervisor is responsible for monitoring and examining all members in their direct supervision to ensure that their actions and activities adhere to this General Order.
3. Supervisors shall ensure that those who report instances of biased policing are not subject to retaliation.

C. Complaints of Bias and/or Discrimination

1. Any person may file a complaint with the Department if they believe that they have been stopped or searched or on any alleged act of biased policing in violation of the General Order.
2. Any person who advises a department employee that they wish to file a complaint against a department member for violating this General Order, shall be referred to the on-duty Watch Commander in accordance with G.O. 26-2 Section V. A.

3. Any officer who is accused on scene of biased policing shall report the incident to the on-duty Watch Commander as soon as practical at the conclusion of the contact.
4. All complaints for violating this General Order shall be investigated in accordance with department procedures.
5. Sustained findings of misconduct as outlined in [RSA 106-L:2,V\(b\)\(3\)\(c\)](#) and (d) shall be reported to the Law Enforcement Conduct Review Committee in accordance to the procedures established in G.O. 26-3, Section VIII. B.

D. Training

1. The Commander of the Professional Development Unit shall be responsible for ensuring that all department affected members receive initial and annual training on subjects to include biased policing issues, including legal aspects, police ethics, cultural diversity, police-citizen interactions, standards of conduct, conducting motor vehicle stops and other related topics suitable for preventing incidents of biased policing.
2. Additional remedial training will be designated for department members with sustained fair and impartial policing complaints filed against them.

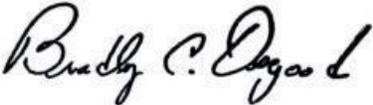
E. Administrative Review

1. The Administrative Assistant to the Chief of Police shall maintain all data and records specifically relating to complaints of biased policing.
2. Annually, the Deputy Chief – Administration shall conduct a documented review of department practices and citizen complaints to determine if there is a need for additional training or General Order modifications as a result of alleged or demonstrated bias by department members. This review shall include information relative to any corrective measures taken during the year or proposed as a result of the review findings.

VI. SUPERSESSION:

This order replaces Concord Police Department General Order 1-10 dated August 30, 2020.

***Note: This policy is for the internal use of the City of Concord Police Department and is not intended nor should it be interpreted to establish any standard of negligence in any civil action against the City of Concord higher than the standard of care that would otherwise be applicable in such a proceeding.***



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Bradley C. Osgood, Chief of Police

03/12/2024  
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Date