



**Division of State Patrol
Policy and Procedure**

Number
14-3

Subject BIAS FREE POLICING	
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I. POLICY

The Division of State Patrol (DSP) does not condone nor will it tolerate biased-based generalizations and acts which include racial profiling, uttering racial or other derogatory epithets, or making law enforcement decisions based upon race, gender, gender identity, ethnicity, religion, economic status, age, cultural group, sexual orientation, national origin, or any other identifiable groups.

II. BACKGROUND

Troopers and inspectors exercise a broad range of discretion in the performance of their official duties. Decisions to make traffic contacts, to detain and investigate, and to take enforcement action are among the most common. The Division of State Patrol has always been committed to providing fair and impartial law enforcement services.

The Division of State Patrol adopts the values of compassion, integrity, and professionalism as well as the goal of emphasizing courtesy, compassion, and service. These values and goals specifically contradict behavior and activity - which would make generalizations about people on the basis of gender, race, color, or ethnicity.

III. OBJECTIVES

- A. Provide clear policy, direction, and Division philosophy regarding race and law enforcement practices.
- B. Establish supervisory guidelines for handling situations involving policy violations.

IV. DEFINITIONS

- A. **Racial Profiling** – any police-initiated action that relies upon race, ethnicity, or national origin of an individual rather than the behavior of that individual or information that leads police to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. This definition includes two corollary principles:
1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and whom to search.
 2. Police may use race or ethnicity to determine whether a person matches a specific description of a particular suspect.
- B. **Biased Based Generalizations** – broad, stereotypical conclusions based upon a person’s race, gender, ethnicity, or national origin.
- C. **Racial Epithets** – derogatory phrases and terms that are used to describe a person’s race, ethnicity, or national origin.
- D. **Department** – means the Department of Transportation.

V. GENERAL PROVISIONS

It is the policy of the Wisconsin Department of Transportation to ensure full compliance with Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), and related statements and regulations in all programs and activities. All such provisions require that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or limited English proficiency (LEP), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (see 42 U.S.C. § 2000d).

The Department has implemented a Title VI/Nondiscrimination Complaint Intake Procedure which informs the public on the processes through which complaints of discrimination are submitted, evaluated, and resolved. This directive is posted for public access at this link: <https://wisconsindot.gov/Documents/doing-bus/civil-rights/titlevi-ada/t6-notice-2020-english.pdf>

The Department is obligated to comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This includes the annual submission of a Title VI/Nondiscrimination Implementation Plan that is monitored and updated periodically to reflect our program and practices. The Public Notice of Title VI Program Rights is publicly posted and can be found at this link:

<https://wisconsin.gov/Documents/doing-bus/civil-rights/titlevi-ada/t6-notice-2020-english.pdf>

Law enforcement decisions (to stop, detain, question, further investigate, search, warn, or arrest) made by DSP personnel will be made solely on the basis of reasonable suspicion or probable cause, irrespective of the race, color, national origin, sex, age, disability, low-income, and limited English proficiency (LEP) of the people involved.

Tactics used to determine the race, gender, ethnicity, or other individual factors of a motorist or other vehicle occupants prior to obtaining reasonable suspicion or probable cause shall not be used by DSP personnel.

Tactics to determine race, gender, ethnicity, or national origin shall only be used when such individual factors are previously identified characteristics of a person whom officers are lawfully attempting to locate.

Racial or other derogatory epithets shall not be used in conversation or written communication by members of the Division except when being reported officially as having been spoken by someone.

VI. PROCEDURE

- A. Division personnel shall not employ biased-based generalizations or acts which are inconsistent with the general provisions of this policy. Personnel shall:
 - 1. Treat all persons contacted with respect and dignity.
 - 2. Take enforcement action based upon reasonable suspicion and probable cause.
 - 3. Report all prohibited use of racial or other derogatory epithets by co-workers to a supervisor.
- B. Supervisors shall document any reports of infractions and refer them to the Region Commander for further investigation.
- C. The Region Commander or designee shall investigate reports of racial profiling, the uttering of racial or other derogatory epithets, or other forms of biased-based discrimination.
- D. The DSP will provide annual Title VI program training for those employees charged with implementing Federal Motor Carrier Safety Administration (FMCSA) grant funded activities. The training should include the four areas that Title VI Program requirements address: Nondiscrimination, American with Disabilities Act, Limited English Proficiency, and Environmental Justice. This training will also allow participants to recognize which groups are protected by Title VI and related authorities, recognize when a Title VI violation occurs, and demonstrate appropriate

actions to take if a Title VI violation is observed. The training will also review FMCSA Enforcement Memorandum MC-ECE-2016-006, “English Language Proficiency Testing and Enforcement Policy.”

VII. REFERENCES

DIV 101, Equal Employment Opportunity and Affirmative Action
Wisconsin State Patrol 2018-2023 Strategic Plan
P&P 1-1, Authority, Powers, and Duties
P&P 14-1, Uniform Enforcement Policy
FMCSA Enforcement Memorandum MC-ECE-2016-006
Title VI of the Civil Rights Act of 1964

VIII. ATTACHMENTS

FMCSA Enforcement Memorandum MC-ECE-2016-006, “English Language Proficiency Testing and Enforcement Policy”