

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

BIAS-FREE POLICING

Approved By: Geoffrey Jones Chief of Police

CALEA 6th Edition Standard: 1.2.9

402 BIAS-FREE POLICING

402.1 PURPOSE AND SCOPE

Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust. The purpose of this policy is to reaffirm the Columbia Police Department's commitment to bias-free policing, clarify the circumstances in which personnel can consider race, ethnicity, national origin, gender, gender identity, sexual orientation, socioeconomic status, religion, disability, and/or age when carrying out duties, and establish appropriate controls to ensure that employees of the Columbia Police Department do not engage in biased policing.

402.2 DEFINITIONS

Biased Policing: The inappropriate consideration of specified characteristics in carrying out duties.

Specified Characteristics: Race, ethnicity, national origin, gender, gender identity, sexual orientation, socio-economic status, religion, disability, and/or age when making law enforcement decisions.

402.3 POLICY

The Columbia Police Department is committed to providing law enforcement services to the community with due regard to the racial, cultural or other differences of those we serve. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

402.4 TRAINING (1.2.9 b)

All affected employees will receive initial training during the orientation phase on fair and impartial/bias-free policing and racial profiling as well as annual training in bias issues including legal aspects. The training should address the psychology of bias and how bias can affect police activities and decision making during various contacts with individuals in our community. This training may be accomplished through in-service, on-line, or shift briefing activities.

402.5 BIASED POLICING PROHIBITED (1.2.9 a)

Biased policing is strictly prohibited. Agency personnel may not consider the specified characteristics except when credible, timely intelligence relevant to the locality links a person or people of a specified characteristic to a specific unlawful incident, or to specific unlawful incidents, criminal patterns or schemes. In those circumstances, personnel may rely on these specified characteristics only in combination with other appropriate factors.

Effective: 06/01/2014

Revision Date: 02/22/2018

Revision Date: 08/30/2018

Revision Date: 03/19/2020

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These restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the department's relationship with its diverse communities.

It is considered biased policing if an officer's decisions/actions are based on the fact that the individual's demographics (e.g., race, income) are different from the demographics of the majority of residents in the area in which the individual is found.

Violations of this policy shall result in training, counseling, discipline or other remedial intervention as appropriate to the violation.

402.6 MEMBER RESPONSIBILITY

Every employee of this department shall perform his/her duties in a bias-free manner and is responsible for promptly reporting any known instances of biased policing to a supervisor. Also, where/when appropriate, employees are encouraged to intervene whenever they observe an incidence of biased policing.

402.6.1 REASON FOR DETENTION

Officers detaining any person shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the specified characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.6.2 BUSINESS CARDS

Officers shall provide a business card or suitable alternative upon request. The business card or alternative shall contain identifying information including, but not limited to, the officer's name, division, badge or other identification number and a telephone number.

402.6.3 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report information that includes (§ 590.650, RSMo): Items listed in **Red** below were added to the requirements for the 2020 reporting period. The Columbia Police Department received an exemption regarding the recording of the new information until such time as our electronic recording system through RMS could be updated to accommodate the changes. Once the system is updated, officers will be responsible for recording all of the following information to include the sections in red:

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1. The date and time of the stop.
2. **Officer Assignment.**
3. The location of the stop.
4. The violation resulting in the stop.
5. **If an "Investigative" violation (stop), check category of violation.**
6. The driver's race/minority status (based only on observation).
7. The driver's age.
8. The driver's gender.
9. **Zip Code of driver's current residence.**
10. Is driver a resident of the law enforcement agency's jurisdiction?
11. Whether a search was initiated.
12. If yes, the probable cause/authority for the search.
13. What was searched?
14. Duration of the search.
15. Was contraband discovered?
16. **If contraband was discovered, type of contraband. Check all that apply.**
17. The result of the stop.
18. **If citation or warning issued, violation alleged.**
19. Was the driver arrested?
20. If an arrest was made, the crime/violation alleged.

In addition to the information reported under § 590.650, RSMo, the Columbia Police Department will record the following information regarding traffic stops:

1. Did the driver or a passenger admit to the use of a controlled substance?

402.7 SUPERVISOR RESPONSIBILITY

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to any incidents, complaints or allegations of biased policing.

1. On at least a monthly basis, supervisors will randomly review mobile audio video (MAV) recordings, and body worn camera (BWC) recordings (policy 447), to ensure compliance with this policy. Access to the MAV and BWC systems by supervisors and the viewing of an individual officer's video footage is documented by the respective system and can be audited by command staff to ensure periodic reviews are being completed. Recordings that capture biased policing or potential biased policing should be appropriately retained for administrative investigation purposes.
2. Supervisors who observe or become aware of potential biased policing by an employee that does not contain evidence/information to substantiate a complaint should make efforts to respond with early interventions. These efforts may come by way of an informal verbal warning/coaching/counseling. Any verbal warning/coaching/counseling shall be documented with the employee in a Performance Log entry in accordance with policy 1020.
3. Supervisors who observe or receive a formal complaint or allegation against an employee of biased policing/behavior shall initiate a complaint in accordance with policy 1020.

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4. Any supervisor, or other employee, who becomes aware of retaliatory actions, or plans for retaliation, against any member of this department who discloses information concerning biased policing, shall inform Internal Affairs personnel, or their supervisor to initiate a complaint.

402.8 ADMINISTRATIVE REVIEW (1.2.9 c)

An annual administrative review of the department's practices, submitted annual state report, and any citizen concerns shall be conducted to determine whether any officer of this agency has a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the Columbia Police Department (§ 590.650, RSMo).

If the review reveals a pattern, an investigation will be conducted to determine whether any officer(s) is routinely stopping motorists for violations of vehicle laws as a pretext for investigating other violations of criminal law (§ 590.650, RSMo).

Any officer found to have engaged in race-based traffic stops shall receive appropriate counseling and training within ninety days of the review (§ 590.650, RSMo).

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment (§ 590.650, RSMo).

The general results of the review will be made available to all employees. Supervisors shall review and discuss the results with the individuals they are assigned to supervise.