



# Colorado Springs Police Department General Order

## 121 Fair and Impartial Policing

### Section 100 – Organizational Values and Structure

Effective Date: 8/4/2022

Supersedes Date: 11/22/2021

---

#### **.01 Purpose**

The purpose of this directive is to prohibit biased police tactics based on individual demographics by all Colorado Springs Police Department (CSPD) personnel and to accomplish the following:

- To reaffirm the department's commitment to fair and impartial policing.
- To stipulate clear policy guidance regarding prohibited activities as well as required actions.
- To inform employees about the concept of implicit bias and its potential effects on criminal justice decision-making.

#### **.02 Cross-Reference**

[GO 102 Citizen Contacts](#)

[GO 104 Determining Probable Cause](#)

[GO 310 LGBT+ Community Interactions](#)

[GO 400 Employee Conduct \(Sworn and Civilian\)](#)

[GO 600 Complaints and Internal Investigations](#)

[GO 1002 Field Interviews](#)

[GO 1040 Handling of Gang Contacts](#)

[GO 1300 Traffic Law Enforcement](#)

[City of Colorado Springs Civilian Policies and Procedures Manual](#)

[City of Colorado Springs Sworn Policies and Procedures Manual](#)

#### **.03 Discussion**

Effective policing requires officers and members of the community to work proactively together as partners to prevent crime and protect the community. The police-community partnership thrives through communication, trust, and fairness. When the public perceives the criminal justice system to be fair and equitable, they are more likely to engage and cooperate with authorities when crimes are committed, which in turn leads to safer communities.

## **.04 Policy**

Profiling, as defined in CRS § 24-31-309, or any form of biased policing is prohibited in any/all CSPD police actions and services.

An officer shall have a legal basis for making a contact, as defined in CRS § 24-31-901(1), whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. (CRS § 24-31-309(3.5))

Department members will treat people in a fair, impartial, equitable, and objective manner regardless of their individual demographics.

CSPD personnel are prohibited from discouraging citizens from filing complaints, to include those alleging biased policing or profiling and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens as an attempt to discourage or prevent them from filing complaints.

All allegations of bias or discrimination on the basis of individual demographics involving a community member will be documented in a BlueTeam report with this policy listed as the allegation, followed by a thorough and objective investigation in accordance with GO 600 Complaints and Internal Investigations.

The City of Colorado Springs Sworn Policy and Procedure Manual (PPM) #24 and Civilian PPM #33 prohibit unlawful discrimination, harassment, or retaliation by a CSPD employee directed at another City employee. Investigations of alleged violations of these policies will be handled in compliance with GO 600 Complaints and Internal Investigations and will not be investigated under this policy.

## **.05 Definitions**

*Bias:* Personal prejudices or partiality toward classes of individuals or persons based on individual demographics.

*Biased Policing:* Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers/department members toward classes of individuals or persons based on individual demographics.

*Fair and Impartial Treatment:* The belief that persons, irrespective of race or other distinctions, will be treated in the same basic manner under the same or similar circumstances. However, this

does not mean nor mandate that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be, made when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them or their circumstances necessitates different treatment.

*Implicit Bias:* Attitudes that affect understanding, actions, and decisions in an unconscious and unintentional manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit bias is a universal human condition, and its effects can be found among any individuals or professional groups, not just police employees. Implicit bias is different than overt discrimination in that it is automatic associations and stereotypes about certain groups of people. Implicit bias occurs without discriminatory intent; rather, it can cause people to *unintentionally* and *unknowingly* respond to situations in biased ways.

*Individual Demographics:* Personal characteristics, as listed CRS § 24-31-309(2) and CRS 16-2.5-502(2)(c)(I)(B), including:

- Race
- Ethnicity
- National origin
- Language
- Gender
- Gender expression
- Gender identity
- Sexual orientation
- Religion
- Age
- Disability

*Profiling:* As defined in CRS § 24-31-309(2), the practice of relying solely on race, ethnicity, gender, national origin, language, sexual orientation, gender expression, gender identity, age, disability in:

- Determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle
- Determining the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected.

*Legal basis:* Any basis authorized by statute or controlling court ruling (e.g., Colorado Supreme Court, 10<sup>th</sup> Appeals Circuit Court, United States Supreme Court) has determined is lawful pursuant to Section 7 of Article II of the State Constitution or the Fourth Amendment to the United States Constitution.

## **.10 Fair and Impartial Policing Practices in Policing Actions**

Department members will not discriminate, improperly initiate or prolong police interventions, or determine levels of police service on the basis of individual demographics.

Except as provided in the applicable section below, officers will not consider individual demographics in establishing either reasonable suspicion or probable cause, nor will officers inappropriately consider individual demographics when deciding to initiate other law enforcement actions.

A commitment to fair and impartial policing practices also means the department is committed to looking for effective, evidence-based methods for countering implicit bias.

It is important that CSPD personnel are aware of implicit bias and its potential impact in police interactions. Recognizing potential disparate outcomes of implicit bias is particularly important in discretionary and proactive police activities, such as vehicle and pedestrian stops. Therefore, decisions about where and how to engage in proactive police activities should be data-driven, in accordance with the principles of intelligence-led policing.

### **Preventing Perceptions of Biased Policing**

In an effort to prevent or reduce perceptions of biased policing and to mitigate potential effects of implicit bias, each officer will do the following when conducting pedestrian and vehicle stops:

- Be courteous and professional.
- Introduce yourself to the citizen, advise what agency you are with, and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. During vehicle stops, the officer will provide this information before asking the driver for license, registration, and insurance.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen is informed of the purpose of any reasonable delays.
- Whenever time and circumstances permit, attempt to answer questions the citizen may have, including explaining options for traffic citation disposition, if relevant.

## **When Demographic Information can be used in Policing Actions**

Officers may take into account the reported individual demographics of a specific suspect or suspects based on trustworthy, locally relevant information that links a person/persons of specific individual demographics to a particular unlawful incident(s) (e.g., contacting an individual who matches the physical description of a person involved in a crime). Individual demographics can never be used as the sole basis for reasonable suspicion or probable cause.

CRS § 24-31-309(3) also provides that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

Nothing in this policy limits an officer's ability to interview witnesses or to have routine conversations or consensual contacts with citizens.

## **.15 Other Biased or Discriminatory Actions**

It is the responsibility of all CSPD personnel to conduct themselves in a manner that demonstrates fair and impartial treatment of people regardless of their individual demographics.

In addition to the direction in section .10 of this policy, CSPD personnel are also prohibited from expressing by word or action any prejudice, bias, or discriminatory behavior concerning the individual demographics of a person or a group of people. This includes, but is not limited to:

- Using harassing, intimidating, or derogatory language verbally, in writing, or by gesture concerning the individual demographics of a person or a group of people.
- Engaging in communication (whether verbal, written, gestures, or other communication) that ridicules, maligns, disparages, or otherwise expresses bias against a person or a group of people on the basis of their individual demographics. This prohibition also includes sharing such content that is developed by another person, unless sharing such content is part of an employee's official duties.

To the extent allowed by law, both on and off duty employee conduct falls under the purview of this policy.

## **.20 Department Issued Business Cards**

Officers will have business cards supplied by the department at their disposal. These business cards will contain the officer's name, division, IBM number, and contact information to report any comments, whether positive or negative. Officers are responsible for ensuring they have an

adequate supply of business cards to comply with this policy, following the procedure in their divisions as necessary to order additional business cards.

## **.25 Requirement to Provide Business Cards**

Without being asked, officers will provide their department issued business card in all contacts with a suspect or potential suspect.

### *Exception*

The business card requirement does not apply to contacts made by an officer operating in an undercover capacity during the contact or when an officer cites a suspect using the department's electronic ticketing system, noting electronic tickets contain the legally required information (e.g., name, badge number, work division, etc.).

## **.30 Duty to Report**

Any CSPD member who witnesses, hears of, or otherwise becomes aware of any instance of profiling or biased policing will promptly report the incident to a supervisor. Personnel who are witness to any instance of profiling or biased policing are expected to intervene at the time of the incident.

## **.35 Complaints of Biased Policing or Profiling**

Any supervisor who receives a report of profiling or biased policing **on the basis of individual demographics** will initiate an investigation in BlueTeam, using either GO 121 Fair and Impartial Policing (for allegations involving community members) or GO 600 Complaints and Internal Investigations (for allegations involving other department personnel) as the allegation for the complaint.

**Any allegation of a department member showing inappropriate favor or partiality in their duties that is *not* alleged to be based on individual demographics will be investigated under GO 120 Treatment of the Public.**

## **Evaluating a Complaint of Biased Policing or Profiling**

There are several factors that should be considered in evaluating an employee's actions in a bias or profiling allegation involving a community member.

These factors include, but are not limited to, whether body worn camera video, case reports, complainant or witness statements, employee statements, or any other evidence related to the incident indicate whether the employee:

- Took police action based solely on an individual's demographics
- Used an individual's demographics in an inappropriate way to make decisions during the incident
- Demonstrated any overt action that would indicate discrimination or bias **on the basis of individual demographics** (e.g., use of racial slur, overt actions, using inappropriate language to refer to the individual's demographics characteristics, etc.).

## **Investigating and Documenting a Complaint of Biased Policing or Profiling**

For allegations involving this policy, this policy must remain listed as the allegation being investigated and must receive a final disposition. The investigating supervisor cannot remove this policy as an allegation being investigated, nor can they determine it should not be listed. Only the chief of police or a deputy chief can determine that this policy can be omitted or removed as an allegation from a personnel investigation. This does not mean that this policy is the only allegation that may be listed and investigated; other policies may be added as appropriate to the complaint and investigation.

## **.40 Training**

The City's Human Resources Department provides training on harassment and discrimination prevention to all full-time employees during the onboarding process, as well as annual refresher training for all employees on topics related to bias, diversity, and inclusion.

In the CSPD Police Training Academy, all police recruits will receive at least eight hours of training on law enforcement ethics and anti-bias policing.

All officers receive annual anti-bias training, in compliance with CRS § 24-31-315(1).

Training provided through CSPD will be documented by the Training Academy, or in the department's online training system.

## **.50 Data Collection and Reporting**

The Internal Affairs Section will maintain data relating specifically to complaints alleging violations of this policy.

The Research and Development Section will be responsible for completing required reporting on alleged violations of this policy, to include:

- Compiling, on at least an annual basis, any information derived from telephone calls received due to the distribution of business cards and that allege profiling, in compliance with CRS § 24-31-309(4)(c). This information will be available to the public but will not include the names of peace officers or the names of persons alleging profiling.
- Conduct a documented annual administrative review of agency practices pertaining to this policy, including citizen concerns and any corrective measures taken. An administrative review is a documented review of incidents or occurrences, which should indicate whether policy, training, equipment, or disciplinary issues should be addressed.