

Department of Public Safety
Police Division
Policies and Procedures

<u>Title</u> Bias-Free Policing	<u>SOP Number</u> 4.1.300
Approval Signature 	
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- I. **Purpose:** The purpose of this policy is to emphasize the University of Cincinnati Police Division's (UCPD) commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services.
- II. **Policy:** Personnel shall not consider race, ethnicity, national origin, gender, sexual orientation/identity, socio-economic status, religion, immigration status, and/or age in carrying out law enforcement activities, except when seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics. In those circumstances, personnel may rely on these characteristics only in combination with other appropriate factors.

It is 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 the residents in the area in which the individual is found.

These restrictions on the use of these factors do not apply to agency activities designed to strengthen the Division's relationship with its diverse communities.

III. Definitions:

Administrative Review: A documented evaluation of various types of police actions that do not require a formalized investigation but are subject to a command-level evaluation for adherence to policies, training, and practices.

Articulate suspicion (reasonable suspicion): A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity; the degree of suspicion of criminal activity that justifies an investigative detention but not an arrest. It can be based on an officer's observations, training, and experience, or information received from credible outside sources. Articulate Suspicion cannot in any way be based on an individual's race, ethnicity, national origin, gender, sexual orientation, socioeconomic status, religion, immigration status, and/or age, except when a description of a suspect includes such identifying characteristics.

Illegal profiling: Unequal treatment of any person, including stopping, questioning, detention, or arrest based on their racial or ethnic characteristics, national origin, gender, sexual orientation, socio-economic status, religion, immigration status, and/or age.

Probable Cause: When facts and circumstances within an officer's knowledge are sufficient to warrant a prudent person or one of reasonable caution to believe that the suspect has committed, is committing, or is about to commit an offense. Probable Cause cannot in any way be based on an individual's race, ethnicity, national origin, gender, sexual orientation, socio-economic status, religion, immigration status, and/or age, except when a description of a suspect includes such identifying characteristics.

IV. Procedure

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- A. All officers shall enforce the law and stop and detain persons when there is reasonable suspicion that the person has committed, is committing, or is about to commit an infraction of the law. Officers must conduct themselves in a respectful manner in any and all contact with the public and follow statutes and applicable case law.
 - 1. Officers will apply non-escalation and de-escalation techniques throughout the co.
 - 2. **Prohibition against profiling:** Officers are prohibited from stopping, questioning, detaining, searching, seizing property, seeking asset forfeiture, or arresting anyone based on any type of bias. Officers will make stops and conduct field interviews only based on reasonable suspicion and shall make arrests only based on probable cause.
 - 3. This policy shall not preclude officers from engaging in a consensual encounter or offering assistance to the public. This policy does not prohibit stopping someone suspected of a crime based on a description that includes one or more of those identified attributes or considering a person's apparent age when investigating crimes where age would be a factor, such as a curfew or liquor law violations.
 - 4. When an officer has any nonconsensual encounter/contact with any person (such as during a traffic stop, a suspicious person investigation from a directed call, a field interview, or in the case of an arrest), the officer shall document the encounter in the Axon Records Management System (RMS). All required data fields shall be completed in accordance with department reporting standards and RMS data entry requirements.
 - a. The intent and sole purpose of this documentation is to record UCPD's nonconsensual encounters/contacts with any person.
 - b. Documentation is required when an officer stops or detains a person, or when, while assisting another agency, collectively participates in a stop or detention.
 - 5. RMS Entry and Submission Procedures
 - a. The submitting officer will:
 - 1) Complete all required fields within the Axon RMS entry before the end of their shift or assigned detail.
 - 2) Ensure the report narrative accurately documents the circumstances, legal basis for the stop/detention, and any enforcement action taken.
 - 3) Electronically submit the report through Axon RMS for supervisory review before the end of the shift or detail.
 - b. The approving supervisor will:
 - 1) Review the RMS entry for accuracy, completeness, and thoroughness.
 - 2) Ensure the legal basis for the stop/detention is clearly articulated.
 - 3) Electronically approve or return the report for correction within Axon RMS.
- B. Bias-free policing training:
 - 1. The agency will provide initial bias-free policing training to new officers and continuing education training annually thereafter. In addition, officers will receive training in professional stops.
- C. Bias-based profiling corrective measures: The Police Chief or his or her designee will be notified as soon as practical of any complaints of discrimination and/or violations of

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civil rights. The Police Chief or his or her designee will notify the Director of Public Safety as soon as practical of any complaints of discrimination and/or violations of civil rights. Upon completion of the investigation of a complaint of this nature, the Director of Public Safety shall review the investigation to ensure it was conducted following established protocols for such investigations. The results of the review will be documented by the Director of Public Safety, and a copy will be kept in the complaint file.

1. All complaints will be thoroughly investigated and, if sustained, shall result in a recommendation for corrective action, including, but not limited to, counseling, training, punitive actions, and/or policy review and revision.
2. Any person may file a complaint with the Division if they feel they have been stopped or searched based on illegal profiling, or subjected to improper treatment, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

D. Administrative review of agency practices:

1. Supervisory personnel will monitor officers' activities through daily operational oversight, report and document review, BWC, In-Car camera reviews, and any other performance or conduct measures to ensure actions are compliant with policy, statutes, and the Constitution, and are bias-free.
2. Quarterly, supervisors will conduct a comprehensive review of their direct reports to include, but not limited to, traffic stops, suspicious persons, field contacts, and arrest data, in addition to Guardian Tracking System entries from the previous quarter to ensure compliance with this policy and to determine any abnormalities in the officer's performance or conduct. The review will be documented utilizing the Quarterly Evaluation in Guardian Tracking. The quarterly evaluation will be submitted for review by the chain of command. Any abnormalities discovered during the review will be reported to the chain of command via Internal Correspondence Memo, Form-5. These abnormalities will be reviewed by the Police Chief, and any sustained findings of biased policing will be reported to the Director of Public Safety. In addition, the Command Staff will supplement the supervisor's quarterly reviews with a quarterly meeting to review the bias-free data and reports. The Support Services Bureau Commander will schedule quarterly meetings in January, April, July, and October to review the data from the previous three months.
3. The Support Services Bureau Commander will conduct an annual administrative review utilizing the information identified in Section D.2. The Police Division will analyze this data to ensure compliance with our philosophy of bias-free policing. Where identified, individual or departmental corrective action may be warranted through developmental and training practices or policy revision.
 - a. The review of data is intended to identify patterns of conduct, by individual officers as well as the entire agency, and will include an analysis of percentages of minorities or other protected classes; the reason(s) for contact; dispositions of the contacts; and other factors as may be identified by the administration to include any racial profiling or discrimination complaints.
 - b. This administrative review will be submitted to the Police Chief and/or the Director of Public Safety for review, acknowledgment, and approval in writing of

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- any recommendations.
- c. The administrative review will be made available to the public upon request.