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| <b>Bias-Based Policing</b>            |               |             |



## I. Introduction

- A. A fundamental right guaranteed by the Constitution of the United States to all persons in this nation is equal protection under the law. Additionally, citizens and non-citizens alike have the fundamental right to be free from unreasonable searches and seizures by governmental agents. The Columbus Division of Police is charged with protecting these rights for all.
- B. Profiling, in and of itself, is not inappropriate when used legally and for a legitimate law enforcement purpose. However, bias-based profiling illegally infringes on the rights of others and will not be tolerated by the Division.

## II. Definitions

### A. Bias-Based Profiling

Stopping, questioning, searching, detaining, **or** arresting, or the seizure of assets or attempt to forfeit property, based solely on the person's ***race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.***

### B. Reasonable Suspicion

A legal standard that a person has been, is, or is about to be engaged in criminal activity based on specific and articulable facts and inferences.

### C. Probable Cause

Facts and circumstances within an officer's knowledge that are sufficient to warrant a prudent person to believe a suspect has committed or is committing a crime.

## III. Policy Statements

- A. Division personnel shall not engage in bias-based profiling, shall only stop or detain a person for an articulable reason, and shall advise that person of the reason for the stop or detention as soon as practical and prior to the termination of the contact. A person's race, ***sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance*** shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop, except when based on specific credible information containing a physical description of a suspect in a criminal or traffic offense.

- B. When the enforcement action, citation, or warning for vehicle stops due to traffic infractions has been completed, officers shall complete the electronic Traffic Data Collection form. If the officer has no access to a Division computer, the paper version of the Traffic Data Collection, form U-10.117, shall be submitted. The deliberate recording of any misleading information is prohibited and shall serve as the basis for disciplinary action. Supervisors shall review all paper forms before the end of the tour of duty and forward them to the Telephone Reporting Unit for data entry.
- C. By **January 15** of each year, the Internal Affairs Bureau (IAB) Commander shall submit a finalized administrative review, approved by **his or her** chain of command, of the Division's practices concerning bias-based profiling, related citizen concerns, and any corrective measures that were taken to the Professional Standards Bureau (PSB) Commander.
- D. By **March 1** of each year, the PSB Commander shall submit a finalized, Division-wide policy and practice bias-based policing review through the chain of command to the Chief of Police. This review should include the IAB bias-based **profiling** review and additional analysis, for example, a review of the Division's policies and a review of the quarterly Display of Firearm/Taser report, as outlined in the Accreditation Unit SOP.
- E. Sworn Division personnel shall receive entry-level and annual training on bias-based profiling and related legal issues.