



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 9, 2018	CHAPTER: 1 – Administrative	PAGE: 1 of 5	NUMBER: 1.07.08
SUBJECT: BIAS-FREE POLICING			
CHIEF: CHIEF			

**PURPOSE:** To provide guidance to ensure that police services are delivered equitably, respectfully, and free of bias in a manner that promotes broad community engagement, trust, and confidence in the Cleveland Division of Police.

**POLICY:** The Cleveland Division of Police is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner based on mutual trust and respect with Cleveland’s diverse groups and communities. Bias-based policing is strictly prohibited. Bias-based policing degrades the public’s confidence in the Division and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Division’s ability to enforce the law.

The Division will integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

**DEFINITIONS:**

**Bias-Based Policing:** When a CDP member takes a law enforcement action or makes a decision to provide or not provide police services, and that action or decision is motivated by discrimination on the basis of an individual’s demographic category.

**Bias-Free Policing:** Policing that is accomplished without the selective enforcement or non-enforcement of the law, including the selection or rejection of particular policing tactics or strategies, based on the subject’s membership in a demographic category. Bias-free policing is free of discriminatory effect as well as discriminatory intent.

**Demographic Category:** Race, ethnicity, national origin, age, gender, gender expression or identity, sexual orientation, disability, religion or limited English proficiency.

**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.

**Investigatory Stop or Investigatory Detention:** A temporary restraint, based upon reasonable suspicion, where the subject of the stop or detention reasonably believes that he or she is not free to leave within the meaning of Terry v. Ohio. An investigatory stop or detention may be a pedestrian, vehicle or bicycle stop.

**Office of Professional Standards (OPS):** The city entity responsible for the intake and investigation of civilian allegations of officer misconduct.

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**Probable Cause:** Facts and circumstances which would support a reasonable belief that a crime has been committed and that the person to be arrested committed the crime. Probable cause involves an examination of all the facts and circumstances known to the member at the time of an event.

**Procedural Justice:** Four central principles designed to build public confidence in the police by 1) treating people with dignity and respect; 2) giving individuals a chance to be heard during encounters; 3) making decisions fairly and transparently, based on facts; 4) conveying goodwill and trustworthiness.

**Reasonable Suspicion:** The standard of proof necessary for a police officer to engage in a temporary investigatory detention of an individual. While reasonable suspicion is a lesser standard than probable cause, it must be supported by specific and articulable facts for suspecting a person of criminal conduct.

## **PROCEDURES:**

### **I. Guidelines for Bias-Free Policing**

#### **A. Members shall:**

1. Treat everyone with courtesy, professionalism, dignity, respect, and equality;
2. Make all decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause;
3. Ensure bias-free encounters by relying on information that is accurate, specific, and free from bias while developing reasonable suspicion and/or probable cause;
4. Conduct law enforcement activities, including any decision to engage in an investigatory stop or investigatory detention of a motorist or pedestrian, without discrimination on the basis of an individual's demographic category;
5. Interact with the public using the principles of procedural justice. Examples of this type of interaction include but are not limited to the following:
  - a. When safe and feasible, slow situations down and gather more information in order to minimize any possible effects of implicit or unintentional bias;
  - b. Introducing yourself and stating the reason for the interaction, as soon as practical, unless providing this information will compromise officer or public safety or impede an ongoing investigation;
  - c. Ensuring that detentions are no longer in duration than is lawfully necessary;
  - d. Whenever time and circumstances permit, explaining what the member is doing and why;
  - e. Whenever time and circumstances permit, listening to the individual and answering any reasonable questions that the individual has relating to the interaction;

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- f. Providing individuals with the member's name, rank, and badge number when asked.
6. Provide OPS complaint forms to individuals upon request.
- B. Members **shall not**:
  1. Engage in, ignore or condone bias-based policing;
  2. Use harassing, intimidating or derogatory language verbally, in writing, or by gesture concerning any demographic category;
  3. Determine reasonable suspicion or probable cause based upon a demographic category, except when the characteristic is part of an actual and credible description of a specific suspect in an investigation that includes other identifying factors;
  4. Determine reasonable suspicion or probable cause based only on an individual's criminal history;
  5. Delay or deny police services based on an individual's demographic category.

## II. Reporting Bias-Based Policing

- A. If an individual indicates to a member that they would like to make a complaint about bias-based policing, the member shall:
  1. Immediately request their supervisor respond to the scene;
  2. Explain to the individual that a supervisor will be responding. Members may not extend detention solely to await the arrival of a supervisor;
  3. Remain at the location until the supervisor arrives, unless the supervisor has communicated that he or she is unable to respond to the scene;
  4. If the individual does not want to wait for the supervisor to arrive or the supervisor is unable to respond, the member shall explain the option to file a complaint with the OPS and provide a complaint form to the individual. (See GPO 1.07.04 Public Complaints of Police Misconduct.)
- B. Supervisors shall respond to the scene in which an individual indicates to a member that they would like to make a complaint about bias-based policing. Upon arrival the supervisor shall:
  1. Address the concern in accordance with the procedures for responding to misconduct complaints, and at a minimum conduct a preliminary investigation of the complaint in order to preserve key evidence and identify/interview potential witnesses (See GPO 1.07.04.);

2. If the individual has left the scene before the supervisor's arrival, make attempts to contact the individual by the end of their tour of duty;
  3. Provide the individual a copy of the completed OPS complaint form if the individual completes the form on scene or a blank complaint form if the individual wishes to complete the form at a later time;
  4. Refer the individual to OPS; and
  5. If the supervisor believes that an internal complaint should be generated, he or she shall report internal complaint information to the Internal Affairs Unit in accordance with GPO 1.07.05 Reporting Internal Misconduct and shall notify the individual of such.
- C. Members who are aware of or who have observed bias-based policing shall report the incident, as soon as practicable but no later than the end of the member's tour of duty in which they observed or became aware of the incident, to a supervisor or directly to the Internal Affairs Unit.
- D. Members shall not discourage any individual from filing a formal complaint.
- E. Any member or individual who provides, files, or investigates information about incidents shall be protected from retaliation, discouragement, intimidation, coercion or adverse action. (See GPO 1.07.09 Retaliation Prohibited.)
- F. No member shall retaliate against, discourage, intimidate, coerce, take an adverse action, or attempt to take any such action against any person; including other members of CDP, who has initiated or provided information or testimony related to an investigation, prosecution, OPS complaint, litigation, and/or administrative hearings or processes, because of such person's participation as a victim, witness, investigator, decision-maker, or reviewer. (See GPO 1.07.09)

### III. Discipline

- A. Members who engage in, ignore or condone bias-based policing shall be subject to discipline.
- B. Members who fail to report observed or alleged bias-based policing shall be subject to discipline.
- C. Supervisors who fail to address complaints of bias-based policing will be subject to discipline.

### IV. Training

- A. Members shall receive annual in-service training on bias-free policing that is adequate in quality, quantity, type, and scope including but not limited to implicit bias, procedural justice, constitutional and legal requirements, and cultural competency.

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- B. Supervisors shall receive special training that is adequate in quality, quantity, type, and scope, including but not limited to, training on how to identify biased police practices; respond to and evaluate complaints of biased policing, and supervisors' responsibilities ensuring that CDP members engage in bias-free policing.