

**CLEVELAND DIVISION OF POLICE
BIAS-FREE POLICING FOR SUPERVISORS
COURSE OUTLINE**

Last Revised 11/05/2024

FORMAT

In-person, interactive scenario-based workshop, 4 hours long.

Maximum of 12 Division supervisors per session.

Prerequisite: Prior to attending the course, supervisors shall successfully complete a review of the Division's online Bias-Free Policing training module.

Instructor cadre: TBD by the Division.

DESCRIPTION

The purpose of this course is to enhance the ability of Division supervisors to make effective decisions that incorporate the principles of bias-free policing. While supervisors are already familiar with these principles, their effective practical application requires a clear understanding of how legal, ethical, and organizational mandates for bias-free policing directly inform supervisory decision-making across the Division's operations. Building on the foundational knowledge contained in the Division's existing online bias-free policing module, this new in-person course uses interactive discussions and video-based scenarios from actual incidents to strengthen supervisors' ability to prevent, identify, and address instances and patterns of biased policing. Participants will apply the LATES (Legal, Administrative, Tactical, Ethical, and Social) model of decision-making to analyze complex operational situations related to bias-free policing. The LATES model in this course is identical to the model used in the Division's separate course on supervisory use of force decision-making. This new bias-free policing course focuses on supervisory decision-making strategies for complaint investigation, community engagement, and best practices for fostering a culture of fair and impartial policing at the unit level and across the entire Division.

LEARNING OBJECTIVES

After completing this course, participants will be able to:

- Apply the LATES (Legal, Administrative, Tactical, Ethical, and Social) decision-making model to analyze two video-based scenarios involving actual incidents of potential biased policing, and identify appropriate supervisory responses.
- Explain procedures for conducting a preliminary investigation of a bias-based policing complaint.
- List strategies for supervisory response to citizen complaints of biased policing that build rapport and trust and help enhance public perceptions of the Division's legitimacy and fairness.

RESOURCES

COURSE OUTLINE

INTRODUCTION

Bias-free policing is a basic cornerstone of the Division's integrity and legitimacy. Division members are obligated by law, policy, and ethics to uphold the principles of bias-free policing in exercising their official duties. We face situations every day in which there may be credible, relevant information tying a person of a specific race, ethnicity, or other demographic category to a particular crime. But responding to such incidents is fundamentally different from the prohibited practice of biased policing, in which officers take enforcement action based on unsupported inferences directly or indirectly tied to a person's demographic affiliation. In some instances, the difference between bias-free and biased policing is immediately self-evident, as in cases where officers make blatantly racist, sexist, or other discriminatory statements to a member of the public. However, it is far more common for instances of biased policing to be more subtle and complex. This inherent subtlety and complexity pose challenges for supervisors, whose lawful direction and guidance to the officers they command are essential for ensuring the Division's integrity and legitimacy. Supervisors must therefore diligently monitor and assess officers' activities to detect and prevent biased-based policing practices. When allegations of biased policing arise, supervisors must address them quickly, thoroughly, and fairly.

The Division is committed to being proactive in providing the training, supervision, and assessment necessary to prevent, address, and resolve incidents or complaints of biased policing. This course represents a further element of that commitment.

ICEBREAKER EXERCISE

Instructor Tips

1. The purpose of the icebreaker exercise is to get supervisors talking and thinking aloud about the complex, sensitive nature of biased policing allegations.
2. Most allegations of biased policing are difficult if not impossible to prove, because they typically rest on people's subjective reactions to officers' behavior, language, and decisions.
3. On rare occasions, officers act in a manner that clearly demonstrates inappropriate bias. The video for this exercise shows one such situation from Albuquerque (NM) PD, in which officers make derogatory comments about Native Americans that get recorded on their wearable cameras.

4. In addition to providing a clear example of biased policing, the Albuquerque video also illustrates a situation where officers' inappropriate behavior did not occur on a public contact, but rather took place during a private officer-to-officer conversation that got captured on body-worn camera video.
5. This video raises important questions about the legal, ethical, and professional duty of police agencies to address instances of biased policing that are internally identified, and not just those allegations that are reported by community members.

VIDEO

Show the video:

<https://www.youtube.com/watch?v=isNjS2oKz2o>

LARGE GROUP DISCUSSION

Ask the following questions to the class and lead a discussion. The provided response reinforces the concepts of this lesson.

1. How would you approach a situation where you overheard officers using discriminatory language, as seen in the video?

Addressing discriminatory language head-on is crucial. Immediately speak with the involved officers to understand the full context of the situation and make it clear that such behavior is unacceptable. To ensure transparency and accountability to the community, this type of behavior must be officially documented and reported. Ignoring it or merely giving the officers informal counseling is inconsistent with Division policy and standards as well as public expectations. Additionally, it is best to address the entire shift/unit to which the involved officers are assigned about the impact of such language on community trust and to take deliberate steps such as training to reinforce expectations of professionalism.

2. As supervisors, what subtle signs of bias-based policing might you look for when reviewing incident reports or body camera footage?

Subtle signs of bias might include patterns of stops or searches that seem inconsistent with the demographic makeup of the area, vague justifications for actions in reports, such as listing suspicious behavior without specific objective facts, demographic

disparities in enforcement action for the same offense, or certain groups being targeted for enforcement more frequently than others. As supervisors, we can mitigate this by reviewing reports and WCS video carefully and asking officers to provide concrete reasons for their actions based on objective evidence.

3. How do off-duty or private conversations between officers, like the one recorded in the video, affect the public's trust in law enforcement?

Even private or off-duty conversations can have public repercussions, especially when recorded or shared. As supervisors, we need to emphasize the importance of maintaining professionalism at all times. The presence of wearable cameras changes the meaning of “private” conversations, and officers must act with self-control and professionalism to adapt to this new reality. Inappropriate comments can erode trust built over years of positive community engagement, so it's essential that we address any behavior swiftly and reinforce the importance of respectful communication.

4. What proactive measures can supervisors take to prevent bias-based policing in their units?

Proactive measures include regularly reviewing officers WCS video, even if no complaints have been filed, and encouraging officers to articulate their decisions as thoroughly and accurately as possible. Regular briefings and roll call discussions should provide opportunities for officers to reflect on their decisions and engage in open conversations about professionalism and bias prevention. Supervisors can further encourage check-ins with officers to discuss their conduct and ensure self-awareness regarding potential biases.

Instructor Tips

Reinforce the consequences of bias-based policing:

Bias-based policing can violate Constitutional guarantees of due process and equal protection under the law enumerated in the Fourth and Fourteenth Amendments.

In addition to being unlawful, biased policing erodes community trust, undermines officer safety, invites hostile media scrutiny, and exposes the Division and its officers to criminal and civil liability. This is why it is vital for the Division to take seriously every allegation of biased policing, and to treat people who report these allegations with dignity and respect.

The more the Division fosters an internal and external culture of fairness and impartiality, the more effective we are in the fulfillment of our public safety mission.

Members who engage in, ignore, or condone bias-based policing, or who fail to report observed or alleged bias-based policing, shall be subject to discipline. Supervisors who fail to address complaints of bias-based policing shall be subject to discipline (Bias-free Policing, Sec. III).

LATES FACTORS

LARGE GROUP DISCUSSION

Ask the group to recall the LATES factors from earlier training. Review the definition for each of the factors and ask for examples.

LEGAL – What criminal and civil/legal factors are most important at this point, and what legal decisions are required? What federal, state, and local laws and statutes are most relevant at this point in the situation?

Examples:

- Were the officers' statements in the video potentially unlawful? Do they violate State of Ohio, federal, or other statutes related to bias-free policing, equal protection, due process, and so on?
- The conduct of officers at the scene of an officer-involved shooting may be relevant to the wider criminal and administrative investigations of lethal force.
- The statements by themselves may be an act of unlawful biased-based policing. In addition, a further biased-based policing violation may have occurred if evidence indicates that officers' decisions to use lethal force were influenced, in whole or in part, by unlawful bias.
- Civil suits stemming from this incident may allege discrimination based on race.
- The State of Ohio Attorney General may seek injunctive relief (Sec. 109.806 to prohibit biased policing and other status-based profiling.)
- The WCS footage must be preserved as evidence and documented as such.

ADMINISTRATIVE – What policy factors and decisions are immediately relevant? What investigative, procedural, administrative, or other measures are required under CDP policy?

Examples:

- How does the Division's bias-based policing policy (1.07.08) apply to the discovery of this conduct?
 - The policy's purpose is to deliver police services equitably, respectfully, and free of bias in a manner that promotes broad community engagement, trust, and confidence in the Cleveland Division of Police.
 - Bias free policing "is accomplished without the selective enforcement or nonenforcement of the law, including the selection or rejection of policing tactics or strategies, based on the subject's membership in a demographic category."
 - The policy requires members to treat everyone with courtesy, professionalism, dignity, respect, and equality.
- How must the supervisor respond to the discovery of these statements?

TACTICAL – What issues of officer and public safety are most important at this moment, and what measures are reasonable and necessary to address them?

Examples:

- Act swiftly to address misconduct, demonstrating a commitment to the department's values and community trust.
- If overheard or discovered at the scene, sequestering subject officers and witness officers as soon as practicable is necessary.
- Provide a clear and transparent reporting of the circumstances through the chain of command and IA.
- Preservation of BWS cameras and footage.
- Instances of biased policing can lead to displaced rage, where uninvolved officers are attacked or ambushed by assailants seeking revenge.
- Misconduct or allegations of misconduct must be addressed in line with policy and the law in that officers are treated fairly, professionally, and without bias as well.

ETHICAL – What moral challenges or ethical dilemmas are present at this point? What is the honest, right, and just course of action for resolving them?

Examples:

- The statements occurred following a high-stress critical incident. Does this fact potentially justify letting the inappropriate comments go unaddressed? Do the circumstances mitigate or excuse the officers' statements? Why or why not?

- It is vital to balance the need to address the misconduct while ensuring fair treatment, due process, and health and wellness support following a critical incident.
- Ensure that the response to the officer's misconduct is unbiased and maintains the department's integrity.
- It is necessary to begin the process of a thorough and unbiased investigation, ensuring that all findings are based on evidence, policy, and legal standards.

SOCIAL – What issues of internal Division trust and external community trust are most important at this moment? What course of action is necessary to address them?

Examples:

- The use of racial epithets is unacceptable and harmful. Their presence at the scene of an officer-involved shooting raises concerns about whether bias influenced decisions regarding the sanctity of life, as well as the strategies and tactics used during the incident.
- The damage to community trust and relationships is profound. Once this misconduct becomes public, the harm caused by these comments undermines the Division's positive work in ways that are immeasurable.
- The incident will also inevitably harm internal trust, relationships, and morale. It's important to consider how both the incident and the response affect the morale and trust of other officers within the Division.
- Some officers may take offense because of their affiliation with the group(s) at whom the offensive remarks were directed. Other officers may be upset by the perception that the agency is downplaying the context of a critical incident and imposing unfair discipline.
- The Division's response to the incident will directly impact both internal and external trust and relationships. A swift, honest, transparent, and fair approach is crucial to maintaining or rebuilding that trust. This begins, perhaps most importantly, with the initial supervisor's response.

VIDEO CASE STUDY #1

The video exercises will highlight and discuss preliminary investigations of bias complaints and the reporting process.

VIDEO

Give a brief overview of the video. This video involves an incident that occurred at a shopping mall in Virginia Beach. An officer detains a man whom he mistakenly believes is

the suspect in a case of credit card fraud that occurred at the mall. The officer subsequently realizes that the man is not the suspect and releases him with an apology. Despite the fact that the officer acted lawfully, the incident nonetheless offended the man and his family, and created a wider public perception of biased based policing that received significant media attention.

Ask the class to watch the video and think about how they would handle situations like this as the responding supervisor. Remind the class to use the relevant LATES factors in analyzing the video.

<https://www.youtube.com/watch?v=NnYC2yc06hg>

SMALL GROUP EXERCISE

Divide the class into groups of at least three participants, assigning each group one or two of the LATES factors. Based on their assessment of the video, groups will have approximately five (5) minutes to discuss their assigned LATES factor(s) and consider relevant CDP practices and strategies for the prevention of bias-based policing. If the instructor opts to lead with one of the factors, they will present first, followed by each group selecting a spokesperson to report their findings.

After the group reports, lead a class-wide discussion on practical ways to prevent and address bias-based policing, encouraging dialogue on how supervisors can detect and address bias while promoting accountability. Use the provided prompts to guide the discussion.

LATES Factors

1. LEGAL

- a. The officer detained Jamal Mackey based on a suspect description. Police can seize or detain someone based on a description that includes specific characteristics such as dreadlocks, but it must be part of a more complete and specific description that creates reasonable suspicion or probable cause. A single characteristic, like dreadlocks, is generally not enough on its own to justify a detention or seizure. There must be additional factors, such as:
 - i. Time and location matching the report of the crime
 - ii. Other identifying details (e.g., clothing, physical build, behavior)

- iii. Information provided by a reliable source or witness that ties the individual to the crime.
- b. Officers need to ensure that any detention is supported by reasonable suspicion or probable cause, based on clear and objective criteria.
- c. Supervisors should review the legality of the detention and whether it complied with constitutional standards, such as the Fourth Amendment protection against unreasonable searches and seizures.

2. ADMINISTRATIVE

- a. Notice that the officer was faulted in the news story for failing to follow department procedures for wearing a mask. While these kinds of allegations may seem trivial, the administrative review should cover all potential policy violations.
- b. Supervisors should ensure that officers adhered to Division policy. A lack of procedural adherence needs to be documented, and steps should be taken to investigate whether all Division rules were followed, including reporting the incident and ensuring appropriate documentation, to include completing a Stop Form entry. Minor infractions should be taken as coaching and mentoring opportunities. However, it is essential to document these steps, should future occurrences happen and the need to escalate corrective action.

3. TACTICAL

- a. The officers detained Mackey in a public area, in front of his family, without fully confirming his identity. Some people might argue that the situation could have been handled differently to minimize harm and public embarrassment. Conversely, failing to handcuff a potential suspect might lead to escalation or flight.
- b. Supervisors should evaluate whether the officers could have used a less confrontational approach, like discreetly confirming Mackey's identity or temporarily delaying the detention until more information was available.
- c. When responding to the incident, supervisors and officers who model procedural justice, actively listen, remain neutral, and engage with empathy may prevent or mitigate real or perceived inequitable treatment. Clear communication about decisions and actions, along with consistency in

treating everyone fairly, helps build trust and mitigate the perception of bias.

4. ETHICAL

- a. Detaining Mackey in front of his family raises ethical concerns about fairness and respect. Some people might argue that the officer's actions contributed to public embarrassment and possible erosion of trust.
- b. Supervisors must address the ethical implications of the officer's actions, ensuring that respect and dignity are maintained in all interactions. The officer properly apologized to Mackey, which can help rebuild damaged trust. A more formal follow-up meeting may also be appropriate in a case like this one.

5. SOCIAL

- a. The incident generated media attention and significant community concern, leading to a public outcry about the handling of the situation and trust in the police.
- b. To address the social impact, the Division must take transparent actions to show accountability, including a full investigation, public communication, and, if necessary, changes to departmental procedures to prevent future incidents. Supervisors should also engage with community leaders and partners to show that the Division is committed to learning from the situation and improving community trust.
- c. The way officers and supervisors interact with a suspect is just as important as how they treat family members, witnesses, and others at the scene.

DISCUSSION: RESOLVING THE SITUATION

Based on the LATES factors, what is the appropriate course of action to resolve the situation?

1. The supervisor must evaluate whether the officers had reasonable suspicion or probable cause to detain Mackey, based on the description they were provided. This assessment should include determining whether the detention violated Mackey's Fourth Amendment rights and ensuring that the actions taken were constitutionally sound.

2. If it is determined that legal standards were not met, appropriate steps should be taken, which may include issuing a formal apology for the wrongful detention.
3. The incident must be properly reported and documented in accordance with Division policies. All findings and corrective actions should be clearly recorded to ensure transparency and for future review.
4. The officer's use of handcuffs in publicly detaining Mackey should be carefully reviewed. Consideration should be given to ensure an articulable justification exists for further limiting an individual's freedom during an investigatory stop, such as applying handcuffs (i.e. physical resistance or aggression, flight risk, officer or public safety, custodial arrest, or to prevent self-harm).
5. If necessary, additional training should be implemented to improve officer tactics in identifying and detaining suspects.
6. The Division could acknowledge the emotional impact of the incident on Mackey, his family, and the community offering an apology for the circumstances. However, they can also affirm that the officers' actions were lawful and necessary. This is an opportunity to reaffirm the Division's commitment to ethical policing and build upon trust.
7. The Division should be deliberate in crafting internal messaging that hedges against demoralizing officers and discouraging them from being proactive and attentive to their duties.

VIDEO CASE STUDY #2

This case study begins with a small group exercise asking supervisors to reflect on a hypothetical situation and express their expectations of the officer's response. The case study then proceeds to involve a review of the video and the identification the LATES factors and highlight/discussion regarding the preliminary investigations of bias complaints and the reporting process.

LARGE GROUP EXERCISE

Give the following prompt to the class. "You are supervising officers who are dispatched to a suspicious person call for service. An unknown or anonymous caller reports that her neighbor is out of town and that an unknown male, described as a black male adult,

wearing a brown t-shirt and dark pants, and is standing on the neighbor's front yard. The caller requests that officers be dispatched to investigate."

What are your expectations for officers to approach to this call? Is there any actions you, as the supervisor, may take at this point?"

Allow the class to respond and reinforce with these key points if not presented by the class.

- **Expectations for Officer Approach**

- **Verify the Nature of the Call:** Officers should proceed with caution, knowing that the call is based on anonymous information. They must approach the situation objectively, without making assumptions about the subject based on the limited description provided.
- **De-Escalation and Communication:** Officers should engage the individual with professionalism, ensuring that their first steps involve clear communication and assessing whether any unlawful activity is occurring. De-escalation techniques should be prioritized to prevent unnecessary confrontation.
- **Respect for Constitutional Rights:** Officers must be mindful of the Fourth Amendment rights of the individual. Simply being on the property does not necessarily indicate criminal behavior. Any search or further investigation should be grounded in reasonable suspicion or probable cause based on their observations.
- **Gather Additional Information:** Officers should attempt to gather more information by contacting the caller (if possible), nearby neighbors, or through on-scene observation. They should avoid making hasty decisions solely based on the anonymous tip without corroborating facts.

- **Actions by a Supervisor**

- **Provide Clear Guidance to Officers:** As the supervisor, you should ensure that officers are reminded to approach the situation calmly and objectively, avoiding any biased assumptions based on the anonymous report. Reinforce the need to engage in professional communication with the subject and ensure a measured, lawful response.

- **Monitor for Legal and Tactical Considerations:** Ensure that the officers understand the limitations of acting on an anonymous tip. If additional facts are not corroborated, officers should proceed carefully and make decisions based on the evidence they gather on the scene.
- **Stay Available for On-Site Decision-Making:** Depending on how the situation evolves, you may choose to remain in close communication with officers or even respond to the scene if needed. Your presence may be critical if the situation escalates or if there is any uncertainty regarding the legality of further actions (e.g., search, arrest).
- **Consider Community Impact:** Acknowledge the social implications of the situation, especially if the person involved is cooperative and not engaging in any criminal activity. Ensuring a respectful approach by officers can help avoid negative community perceptions or damage to public trust.

VIDEO

Give a brief overview of the video. In this video, officers detain and arrest a man who was taking care of his neighbors' garden. After showing the video, ask the class to think, "Do you think the officers' actions were reasonable, necessary, and conducive to building public trust? Do you think officers would have handled this situation differently if the suspect had been another race or gender? Why or why not?"

<https://www.youtube.com/watch?v=CyaFJJSZKxQ>

SMALL GROUP EXERCISE

Divide the class into groups of at least three participants, assigning each group one or two of the LATES factors. Based on their assessment of the video, groups will have approximately five (5) minutes to discuss their assigned LATES factor(s) and consider relevant CDP practices and strategies for the prevention of bias-based policing. If the instructor opts to lead with one of the factors, they will present first, followed by each group selecting a spokesperson to report their findings.

After the group reports, lead a class-wide discussion on practical ways to prevent and address bias-based policing, encouraging dialogue on how supervisors can detect and address bias while promoting accountability. Use the provided prompts to guide the discussion.

LATES Factors

1. LEGAL

- a. The caller's identity is not clear based on the details of the call. Establishing whether the call was generated on an anonymous tip is crucial for understanding or directing officers' response to the call. Information from an individual not known to police is not to be assumed trustworthy without additional details which point to criminal activity. Officers cannot search or seize a subject based on an anonymous tip alone, and officers must carefully develop reasonable suspicion in cases involving anonymous tips by corroborating information received with what the officer observes on scene.
- b. The officers approached Pastor Jennings after receiving a call about a suspicious person. The key legal question at issue is whether the officers had reasonable suspicion to detain him. The officers claimed there was reasonable suspicion based on his presence in the yard and the report they received.
- c. Officers asked Jennings to identify himself, which he declined, citing he had done nothing wrong. Legally, the officers must ensure their actions align with constitutional protections, particularly the Fourth Amendment, which protects against unreasonable searches and seizures.
- d. Supervisors should review the legality of the officers' actions, determining if the detention was supported by reasonable suspicion and if the request for identification was legally justified.
- e. In this case, officers should look to obtain additional information from the caller and engage in a consensual encounter, as reasonable suspicion of a crime was not evident.

2. ADMINISTRATIVE

- a. The officers were following their department procedures by responding to a suspicious person call, but they failed to appropriately de-escalate the situation early on. Administrative review should assess whether all Division policies were followed, particularly regarding handling civilians and identifying themselves.

- b. The encounter highlights the need for adherence to administrative procedures that prioritize conflict resolution and de-escalation, especially in non-violent situations. Supervisors should document and address any deviations from these policies.

3. TACTICAL

- a. Tactically, the officers' approach was based on limited information. Rather than first confirming Pastor Jennings' identity more discreetly or logically, such as by asking nearby neighbors, they needlessly escalated the situation by repeatedly asking for identification without having reasonable suspicion established from a credible source.
- b. Supervisors should evaluate whether a more tactful approach, such as clarifying the situation or confirming his story with neighbors before requesting identification, could have prevented the confrontation.

4. ETHICAL

- a. Detaining Pastor Jennings, a known member of the community, in front of his neighbors raises ethical concerns. The officer's actions, particularly continuing to press for identification despite Jennings' explanation, contributed to an unnecessary public confrontation, undermining community trust.
- b. Supervisors must reflect on the ethical implications of the officers' actions and ensure that all officers treat individuals with fairness and respect, especially when no crime has been committed. A formal apology may be warranted, both to Pastor Jennings and to the community, to rebuild trust.

5. SOCIAL

- a. The public detention of Pastor Jennings, a pastor in the community, caused significant social harm. The incident could easily lead to community mistrust in law enforcement, especially given the public nature of the situation.

- b. It is important to be empathetic in examining this case and to reflect on how Pastor Jennings and many other people could reasonably believe that the officers' actions were informed by racial bias.
- c. To mitigate its social impact, the Division should publicly address the situation and ensure transparent communication with the community. A public apology and an acknowledgment of any mistakes would help restore trust. Supervisors should also engage with community leaders to demonstrate accountability and commitment to improving police-community relations. Direct outreach to Pastor Jennings entire church and congregation may be appropriate.

DISCUSSION: RESOLVING THE SITUATION

Based on the LATES factors, what is the appropriate course of action to resolve the situation?

1. The supervisor must assess whether the officers had reasonable suspicion to detain Pastor Jennings based on the information provided in the initial call. This evaluation should include a review of Fourth Amendment protections and ensure the officers' actions were constitutionally sound.
2. If legal standards were not met, appropriate steps should be taken, including issuing a formal apology to Pastor Jennings and dismissing any potential legal consequences. Reporting the incident to the Internal Affairs Unit (IAU) for review may also be necessary based on an unjustified seizure.
3. The incident should be properly documented in accordance with Division policies. All findings and corrective actions should be clearly recorded for transparency and future reference.
4. The officers' decision to use handcuffs on Pastor Jennings in a public setting should be carefully reviewed. Additionally, leaving him handcuffed after finding out he had not committed a crime is concerning. Supervisors should consider additional training on the use of less confrontational methods in similar situations.
5. The public embarrassment caused to Pastor Jennings and the harm to community trust should prompt ethical reflection. The supervisor should apologize to Pastor Jennings for the conduct and unwarranted seizure.

6. The supervisor should listen to his concerns. This would reinforce the Division's commitment to ethical and respectful policing.
7. Clear and open communication with Pastor Jennings regarding the incident is critical. The Division should be transparent about its findings and any actions taken, ensuring the community understands the steps being taken to prevent similar incidents in the future.

DISCUSSION QUESTION

Ask the class to contrast this video with the incident from Virginia Beach. What makes the two incidents different?

BIAS-FREE POLICING STRATEGIES

Techniques for developing rapport and building trust during initial contact with people making biased policing reports.

SMALL GROUP DISCUSSION

Divide class into small groups (up to three). Have them discuss in a group for 5 to 10 minutes **what strategies they as supervisors can implement to help prevent bias-based policing practices**. At the end of the discussion time, have each group present their strategies and get feedback from the rest of the class.

Preventing bias-based policing is a critical responsibility for law enforcement supervisors, who play a key role in shaping the behavior and culture within their agencies. By implementing effective strategies, supervisors can foster an environment where procedural justice, professionalism, and fairness are emphasized, reducing the likelihood of biased practices.

After the presentations, review these key points and discuss any that were not presented by the groups.

1. **Model Procedural Justice:** Demonstrate fairness, transparency, and respect in all interactions to set a clear standard for behavior that officers can emulate.
2. **Set Clear Expectations:** Clearly communicate the importance of procedural justice, professionalism, and unbiased behavior at the start of each shift, and follow up with recognition or guidance as needed.

3. **Active Listening & Empathy:** Engage fully with both officers and the community, acknowledging emotions and concerns to build trust, reduce misunderstandings, and foster positive interactions.
4. **Remain Neutral and Unbiased:** Ensure neutrality in decision-making and consistently treat all individuals fairly, regardless of background, to reinforce trust and legitimacy.
5. **Transparency and Clear Communication:** Clearly explain the reasons behind actions and decisions whenever possible, ensuring the public understands enforcement activities and reducing perceptions of bias.
6. **Encourage Self-Awareness:** Promote reflection and awareness among officers about their own potential biases, ensuring decisions are based on observed behavior, not assumptions.
7. **Cultural Sensitivity:** Respect and understand cultural differences to improve rapport, reduce miscommunication, and foster a more inclusive approach to policing.
8. **Align Enforcement with Public Safety Plans:** Ensure enforcement activities are linked to specific public safety objectives, avoiding actions that may be perceived as arbitrary and increasing transparency.
9. **Offer Guidance and Resources:** Reinforce commitment to the community's well-being by offering assistance, resources, or guidance where appropriate during interactions.
10. **Review Reports for Objectivity and Compliance with Law and Policy:** Ensure reports are completed thoroughly, documenting the rationale behind stops and decisions to maintain accountability and identify any signs of unfair or impartial treatment.
11. **Slow Down Decision-Making:** Encourage officers to take time and gather information, when feasible, before making decisions to promote consistency of fair treatment and actions.
12. **Build Community Partnerships:** Collaborate with diverse community members to create enforcement plans, strengthen relationships, and increase the legitimacy of police actions. (For CDP discussion- Command responsibility to provide to supervisors)
13. **Use Data to Monitor Disparities:** Regularly review data to identify potential disparities in enforcement, and take corrective action through training, policy adjustments, or monitoring to ensure fairness. (For CDP discussion - Command responsibility to provide data and expectations to supervisors)

CAPSTONE GROUP EXERCISE

Divide class into small groups. Have the groups discuss for approximately 10 minutes what they think are the most important similarities and differences among the three scenarios that we analyzed in the class.

Instructor Talking Points:

So far today, we've examined WCS videos showing various situations involving allegations of biased policing. As we discussed at the beginning of class, most allegations of biased policing are difficult if not impossible to prove, because they are typically based on people's subjective reactions to officers' behavior, language, and decisions.

On rare occasions, officers act or speak in a manner that clearly demonstrates inappropriate bias. The video from Albuquerque (NM) PD is one such situation. But the other two videos we watched are examples of the more common kinds of situations in which complaints of biased policing arise from officers' face-to-face community interactions.

The three videos we watched can be put into the following general categories:

- **Overt Bias:** as we've already discussed, the Albuquerque video shows officers making statements that are clearly biased and unprofessional. This video also illustrates how "private" conversations between officers can be damaging in many different ways.
- **Lawful Police Action with Public Perception of Bias:** the Virginia Beach video shows how even when officers act lawfully, people can still feel that they were treated in a biased manner.
- **Questionable Police Action with Public Perception of Bias:** the Alabama video shows a situation where officers made decisions that fall short of reasonable judgment, sound discretion, and best practice.

We are public servants who work in full view of the public, even when we might not be thinking about it. Nearly all allegations of biased policing start with face-to-face interactions between officers and community members. The most important strategy for preventing actual and perceived instances of biased policing is for officers to act with the deliberate awareness that every public contact impacts the integrity and credibility of the Division. The complex, controversial reality of bias-free policing is that even when officers act without bias or prejudice, community members can still feel that they were unfairly treated. The more officers can do to improve the quality of their interactions, the less likely they are to receive complaints of bias.

CONCLUSION

LESSON SUMMARY

In this course, we explored the essential role supervisors play in ensuring bias-free policing and maintaining public trust. Through interactive discussions and real-life scenarios, we focused on key strategies for identifying and preventing biased policing within the Division.

- **Active Listening:** Supervisors must fully engage with officers and the community, showing genuine understanding to foster trust and avoid snap judgments.
- **Empathy and Compassion:** Acknowledging emotions and concerns helps de-escalate situations, promoting fairness and understanding in interactions.
- **Transparency and Honesty:** Being clear about intentions and actions builds public trust and ensures decisions are free of hidden biases.
- **Remaining Neutral and Unbiased:** Neutrality in decision-making prevents personal or reported biases from influencing outcomes, reinforcing fairness.
- **Consistency and Fair Treatment:** Treating everyone equally, regardless of background, strengthens the Division's legitimacy and ensures unbiased enforcement.
- **Cultural Sensitivity:** Understanding and respecting cultural differences helps build rapport and reduces miscommunication.
- **Offering Help or Guidance:** Providing resources or additional assistance reinforces the Division's commitment to the community's well-being.
- **Acknowledging Bias:** Addressing bias openly ensures complaints are handled based on facts, promoting fairness in policing practices.

By applying the **LATES model** (Legal, Administrative, Tactical, Ethical, and Social considerations), supervisors can effectively evaluate and respond to situations, ensuring bias-free policing in their units. This approach not only promotes fairness but also reinforces the commitment to ethically sound, constitutional policing that protects the rights of all individuals and fosters lasting trust within the community.

Q&A

Ask class if there are any questions or feedback that can be offered. Refer any questions to the Training Section Officer in Charge for follow-up.

DRAFT

APPENDIX A

Key Policy Definitions and Language:

- **Serious Misconduct** - an allegation of misconduct involving a breach of civil rights, biased policing or discrimination against a protected class, dishonesty, brutality, corruption, objectively unreasonable, unnecessary or disproportionate use of force, or a similar serious allegation.
- **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 membership in a demographic category (Race, ethnicity, national origin, age, gender, gender expression or identity, sexual orientation, disability, religion or limited English proficiency). (Bias-Free Policing)
- **Bias-Free Policing** - Policing that is accomplished without the selective enforcement or nonenforcement 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. (Bias-Free Policing)
- **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. (Bias-Free Policing)
- **Complaints shall be accepted in a professional and courteous manner without question or challenge, providing members of the public a full and fair opportunity to file complaints alleging member misconduct.** (Public Complaints of Misconduct, I.B)
- **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.** (Bias-Free Policing, II.C)

APPENDIX B

SUPERVISOR RESPONSE TO BIAS-BASED COMPLAINTS

POLICY REVIEW

Supervisor Responsibilities and Procedures to Respond to, and Address Instances and Allegations of Bias-Based Policing (GPOs 1.07.04, 1.07.05, 1.07.08)

1. All supervisors and personnel under their supervision shall have complaint forms available. Any member who becomes aware that an individual wishes to make a complaint shall, without question or challenge, offer the individual a complaint form. Complaints shall be accepted from any person or source regardless of the manner of delivery or receipt.
2. All complaints, regardless of their perceived severity or legitimacy, shall be accepted, documented and ultimately investigated in a professional and courteous manner.
3. Filing a complaint does not affect the current or future delivery of police services as required. Retaliation for filing a complaint is strictly prohibited.
4. Supervisors shall ensure their personnel immediately request them to respond to a complaint of biased police practices and understand that a detention may not be extended solely to await the arrival of a supervisor. If the supervisor is the subject of the complaint, they shall request a non-involved supervisor or the next supervisor in the chain of command to respond to the scene.
 - a. If the individual does not want to wait for a supervisor to arrive or the supervisor is unable to respond, the member shall explain options to file a complaint at a later time and that a supervisor will attempt to contact them if desired. Notify the Communication Control Section (CCS) that a complaint form is being issued, write the incident number in the top right corner of the complaint form, and provide the complaint form to them. Document the individual's name and contact information if willingly provided and provide the contact information to the supervisor.
 - b. If the individual has left the scene before the supervisor's arrival, the supervisor must make - and should document - attempts to contact the individual by the end of the tour of duty.

PRELIMINARY INVESTIGATION

1. Supervisors responding to complaints of biased policing shall apply principles of procedural justice during all interactions by ensuring that individuals have the opportunity to express their concerns (voice), making decisions based on impartial and objective facts (neutrality), treating everyone involved with dignity and respect (respect), and being transparent and honest about the process and next steps (trustworthiness). For example, a supervisor might calmly listen to the complainant's side of the story, explain how the investigation will be conducted based on clear, unbiased criteria, and assure them that their complaint will be handled fairly, while providing regular updates to build trust throughout the process.
2. When community members express questions or concerns about policing practices, decisions, treatment, conduct, or services, the supervisor should attempt to the greatest extent possible to address and resolve these issues. Effectively addressing and resolving concerns when they first arise can help prevent formal complaints of misconduct and reflects a genuine commitment to fairly and transparently clarifying any misunderstandings about policy, procedure, or law. Regardless of the outcome or the severity of unresolved allegations, any desire to file a complaint shall result in complaint acceptance.
3. Allegations of bias-based policing are classified as serious misconduct. When accepting a complaint alleging bias-based policing, conduct a preliminary investigation and immediately document and report internal complaint information to the Internal Affairs Unit. Utilize Division tracking software to forward the entry to the Internal Affairs Superintendent for review, as directed by the IAU.
 - a. Conduct a preliminary investigation of the complaint to preserve key evidence and identify/interview potential witnesses
 - i. Identify, collect, and preserve sources of audio and video which may have captured any portion of the incident (e.g., cell phone, CCTV, body-worn camera(s), ensuring proper categorization and retention)
 - ii. Attempt to contact, identify, and separate all non-CDP persons present during any portion of the incident and attempt to obtain voluntary recorded statements.
 - iii. Seek to understand and document who, what, where, when, how, and why of the incident.

- iv. Identify all CDP members who may have been involved or may have witnessed any portion of the incident. Identify relevant body-worn cameras and footage, ensuring proper categorization and retention.
- 4. 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 an uninvolved supervisor or directly to the Internal Affairs Unit (IAU).
 - a. Promptly notify the IAU whenever a complaint alleging violations of criminal law or civil rights is accepted. This immediate notification ensures that the IAU can provide the necessary assistance, direction, or resources to address the complaint effectively and in accordance with established policy (GPO 1.07.05). Timely involvement of the IAU is crucial for maintaining transparency, upholding the integrity of the investigation process, and ensuring that any potential misconduct is handled appropriately.

In instances where the member wants to remain anonymous, the member may report the act of misconduct by an anonymous call to the IAU, written correspondence to the IAU, or communicating to a member of IAU, who will then forward the allegation to the Internal Affairs Unit for review.