

DAYTON POLICE DEPARTMENT
GENERAL ORDER
BIAS FREE POLICING



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

REV. 3/19

POLICY STATEMENT

The Dayton Police Department is committed to its community by providing services with due regard for the cultural, racial or other differences that make up our community. It is the policy of this agency to provide services and enforcement fairly and without discrimination toward any individual or group of people. Race, gender, gender identity, sexual orientation, religion, nationality, ethnicity, cultural affiliation, age, disability, economic status, or affiliation with any other similar identifiable group shall not be used as the basis for providing law enforcement services or the enforcement of laws.

I. RACIAL or BIASED BASED PROFILING PROHIBITED

- A. Criminal profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description. (ROC 4.14)
- B. In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or timeframe, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, or an authorized intelligence activity.

In order to rely on a listed characteristic, officers must consider the totality of the circumstances, such as any exigent circumstances and the nature of any potential threat. (ROC 4.15)

- C. Bias Free Policing - The lack of inappropriate reliance on factors such as race, gender, gender identity, ethnicity, national origin, religion, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

II. PROCEDURE

- A. Investigative stops, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause. (GO 3.02-2)
1. Officers will maintain professionalism, integrity and accountability in all contacts with the public in order to continue to enhance the trust of the community. Policing based on biases alone is inconsistent with the mission of the Dayton Police Department, and is therefore prohibited.
 2. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based upon relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). (GO 3.02-2)

- B. In an effort to prevent inappropriate perceptions of biased law enforcement, each officer will do the following when conducting pedestrian and vehicle stops:
1. Introduce themselves to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety.
 2. If a vehicle stop, ask for the violator's driver's license and insurance.
 3. If a pedestrian stop ask for identification or sufficient identification information to satisfy the officer that the subject/suspect is providing accurate and verifiable data using trusted law enforcement sources.
 4. Ensure that the duration of the stop is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
 5. Answer any questions the citizen may have, including explaining options for the dispositions of related enforcement action.
 6. Officers will explain the credible, reliable, or locally relevant information that led to the stop or contact when no enforcement actions were taken and/or it is determined that the reasonable suspicions were unfounded (e.g., after an ATL stop).

III. SUPERVISORS RESPONSIBILITY

- A. Supervisors will monitor officers under their command to ensure officers are placing sufficient emphasis on the need for pro-active law enforcement, are aware of its benefits, and conduct investigations in a courteous and constitutional manner. Supervisors will familiarize themselves with this policy and take appropriate steps whenever it appears that it is being violated in accordance with the General Orders 1.02-5 – Discipline and 1.10-4 - Training.
- B. Corrective measures will be used to address violations of this policy based upon the severity of the violation.
1. Supervisors will discuss any possible violations with the involved officer in a timely manner.
 2. Supervisors will ensure that no retaliatory action is taken against any member of this department who discloses information concerning bias-based profiling

IV. TRAINING

- A. This policy will be disseminated and reviewed annually via PowerDMS. Roll call training, review and oral testing (roll call testing) will be conducted annually. (Supervisors will award the annual training certificate of policy review in PowerDMS)
- B. Officers will receive on-going training in conducting professional traffic stops and criminal investigations. Training will emphasize the legal basis for stops and the protections afforded to citizens. In developing future training, the Training Bureau will consider the following issues.
1. Officer safety
 2. Courtesy
 3. Cultural awareness/language barriers

4. Search and seizure laws and other relevant constitutional issues
5. Interpersonal communication skills
6. Integrity

V. DATA COLLECTION

Officers will note race and gender data on all traffic stops (driver only), traffic accidents (driver only) and self-initiated field interviews (person contacted).

- Officers are not required to request information about the race or gender of the contacted person.
- This information should be derived from the officer's observations, perceptions, or from known information services, i.e.; LEADS, OHLEG, CCH, or other known and trusted resources.
- This information will be entered into the MDC at the completion of the encounter/investigation via the "add person" tab. Officer will complete the Incident Summary and add the person's race and gender to the Incident.

VI. ANNUAL ADMINISTRATIVE REVIEW

The Inspections and Audits Unit will conduct a documented annual review of Dayton Police Department practices related to this policy. An annual report will be disseminated detailing the information on traffic stop data.