

# OGDEN CITY POLICE

## Office of the Chief

### Policy No: 43

Subject Bias-Based Policing	Effective Date April 23, 2021
Department Police	Replaces Policy Dated September 2002
Division All Police Personnel	Review Date April 2023
Authorized Signature 	

**NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

#### I. PURPOSE

The purpose of this policy is to unequivocally state that bias-based policing, including racial and ethnic profiling, have no place in law enforcement and are unacceptable. More specifically, the Ogden Police Department prohibits bias-based policing as well as racial and ethnic profiling.

The Ogden City Police Department is committed to fair and objective policing in accordance with Utah law (Utah Code 10-3-913; Utah Code 17-22-2; Utah Code 53-1-108). This policy provides guidelines for officers to prevent against such occurrences, and specifies proper administrative and disciplinary action, should an allegation of racial profiling be substantiated. Additionally, this policy protects law enforcement officers from unsubstantiated accusations when they act within the dictates of law and policy. Nothing in this policy prohibits the use of specified characteristics in those law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnic awareness training, youth programs, community group outreach and community partnerships).

## II. DEFINITIONS

Bias-based policing – An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or gender expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement services or enforcement action.

Racial profiling - Any law enforcement-initiated action relying solely upon the race or ethnicity of an individual rather than the behavior of the individual.

Racial profiling does not include circumstances where the officer has a racial or ethnic descriptor(s) concerning a suspect wanted for a specific crime or for suspicious activity that warrants an investigation, insomuch as that information is believed to be reliable and leads to a reasonable suspicion that the person contacted is the person described, or where the information is likely to lead to the discovery of that individual.

## III. POLICY

Bias-based policing, including racial and ethnic profiling, is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

## IV. MEMBER RESPONSIBILITIES

Officers of the Ogden Police Department will exercise their law enforcement powers in a fair and objective manner, consistent with law and policy and will not unlawfully discriminate against individuals based on personal bias, race or ethnicity.

Officers of the Ogden Police Department may consider race and ethnicity only when the officer possesses specific information believed reliable and likely to lead to the discovery of the suspected individual.

All members of the Ogden Police Department will not endorse or act upon stereotypes, attitudes, or beliefs that a person's race or ethnicity increases the probability that the person will act unlawfully.

All members of the Ogden Police Department are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. When able to be accomplished safely, a member of the Ogden Police

Department should intervene to prevent any biased-based actions by another member.

## V. REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual. To the extent that written documentation would otherwise be completed (e.g., report, custodial arrest, Field Interview (FI)), the involved officer should include those facts giving rise to the contact, as applicable. Except for required data-collection forms or methods, nothing in this policy shall require any officer to document contact that would not otherwise require reporting.

## VI. SUPERVISOR RESPONSIBILITY

Supervisors will ensure the working environment is free of bias, racial or ethnic hostility. This may include periodically reviewing a sample of available in-car videos, BWC recordings, MDT data and any other available resource to document contact between officers and the public, to ensure compliance with this policy. Recordings that are identified as a potential instance of bias-based policing, racial profiling, or ethnic profiling should be retained with no deletion date for administrative investigation purposes. Supervisors should engage with their officers in the field on calls for service and self-initiated activities to make personal observations and interactions.

If a supervisor detects an incident or pattern of bias-based policing, racial profiling, or ethnic profiling, they will immediately address the issue with the officer and report the findings through the Chain of Command to the Deputy Chief of Police. The Office of the Chief of Police will be made aware of the concerns and how they were addressed.

## VII. PROCEDURE FOR COMPLAINTS

Any person may file a complaint with the Department if they feel they have been stopped, detained, or searched due to bias-based policing, or racial and ethnic profiling. No person will be discouraged, intimidated, or coerced to not file such a complaint, or be discriminated against because they have filed such a complaint.

Any law enforcement officer of this agency contacted by a person who wishes to file such a complaint will follow Departmental policy and procedures on receiving citizen complaints (OPD Policy No: 12, Investigating Complaints of Misconduct). Failure to properly report the complaint will result in disciplinary action as

outlined in OPD Policy 1. The Office of the Chief of Police will be made aware of all complaints related to bias-based policing, and racial or ethnic profiling.

The supervisor receiving such a report will forward it to the Office of the Deputy Chief of Police for investigative assignment and follow-up. All such complaints will be reviewed, the complaint acknowledged to the complainant in writing. The complainant will be informed of the results of the department's review within a reasonable period of time. The Deputy Chief of Police will ensure the report is filed with the Office of the Chief of Police and will contain findings, as well as any suggestions for disciplinary action or changes in policy, training, or tactics.

If a complaint has been investigated and substantiated, the Department will take appropriate measures commensurate to the severity of the substantiated action as outlined in OPD Policy 1.

## VIII. ADMINISTRATION AND REPORTING

All complaints of bias-based policing, racial profiling or ethnic profiling will be documented in Blue Team/IA Pro regardless of the findings and disposition.

The Department will compile an annual statistical summary of all profiling complaints, including the findings as to whether they were sustained or unfounded. The statistical summary should not contain any identifying information about any complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service. Supervisors should review the annual report and discuss the results with those they are assigned to supervise. Upon written request the Department will provide a copy of this summary to any individual properly requesting the report.