
Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Lorain Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

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

401.2 POLICY

The Lorain Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited in all enforcement actions, including traffic contacts, field contacts, and asset seizure and forfeiture efforts.

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.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member. Officers must conduct themselves in a dignified and respectful manner. Any and all contact with the public will be conducted in accordance with statute and applicable law.

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401.4.1 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., arrest report, field interview card), 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 a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a self-initiated traffic stop, the officer shall report the gender and race or ethnicity of the driver.

401.4.3 INVESTIGATIVE STOPS

- (a) The stopping of persons shall be based on reasonable articulable suspicion based on knowledge of facts that lead the officer to believe that the person is involved in criminal activity, may be armed and dangerous or who have committed a traffic infraction.
- (b) Officers shall not, as a pretext to a stop or detention, conduct a traffic stop or a pedestrian detention based solely on the person's race, ethnicity or national origin, religion, gender, or sexual orientation.
- (c) Officers shall not, as a pretext to a stop or detention, conduct a traffic stop, or a pedestrian detention based on the person's race, ethnicity or national origin for the sole purpose of determining their immigration status.
- (d) A traffic stop or investigative detention shall be conducted without undue delay, and last only as long as is reasonably necessary to perform the duties incurred by virtue of the stop.
- (e) Officers are prohibited from intentionally extending the detention of a person(s) for the sole purpose of determining their immigration status.
- (f) This policy shall not preclude officers from conducting consensual encounters so long as the stop does not constitute illegal profiling, or the pretext of the encounter is solely to determine a person(s) immigration status.

401.4.4 ATTORNEY GENERAL REPORTS

The Traffic Commissioner should ensure that procedures are in place for the submission of bi-monthly reports relating to certain traffic citations (e.g., texting while driving, driving while distracted) to the Ohio Attorney General's Office consistent with the requirements of ORC § 4511.992.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

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- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Video Recorder recordings, portable audio/video recordings, Mobile Data Computer (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 CORRECTIVE MEASURES

The Chief of Police or his designee shall be notified as soon as practical of any complaints of discrimination and/or violations of civil rights. These complaints will be thoroughly investigated, regardless of a formal complaint being filed, and if sustained, shall result in a recommendation for corrective action including, but not limited to counseling, training, punitive actions, and/or policy review. Any person may file a complaint with the Department if they feel they have been stopped or searched based on illegal profiling, or subjected to improper treatment. No person shall be discriminated against because they have filed such a complaint.

401.7 ADMINISTRATION

The Patrol Operations Division Commander should prepare a documented annual review of department practices, collected data, and citizen concerns and complaints and submit an annual report to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen, or officers. 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.

401.7.1 ANNUAL REPORT

The Chief of Police or the authorized designee may prepare an annual report that documents the annual administrative review of agency practices, data collected and citizens' concerns.

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401.8 TRAINING

The Training Division should provide annual training on this policy and fair and objective policing. The training should include bias-based policing issues and relevant legal aspects, such as: field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.