

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Louisville 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 or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups) (CRS § 24-31-309).

401.2 POLICY

The Louisville 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.

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 racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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Officers shall provide, without being asked, a business card to any person who was detained in a traffic stop and was not cited or arrested. The business card shall include identifying information including, but not limited to, the officer's name, division, precinct and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the traffic stop (CRS § 24-31-309(4)(a)).

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.

After making a consensual or nonconsensual contact for the purpose of enforcing the law or investigating possible violations of the law, officers should complete a report as required by CRS 24-31-309. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) 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.

401.5 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. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

1. Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
 1. Supervisors should document these discussions in the prescribed manner.
2. Supervisors should periodically review Mobile Audio/Video MAV recordings, body-worn camera (BWC) media, Mobile Data Center (MDC) 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 that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
3. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
4. 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 STATE REPORTING

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The Department shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public but shall not include the names of officers or the names of persons alleging profiling (CRS § 24-31-309).

401.7 PROFILING - OFFICER IDENTIFICATION - TRAINING

A peace officer shall have a legal basis for making a contact, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. After making a contact, a peace officer, as defined in section 24-31-901(3), shall report to the peace officer's employing agency:

- a. The perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;
- b. Whether the contact was a traffic stop;
- c. The time, date, and location of the contact;
- d. The duration of the contact;
- e. The reason for the contact;
- f. The suspected crime;
- g. The result of the contact, such as:
 1. No action, warning, citation, property seizure, or arrest;
 2. If a warning or citation was issued, the warning provided or violation cited;
 3. If an arrest was made, the offense charged;
 4. If the contact was a traffic stop, the information collected, which is limited to the driver;
- h. The actions taken by the peace officer during the contact, including but not limited to whether:
 1. The peace officer asked for consent to search the person, vehicle, or other property, and, if so, whether consent was provided;
 2. The peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any;
 3. The peace officer seized any property, and, if so, the type of property that was seized and the basis for seizing the property;
 4. A peace officer unholstered a weapon during the contact; and
 5. A peace officer discharged a firearm during the contact.

401.8 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Department to provide fair and objective policing, including public concerns and complaints

401.9 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

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- a. Explicit and implicit biases.
- b. Avoiding improper profiling.

401.9.1 ADDITIONAL STATE REQUIREMENTS

All certified members shall attend regular training on the subject of bias-based policing (CRS § 24-31-309; CRS § 24-31-315).

401.10 PUBLIC INFORMATION

The Operations Division Commander will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

