



CHARLOTTESVILLE POLICE DEPARTMENT



Type of Directive: GENERAL ORDER	Policy#: 401
Subject: BIAS-BASED POLICING	<u>Effective Date:</u> 00/00/0000
☐ New Directive ☒ Replaces: #400.05 ☐ Revises:	
By authority of the Chief of Police: Michael Kochis	Reviewed: Annually

401.1 PURPOSE AND SCOPE

Bias-based policing by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Biased policing alienates the public, fosters distrust of law enforcement by the community, invites media scrutiny, and further invites legislative action and judicial intervention. Officers are involved on a daily basis in numerous and varied interactions with the public and this policy provides guidance to Department members that affirms the Charlottesville Police Department's commitment to policing that is fair, objective, and non-biased.

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 and partnerships).

The receipt, processing, and investigation of complaints involving alleged incidents of bias-based policing are handled in accordance with General Order #517.01 (Internal Investigations and Citizen Complaints).

401.2 POLICY

It is the policy of the Charlottesville Police Department to treat all members of the public with dignity, respect, and in adherence with the rights and liberties afforded by the United States Constitution and the Constitution and laws of the Commonwealth of Virginia.

The Charlottesville Police Department is committed to providing professional law enforcement services to the community with a due regard for the 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) of those it serves. It is the policy of this department to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 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. This includes any other noncriminal characteristics prohibited by state law (Va. Code § 15.2-1609.10; Va. Code § 15.2-1722.1; Va. Code § 52-30.1 et seq.).

[VLEPSC - ADM.02.05(a)] [CALEA 1.2.9]

401.4 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.

[VLEPSC - ADM.02.05] [CALEA 1.2.9(a)]

401.5 MEMBER RESPONSIBILITIES

Every member of this Department shall perform their 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 bias-based actions by another member.

401.5.1 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 (FI) card, detention report), 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.

401.5.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop, the officer shall record the following information on the appropriate forms provided by the Department (Va. Code § 52-30.2; Va. Code § 52-30.4; 19 VAC 30-240-10):

- a. The race, ethnicity, age, and gender of the person.
- b. Whether the person spoke English.
- c. The reason for the stop, as well as its location and the outcome.
- d. Whether any search was made.

- e. Whether the officer used physical force against any person and whether any person used physical force against any officers.
- f. Any other information noted on the designated form.

The Chief of Police, or their authorized designee, should establish procedures as necessary for the department's compliance with Va. Code § 52-30.2 and Va. Code § 52-30.4; 19 VAC 30-240-10.

401.6 SUPERVISOR RESPONSIBILITIES

- a. Supervisors should monitor those individuals under their command for compliance with this policy and shall investigate or refer to the Office of Professional Standards (OPS) for investigation, any alleged complaints of bias-based policing or observed violations in accordance with General Order #517.01 (Internal Investigations and Citizen Complaints).
- b. Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner. Any such discussions should be thoroughly documented by the appropriate supervisor and in the prescribed manner.
- c. Supervisors should periodically review in-car Mobile Audio/Video (MAV) recordings, Body-Worn Camera (BWC) recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contacts between the Departments officers and the public to ensure compliance with this policy. The following shall also apply:
 - 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.
- d. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- e. 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.
- f. Any member participating in an administrative investigation shall be given a non-disclosure order to not discuss the nature of the investigation they are participating in with the exception of their personal attorney, the investigator assigned to the investigation, or the Chief of Police or their authorized designee.

[VLEPSC - ADM.02.05(d)] [CALEA 26.2.1]

401.7 STATE REPORTING

- a. The Chief of Police, or their authorized designee, shall collect the information required by law relating to use of excessive force complaints, traffic stops, and other detentions, and shall report that information to the Virginia State Police. Such information shall also be published in the manner provided by law (Va. Code § 15.2-1609.10; Va. Code § 15.2-1722.1; Va. Code § 52-30.2; Va. Code § 52-30.4; 19 VAC 30-240-10; 19 VAC 30-240-20).
- b. All complaints regarding bias-based profiling, including those investigated by a member's

immediate supervisor, shall be forwarded to the Chief of Police, or their authorized designee, for any additional required investigation or disposition.

[VLEPSC - ADM.02.05(d)] [CALEA 26.2.1]

401.8 ADMINISTRATIVE REVIEW

- a. The Commander of the Office of Professional Standards (OPS), or their authorized designee, shall conduct a documented administrative review of the efforts of the Department to provide fair and objective policing and submit an annual report, including the Departments practices, public concerns, and complaints and corrective actions taken, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be subsequently reviewed by the Chief of Police and members of the Executive Command Staff to identify any changes in training or operations that should be made to improve service.
- b. Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

[CALEA 1.2.9(c)]

401.9 TRAINING

- a. All sworn officers shall receive both initial and ongoing training on bias-based policing/cultural diversity.
- b. Annually, all sworn officers shall receive in-person training on implicit bias. Such training should emphasize bias-based issues and the corrosive effects and legal aspects of bias-based policing on individuals, the community, and the Department
- c. The Training Coordinator shall ensure all training records relative to bias-based policing training are recorded and maintained.

[VLEPSC - ADM.02.05(b)(c)] [CALEA 1.2.9(b)]

401.10 POLICY REVIEW

The Chief of Police or their authorized designee(s), should regularly review and update this policy to reflect legal updates, standards of accreditation, and developing practices and procedures.

401.11 POLICY AVAILABILITY

In order to promote transparency and further instill public trust, the Chief of Police, or their authorized designee, should ensure this policy is accessible to the public.