

Ohio Collaborative Community-Police Advisory Board

Bias Free Policing

Purpose

Law enforcement agencies must prohibit the use of any bias based profiling in its enforcement programs.

Standard

Agencies shall establish a written policy governing biased based profiling that includes the following provisions:

- A prohibition against biased based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts.
- Training all agency enforcement personnel in biased based profiling issues and the relevant legal aspects.
- Corrective measures if biased based profiling occurs.
- The collection of data on all self-initiated traffic contacts to include, at a minimum, the race and gender of the driver of the vehicle stopped. For agencies that employ fewer than 35 sworn full time police officers, the collection of data does not have to occur until the year 2020.
- A documented annual administrative review of agency practices, data collected, and citizens' concerns. This review shall be made available to the public.

Commentary

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race/ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race/ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.