



# City of Oakwood

---

## Government Administration

### City Council

#### TRAFFIC ENFORCEMENT IN OAKWOOD, OHIO

December 9, 2019

On September 30, 2019, the city of Oakwood received a five page report entitled "Who Gets Stopped in Oakwood? The Racial Divide". The report was prepared by Advocates for Basic Legal Equality, Inc. ("ABLE"). The authors are Ellis Jacobs, Senior Attorney with ABLE, and Dr. Martha Hurley, Ph.D., University of Dayton Professor and Director of Criminal Justice Studies. The report is attached as Exhibit A. Exhibit B attached hereto is a statement read aloud and into the record by Mayor William Duncan at the October 7, 2019 Oakwood City Council meeting. As mentioned in the October 7, 2019 statement, the city of Oakwood takes all matters related to the delivery of public safety services very seriously. The city committed to completing a thorough review of the report and to prepare a written response. This document is that response.

#### TRAFFIC ENFORCEMENT

The city of Oakwood has a long history of placing strong emphasis on traffic enforcement. This has been the case for decades and will continue. It is a cornerstone of our Public Safety Department's policing philosophy and plays a key role in reducing crime, OVI, and other traffic offenses that often directly or indirectly contribute to unsafe situations, and vehicle and/or pedestrian accidents. The result is a community where all citizens are comfortable in their homes and on city streets, and in particular where parents are confident that their children are in a safe environment.

#### WHY IS TRAFFIC ENFORCEMENT A HIGH PRIORITY IN OAKWOOD?

The entire city of Oakwood consists of approximately two square miles with nearly all of the land area devoted to residential living. Exhibit C attached hereto is a map of Oakwood that shows in yellow highlight the residential land and blue highlight the commercial. Oakwood is essentially one big residential neighborhood. State Route 48 (Far Hills Avenue) bisects Oakwood. It is a 4-lane highway serving as a major and primary thoroughfare between downtown Dayton and the southern Montgomery County suburbs. In 2016, about 13,400 vehicles per day travelled through Oakwood along Far Hills Avenue. The count was about 15,300 per day in 2019. (Source: Miami Valley Regional Planning Commission)

Page 1 of 4

There are four public schools in Oakwood, one elementary on the west side of Far Hills Avenue and an elementary, junior high and high school on the east side. Oakwood is a walking community in every respect. Given the small geographic size of the community and short distances to each of the four schools, Oakwood does not operate a school busing system. Hundreds of Oakwood students in grades 1-12 cross Far Hills Avenue daily as they travel to and from school, play in and around our community, go home for lunch, and socialize with friends. The unique characteristics of our community demand regular and focused attention on traffic enforcement.

#### THE REPORT

From a data analysis perspective, the ABLE report is seriously flawed in several ways, rendering it inconclusive at best or invalid at worst. The primary flaws are:

- 1) The report focuses on a comparison, by race, of traffic citations. It presents a breakdown by race of persons receiving traffic citations, yet does not provide a breakdown by race of persons driving through the community, as this information is unknown and unknowable. The report also does not present a breakdown by race of persons that are driving through the community with suspended drivers licenses, outdated vehicle registrations, active warrants or in stolen vehicles. During our subsequent discussions with the authors of the report, they acknowledged this lack of significant key data.
- 2) The report directly compares the city of Oakwood with the city of Kettering, yet the two communities are very different. Oakwood is about 2 square miles, almost entirely residential, and with one major thoroughfare bisecting it. Kettering is a mixed use community of about 18 square miles with a roadway network much more expansive than Oakwood. Like for Oakwood, the report provides no data on the breakdown by race of persons driving on the various Kettering streets, nor does it address differences in Oakwood and Kettering traffic enforcement priorities.

#### LICENSE PLATE CHECKS

An important tool used by the Oakwood Public Safety Department, and by police departments throughout Ohio and nationwide, is license plate checks, whether officer initiated or via automatic license plate readers. This tool is used to locate persons with active warrants for arrest and stolen vehicles. It also identifies unlicensed and suspended drivers. The ABLE report expresses concerns about the use of license plate checks as a policing tool, despite the fact that it has been upheld as a valid, lawful tool by federal courts, including our own 6<sup>th</sup> Circuit U.S. Court of Appeals. (See *United States v. Ellison*, 462 F.3d 557 (6<sup>th</sup> Cir. 2006).) Oakwood finds this tool particularly useful to ensure a safe community. There can be no question that unlicensed, uninsured, or suspended drivers pose a danger to everyone, and there is value in detecting these offenses when they occur.

From January 1, 2016 through October 28, 2019, the Oakwood Public Safety Department made 152 warrant arrests. These arrests originated from a variety of scenarios including: 1) investigation of suspicious persons; 2) dispatch calls for service; 3) routine field interviews; 4) other local agencies locating a subject on an Oakwood warrant; and 5) traffic stops. Of the 152 arrests, 34 were a direct result of random license plate checks. Nearly one quarter of the persons with arrest warrants were found via random license plate checks. It is also important to note that when running license plate checks, officers must obtain additional information before they have sufficient probable cause to make a traffic stop for any reason other than an outstanding warrant. When a plate check identifies a licensing issue, it only indicates that the vehicle's registered owner has an outstanding licensing issue. The officer must confirm that the person driving matches the description of the registered owner, and this must occur before initiating the traffic stop. Although license plate checks are an important and valuable policing tool, they are only one small part of the Oakwood traffic enforcement program.

In 2016, the year that was analyzed by ABLE, the Oakwood Public Safety Department made 392 traffic stops through the use of random license plate checks, stops that resulted in the operator receiving a traffic citation for a suspended driver's license or driving without a license. Of those 392 stops, 143 involved black drivers. During the same year, the Safety Department conducted 4,302 traffic stops. Of these traffic stops, 2,216 or 52% resulted only in a warning to the driver. The legal, lawful, and standard practice of conducting license plate checks accounts for about 9% of our total enforcement activity, and just 3% of our total enforcement activity involved license plate stops of black drivers. The two streets where license plate checks are most often conducted are Far Hills Avenue and Shroyer Road. The daily vehicle traffic volume on these two streets is about 29,000 or 10.6 million vehicles annually. (Source: *Miami Valley Regional Planning Commission*)

#### THE OAKWOOD MUNICIPAL COURT

Oakwood has its own municipal court and employs a city prosecutor. The prosecutor and court operate in compliance with all state laws and the court is recognized as well run and fair to all. There is no evidence to suggest that persons of any race or ethnicity are treated differently in the Oakwood Municipal Court. The Oakwood Municipal Court operates a driver's license intervention program to assist those who are cited for driving while unlicensed or under suspension. Through this program, many participants have been successful in resolving outstanding suspensions, forfeitures, and warrant blocks, earning substantial charge reductions and exiting the program with a valid driver's license and automobile insurance.

#### PERCEPTION OF OAKWOOD

Some people perceive Oakwood as unwelcoming to minorities. This is an image assigned decades ago, but it is not an accurate description of our community today. Oakwood has become more diverse over the past decade or two and we believe that this positive trend will continue.

### ACTIONS THE CITY WILL TAKE

The ABLE report recommended that Oakwood commission an independent study of its current traffic stop data, and adopt policies and provide training to ensure that all people driving in Oakwood are treated fairly and without discrimination. In subsequent meetings with city staff, the ABLE authors also requested that the Oakwood Public Safety Department discontinue the use of random license plate checks.

The city will not commission an independent study because an independent study would not change the fact that the ABLE report cannot be interpreted meaningfully without additional data that is both unknown and unknowable.

In the delivery of public services, the city continuously looks for opportunities to improve. Notwithstanding that the ABLE report is inconclusive at best or invalid at worst, the city will take the following actions:

- 1) We will continue to regularly review and update as necessary our existing anti-bias policies to reflect law enforcement best practices. A copy of our existing policy, which has been in place since 2012, is attached hereto as Exhibit D;
- 2) We will continue our training of Oakwood Public Safety Officers and Command Staff on matters relating to cultural diversity, implicit and explicit bias and related topics, consistent with recognized law enforcement best practices. Our current training, which has also been in place since 2012, is effective and equals or exceeds training provided by other local jurisdictions. We will evaluate post-training impact assessment programs to determine if they add value to our training and provide measurable and meaningful benefits;
- 3) We will continue our policies and procedures relating to the conduct of lawful license plate checks;
- 4) We will continue to openly support the positive values of diversity in our community and encourage like support by all of our citizens; and
- 5) We will continue to support our Public Safety Department and its outstanding professionals to ensure they enforce our traffic laws and keep our community safe.



## EXHIBIT A



Advocates for Basic  
Legal Equality, Inc.

### DAYTON OFFICE

130 W. Second St.  
Suite 700 West  
Dayton, OH 45402

In Dayton:  
(937) 228-8104

Toll-free:  
(800) 837-0814

Fax: (937) 259-2880

TTY: (888)837-4600

[www.ablelaw.org](http://www.ablelaw.org)

# Who Gets Stopped in Oakwood? The Racial Divide

BY ELLIS JACOBS, SENIOR ATTORNEY, ADVOCATES FOR BASIC LEGAL EQUALITY  
and  
MARTHA HURLEY, PROFESSOR AND DIRECTOR OF THE CRIMINAL JUSTICE STUDIES  
PROGRAM UNIVERSITY OF DAYTON

**F**or years, many people in the Dayton area have been concerned that African-American drivers were stopped at a disproportionate rate when they drove through Oakwood.

Indeed, in 2001, the *Dayton Daily News* did a study of traffic stops in Oakwood. It found that 18.4% of drivers who got tickets in Oakwood were African-American while less than .5% of the residents of Oakwood were African-American. (*Dayton Daily News*, "Oakwood Cites High Percentage of Blacks," Mara Lee, March 1, 2001.) In response to the articles and community pressure, the City of Oakwood agreed to collect more comprehensive data on stops. (*Dayton Daily News*, "Oakwood to Track Traffic Stops by Race," Mara Lee, May 2, 2001.)

In 2016, after Advocates for Basic Legal Equality (ABLE) was contacted by the Montgomery County Public Defender who was concerned that those appearing in Oakwood municipal court for traffic violation were overwhelmingly African-American, ABLE decided to look at the Oakwood data to see what was happening.

To that end, we requested detailed data on each traffic stop and each ticket written in 2016 from the Oakwood law director and met with him on several occasions to understand the data and how best to analyze it. The data was provided to us in a format that was difficult to work with, but with some effort we were able to overcome those difficulties and perform an analysis.

The purpose in doing this analysis was to see whether there was evidence of bias in how tickets were issued by the Oakwood police.

We were able to determine the racial distribution of drivers receiving tickets easily, but we recognized that simply comparing the race of people getting tickets to the race of people living in Oakwood is not adequate since, as prior Oakwood officials argued, the demographics of people using the roads that run through Oakwood are likely to be different from the demographics of Oakwood itself (*Dayton Daily News*, "Profiling Rumors Addressed," Mara Lee, May 5, 2001).

It was not feasible to conduct an actual count of drivers nor was there a way to accurately model the racial make-up of drivers from available data, so we used two approaches to address this issue.

First, since most traffic tickets are given on the main arteries that run through Oakwood and since those arteries also run through Kettering, we conducted a similar analysis on Kettering traffic stops to allow comparison of the race of the drivers who were stopped in the two neighboring jurisdictions.

Second, we looked to see if the race of drivers receiving tickets in Oakwood varied depending on how the stop was initiated.

There are two primary ways a traffic stop is initiated in Oakwood. Oakwood police give traffic tickets when they see drivers committing traffic offenses or driving vehicles with obvious equipment problems. They also park adjacent to major streets and have the discretion to run computer database checks on the license plates of cars as they drive by to check for license suspensions and other infractions reflected in those data bases.

We compared the race of the drivers who received only status/suspension tickets (likely to have resulted from an officer running the license plate without observing a violation), to the race of the drivers who received moving violations and/or equipment violations, with or without status violations.

**Here is what we found:**

In 2016, Oakwood was 0.1% African American (Figure 1), but 26% of the drivers pulled over and ticketed were African American (Figure 2) and those African American drivers received 33.3% of the tickets written in Oakwood that year (Figure 3).

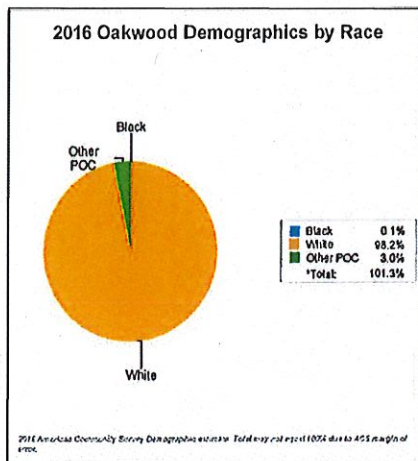


Figure 1

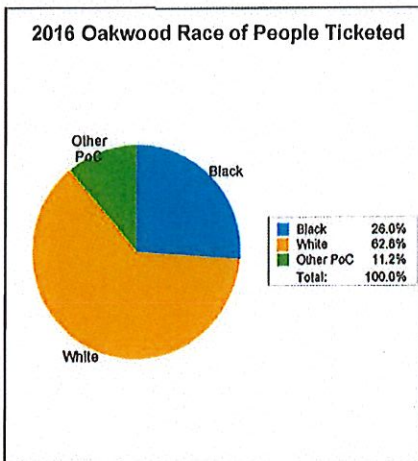


Figure 2

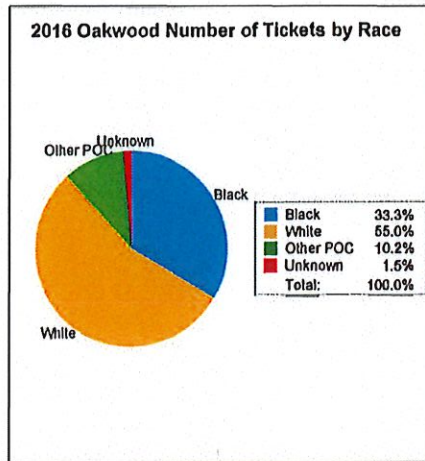


Figure 3

Kettering, which is located next to Oakwood and shares some of the same main traffic arteries, was 4.9% African American in 2016 (Figure 4). In Kettering, 20.1% of the drivers receiving traffic tickets were African American (Figure 5) and they received 23% of the tickets (Figure 6).

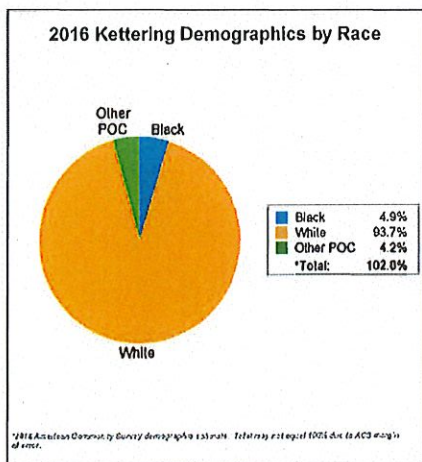


Figure 4

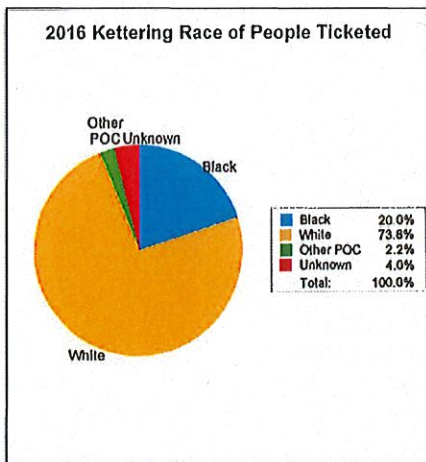


Figure 5

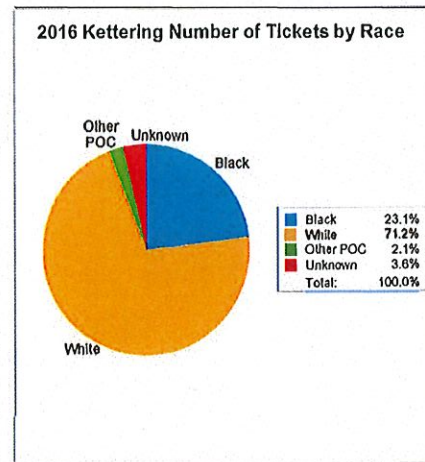


Figure 6

Kettering has a larger African American population than Oakwood and it shares similar through traffic, yet a black person driving through Oakwood was more likely to be stopped and ticketed by the police and receive more tickets when stopped than a black person driving through Kettering.



When we sorted the data by the way people were stopped in Oakwood in 2016, a similar pattern was evident.

In Oakwood, Black drivers accounted for 21.9% of the stops where a problem with driving or equipment was observed (Figure 7), **but they accounted for 36.8% of the stops where a license plate check was run without tickets being written for an observable driving or equipment problem. (Figure 8.)**

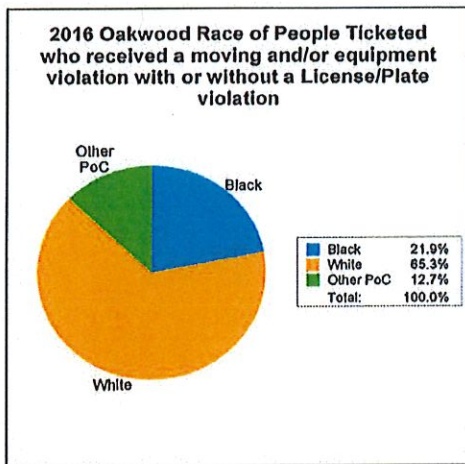


Figure 7

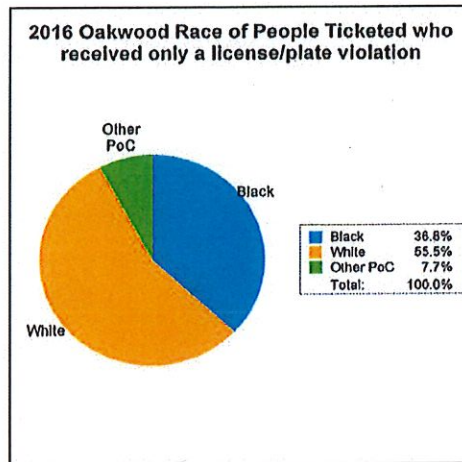


Figure 8

These “license plate check” stops do not result from bad driving or faulty equipment but from an officer’s decision to run the plate of a passing car. In these stops, officer discretion is at its greatest. It is striking that such an outsized percentage of these tickets are given to Black drivers.

We did not have all of the data we would have needed to fully explore the causes and consequences of the racial divide in police stops in Oakwood.

For example:

Some police stops may be unrecorded.

We had only one year of data. To assess the full scope of the problem, analysis of trends across multiple years would be preferred.

Because time of day of the stop was not provided, we could not tell whether the ability of the officers to see the race of drivers had an impact on the frequency of stops. Time of day can be an important variable in determining the existence of racial profiling.

Racial disparities across police stops may be most strongly associated with certain officers. We did not attempt to do this analysis.

We did not have the ability to analyze the location of stops. It is possible that differential enforcement (high enforcement or low enforcement) in a particular area of Oakwood generated the disparities.

An equally troubling question, which the data did not allow us to analyze, is whether stops resulted in the initiation of an interview, search, or seizure leading to arrest. A traffic stop is not a mere inconvenience but can have powerful, sometimes life altering, collateral consequences for people who are stopped.

### **Conclusion:**

While there were limits on the analysis we could do with the data we had available, we nonetheless think these findings are significant and point to a problem with how traffic stops are conducted in Oakwood. Indeed, we have good reason to think that the problems identified in the 2016 data continue. A current Oakwood resident has observed:

*“When I moved to Oakwood about 8 years ago I began noticing that the people getting pulled over by the police all appeared to be African Americans. It became so apparent and disturbing to me, that in the Fall of 2018 I decided to make a serious note of every single time I saw a car pulled over for a traffic violation and to specifically check to see who was driving. And, time and time again – actually pretty much every single time – it has been an African American. I don’t fully understand why this is happening but if it is because of the color of their skin that simply does not make me proud of my community.”*

### **Recommendations:**

Oakwood should commission an independent study of its current traffic stop data and make those findings public. **Action should not wait for that study, however. We strongly believe that the analysis presented here, along with current observations, provides compelling grounds for Oakwood to immediately adopt policies and begin appropriate training to ensure that all people driving in Oakwood are treated fairly and without discrimination.**

*Ellis Jacobs is a senior attorney at Advocates for Basic Legal Equality in Dayton. He represents individuals and organizations in a wide variety of civil cases including cases related to incarceration and the criminal justice system.*

*Martha Hurley is a University of Dayton professor and the Director of the Criminal Justice Studies Program at U. D. She holds a doctorate in criminal justice and is a scholar of comparative corrections and criminal justice policy.*

*Thanks to Tina Nordyke who helped with data analysis and to Rudy Wehner for focusing our attention on this issue.*

October 2019



TOGETHER, WE DO  
THE COMMUNITY  
JUSTICE



## EXHIBIT B

October 7, 2019 Status Report

In 2015, Attorney Ellis Jacobs, with Advocates for Basic Legal Equality, Inc. (“ABLE”), contacted the city of Oakwood to request traffic enforcement data. A similar series of requests was made in 2016 and 2017, and Mr. Jacobs was provided data for all years 2015-2017. In September 2019, Mr. Jacobs contacted the city of Oakwood again, requesting a meeting to review a report that he prepared with the assistance of Dr. Martha Hurley, Ph.D., University of Dayton Professor and Director of Criminal Justice Studies.

On October 1, 2019, Oakwood City Law Director Rob Jacques and Director of Public Safety Alan Hill met with Mr. Jacobs and Dr. Hurley. The day before the meeting, the city was provided with a five-page summary report stating that the authors recognize that there were limits on the analysis and data, but think the findings point to a problem on how traffic stops are conducted in Oakwood. The report solely focuses on data from calendar year 2016.

We take all matters related to the delivery of our public safety services very seriously and have already completed an initial review of the report. Through this review, we identified several areas that merit further discussion. They include:

1. There is no underlying data or information provided with the report showing how percentages were calculated for use in the analysis.
2. The report acknowledges that there is no evidence to corroborate the figures used in the pie chart showing the race of people ticketed after a random license plate check. It asserts that the tickets were “likely to have resulted from an officer running the license plate without observing a violation.” (ABLE Report, p. 2.) The Oakwood Public Safety Department does not track stops based on whether they were initiated by observed traffic violations or random license plate checks. Stops were differentiated by ABLE based on an assumption that a stand-alone licensing offense “likely resulted from” a license plate check. This assumption may be true in some instances, but not all.
3. The data is incomplete which was acknowledged in the report: “We did not have all of the data we would have needed to fully explore the causes and consequences of the racial divide in police stops in Oakwood.” (ABLE Report, p. 4.)
4. As stated in the report, the authors were not able to examine or consider a number of variables, including unrecorded stops, time of day factors, individual officer practices, location of stops, and differential enforcement. (ABLE Report, pp. 4-5.)
5. The use of Kettering as a benchmark for comparison is not explained, other than Far Hills Avenue and Shroyer Road continue into Kettering. During the October 1, 2019 meeting with the authors, they acknowledged that they did not consider:
  - a. Differences in how the two departments conduct traffic enforcement;
  - b. Differences in traffic patterns on each jurisdiction’s portion of these streets; and

- c. Differences in how the two departments track traffic enforcement data.
6. There is no benchmark for what is, or is not, an appropriate percentage of stops based on random license plate checks, nor is there any benchmark for the number of persons of a particular race that may have outstanding warrants, driver's license suspensions, or other licensing issues that are revealed through random license plate checks.
  7. There was no effort to count vehicles or otherwise account for the demographics of the driver on Oakwood's main thoroughfares. The authors acknowledged that those demographics may differ from the demographics of Oakwood residents. This is absolutely the case given that Far Hills Avenue (SR-48) and Shroyer Road are primary thoroughfares connecting the city of Dayton to the southern Montgomery County suburbs. The authors also agreed that there is no feasible method to capture this data. (ABLE Report, p. 2.)
  8. The report recommends adoption of anti-bias policies, but the authors did not inquire as to existing policies. We have a policy and it is periodically updated to reflect law enforcement best practices.
  9. The report also recommends implementation of training for Oakwood Public Safety Department officers, but again the authors did not inquire as to existing policies or training records. Since 2012, the following training has been completed by Oakwood Public Safety Officers and Command Staff, the vast majority taught by instructors who are recognized at the state or national level as experts in the area.

a. March 2012: "Cultural Diversity"

- Implicit Bias

2 Hours

b. November 2013: "Cultural Diversity"

- Maintaining Cultural Awareness in the Workplace
- Identifying Unintended Bias and How it Manifests

1 Hour

c. July 2015: "IMPACT – Improving Modern Policing and Community Trust"

- Building a Culture
- Implicit Bias
- Critical Thinking

8 Hours

d. 2016: "Policing in the 21<sup>st</sup> Century"

- Perceptions, Prejudices, and Biases

- Associations and Proof of Implicit Bias
  - Overcoming Implicit Biases Through Training
  - Countering Implicit Biases on Your Own
- 8 Hours

e. March 2018: “Awareness of Cultural Diversity”

- Understanding the positive personal, professional, and community benefits that results from awareness of cultural diversity
- 1 Hour

f. March 2019: “Cultural Competency: Racial Profiling / Implicit Bias Part 1”

- Community Diversity, Community Perceptions, Citizen/Police Interaction
  - Diversity, Stereotypes, Bias, Implicit Bias, and Conformational Behavior
- 2 Hours

g. April 2019: “Cultural Competency: Racial Profiling / Implicit Bias Part 2”

- Racial Profiling
  - Community Policing and Gangs
  - Reporting, Monitoring, and Response Strategies
  - Homeless and Mentally Ill
- 2.5 Hours

\*\*\*

In our Annual Report to the community we stated:

“Patrol visibility and traffic enforcement play a key role in reducing crime, vehicle accidents, OVI, and traffic offenses that often directly or indirectly contribute to vehicle accidents. Studies have shown that active visible patrol is an effective deterrent to many of these problems. Our overall goal is simple: keep our community safe for residents, pedestrians, cyclists and motorists, and maintain a reputation that Oakwood is a community where traffic laws are enforced.

Traffic enforcement will remain a cornerstone of the Safety Department’s policing philosophy. Daily goals and objectives of the Safety Department for uniform patrol and traffic enforcement include:

- Actively conduct traffic enforcement on a daily basis.
- Strictly enforce Oakwood parking regulations.
- Be highly visible to the public.
- Reduce the number of traffic crashes caused by moving violations.
- Focus on school zone enforcement during months when schools are in session.
- Conduct proactive radar enforcement at selected locations.
- Monitor intersections where accidents and signal violations frequently occur.
- Promptly address citizen complaints and concerns regarding traffic laws and violations.”

\*\*\*

This issue is very personal to me. In 2001, as a private citizen, I read the original articles in the *Dayton Daily News* as described by Mr. Jacobs and Dr. Hurley in their report.

I was very impressed by the way our former City Manager, Michael Kelly, dealt with this issue. He addressed the matter in a very professional manner, with total transparency. Because of his example, Michael Kelly is the reason I decided to commit to public service.

A primary outcome of the 2001 event was that Oakwood began collecting and reporting detailed data on policing activity, particularly focused on race. For the past 17 years, as a member of City Council, I have read the monthly reports from the Public Safety Department to the City Manager. The reports list the law enforcement, fire, EMS, training, and officer activity in categories including traffic violations cited, warnings, field investigations and arrests. This data is sorted by race/ethnicity.

I see nothing in the reports to suggest any explicit or implicit bias against any race or ethnicity. As City Manager Klopsch reported to the *Dayton Daily News*, “In my nearly 18 years as city manager, I struggle to recall a single instance when a person, of any race, contacted me to express concern about any matter related to a traffic stop or other traffic enforcement incident.”

Nor have I.

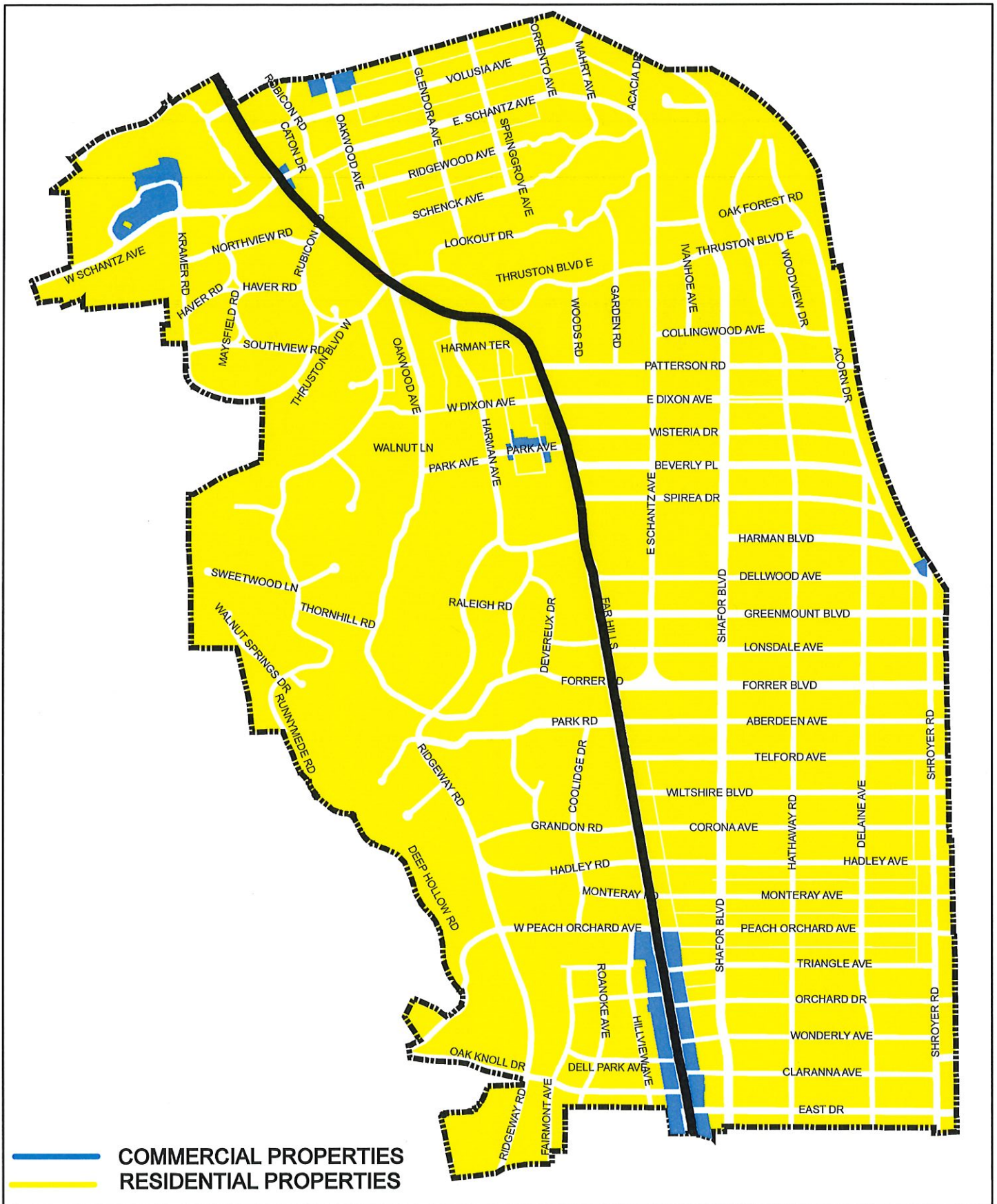
Nonetheless, City Council has an obligation along with city staff to analyze the findings of this report. I commit to be as transparent as we were 18 years ago in addressing this matter. To that end, we seek the cooperation of the authors of the report to review their data and methodologies in order to complete a proper assessment. This will enable us to determine if any changes to our policies and procedures are warranted. As with all public services that we provide, we continuously look for opportunities to improve. While we are already conducting regular training on implicit bias and related topics, we are open to considering additional training as may be warranted. We are also open to discussions about the use of random license plate checks to determine how our policies and procedures compare to law enforcement best practices.





# EXHIBIT C

# CITY OF OAKWOOD





## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Oakwood Public Safety 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:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

### 401.2 POLICY

The Oakwood Public Safety 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.

#### 401.3.1 PREVENTING PERCEPTIONS OF BIAS-BASED PROFILING

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer must conduct self-initiated contacts as follows:

- Be courteous and professional.
- Introduce themselves to the citizen (providing rank and name), and state the reason for the stop as soon as practical, unless providing this information would clearly compromise officer or public safety. In vehicle stops, officers should provide this information before asking the driver for license, registration, and insurance information.

Oakwood Public Safety Department  
Oakwood Public Safety Department Policy Manual

Bias-Based Policing

---

- Ensure the detention is no longer than necessary for taking the appropriate enforcement action for the known or suspected offense, and ensure the citizen understands the purpose of reasonable delays.
- Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
- Provide the citizen, when requested, with name and unit number in writing or on a business card.

**401.3.2 REASON FOR DETENTION**

Officer detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., ALERTS arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

**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.

**401.4.1 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic Citations Policy.

**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.

- (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 Data Terminal (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.

Oakwood Public Safety Department  
Oakwood Public Safety Department Policy Manual

*Bias-Based Policing*

---

- (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 ADMINISTRATION**

Each year, the Operations Captain should review the efforts of the Department to provide fair and objective policing and, submit an annual report, including public concerns and complaints, to the Director of Public Safety. The report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Director of Public Safety to identify any changes in training or operations that should be made to improve service.

Supervisors should review the report and discuss the results with those they are assigned to supervise.

**401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC**

The Director of Public Safety or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

**401.7 TRAINING**

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Director of Public Safety.