



INTER-OFFICE MEMORANDUM

To: Honorable Board of Police Commissioners

Cc: Assistant Chief Todd Bettison, Chief's Neighborhood Policing,
Detroit Police Department
Director Reid Branche-Wilson, Administrative Operations, Detroit
Police Department

From: Ms. Melanie White, Interim Secretary to the Board of Police
Commissioners, Board of Police Commissioners
Investigator Tiffany Stewart, Board of Police Commissioners

Re: **Detroit Police Department Proposed Directives Requesting
BOPC Final Approval – Bias Based Policing**

Date: Tuesday, May 4, 2021

Please be advised the Detroit Police Department (hereinafter 'Department') is requesting final Board approval of the below-listed directives. The Detroit City Charter Sections 7-802, 7-803, and 7-806 authorizes the Board with policy-approval authority. Based on this supervisory oversight authority, this report provides the Honorable Board with updates on the Department's Proposed / Revised Policy Directives and the status of any Board policy recommendations.

Please see the attached documents for further details.

1. Manual Directive 102.2 STANDARD OF CONDUCT BIAS-BASED
POLICING



Manual Directive 102.2 STANDARD OF CONDUCT BIAS-BASED POLICING

Introduction:

The purpose of this directive is to unequivocally state that racial and ethnic profiling in law enforcement *is* totally unacceptable. This directive reaffirms the Detroit Police Department's commitment to unbiased policing in all its encounters between Department members and citizens, and reinforces procedures that serve to maintain public confidence and trust through the delivery of services in a fair and equitable fashion.

Board's Posting of Policy for Community Input and Feedback:

On Nov. 4, 2020, the 5,526 govdelivery subscribers received an alert about the policies and were invited to share their voice. More than 760 recipients opened the email and several looked at the content more than once for 1,530 total opens. Some 40 people visited the BOPC website. However, the BOPC did not receive any emails with comments or suggestions. Additionally, there were no public comments at meetings.

On January 13, 2021, the same three policies (Drug and Controlled Substance, Bias-Based Policing, and Promotional Process) were included in an alert with the newly proposed ShotSpotter policy directive. By that date, the number of subscribers had climbed to 5,799. This means that 273 additional people had the opportunity to comment, along with the earlier 5,500-plus subscribers. Again, the BOPC did not receive any emails with comments or suggestions. Additionally, there were no public comments at meetings.

Facebook posts shared the agenda for the 50 or so visitors last fall; however, publicity focused on Duty to Intervene as a new, major police reform policy and then on Gun Shot Detection/surveillance for public safety improvements.

Detroit Police Department Proposed Revisions:

- **Detroit Police Department Manual Directive 102.2 – 3.1 Standard of Conduct Bias-Based Policing, Definitions** states in part, "Bias-based policing is the differential treatment of individuals in the context of rendering police service based on the subject's classification, such as race, ethnic



background, gender, sexual orientation, religion, economic status, age or cultural background. Bias-based policing may also be defined as any police initiated action that relies on any characteristic other than the behavior, conduct, unlawful act or omission of that individual, or information that leads the police to a particular individual.

✚ **Revised - Detroit Police Department Manual Directive 102.2 – 3.1 Standard of Conduct Bias-Based Policing, Definitions** states in part, *states in part, “The differential treatment of individuals in the context of rendering police service based on a subject’s classification or the member’s perception of any such classification, such as appearance, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural background, or English Language proficiency. Bias-based policing may also be defined as any police-initiated action that relies on any characteristic other than the behavior, conduct, unlawful act or omission of that individual, or information that leads the police to a particular individual.”*

✚ **Revised - Detroit Police Department Manual Directive 102.2 – 3.2 Standard of Conduct Bias-Based Policing, English Language Proficiency** states in part, *states in part, “The ability to speak, read, write or understand the English language at a level that allows such persons to interact effectively.”*

✚ **Revised - Detroit Police Department Manual Directive 102.2 – 3.2 Standard of Conduct Bias-Based Policing, Gender Identity or Expression** states in part, *states in part, “An actual or perceived gender-related identity, appearance, expression, or behavior of an individual, regardless of the designation of gender on one’s birth certificate, driver’s license, or state or municipal identification.”*

- **BOPC’s Revision(s):** To be in alignment with the International Association of Chiefs of Police (IACP) Bias-Free Policing Model, which states the following:
 - ✓ **Partially Included** – International Association of Chiefs of Police (IACP) Bias-Free Policing Model Policy III. DEFINITIONS states the following:

✚ **Biased Policing:** *Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.*



- ✚ **Fair and Bias-Free Treatment:** *Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.*
- ✚ **Policing Services:** Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services, crime prevention; public information; and community engagement.
- ✚ **Specified Characteristics:** *For the purposes of this policy, real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.*

Rationale: To include language pertaining to citizens with mental and/or physical disabilities, in alignment with the IACP's model policy definitions.

- **Detroit Police Department Manual Directive 102.2 – 4.1 Bias-Based Policing Procedure, Members Responsibility (7)** states in part, “Any member of the Department who observes or is aware of a violation of this procedure shall immediately report it to a supervisor.”

✚ **Revised - Detroit Police Department Manual Directive 102.2 – 4.1 Bias-Based Policing Procedure, Member Responsibility (7),** states in relevant part, “Any member who has a reasonable opportunity must act to prevent or stop any member from violating this procedure and report it to their supervisor (refer to 102.11 Duty to Intervene).”

- ✓ **Included – International Association of Chiefs of Police (IACP) Bias-Free Policing Model Policy IV. Procedures (B) Compliance** states the following:

1. *Where appropriate, agency personnel are encouraged to intervene at the time the biased policing incident occurs.*



Agency personnel who witness or who are aware of instances of biased policing shall report the incident to a supervisor.

- **Detroit Police Department Manual Directive 102.2 – 4.2 Bias-Based Policing Procedure, Supervisory Responsibility** states in part, **(1)** Supervisors should ensure that *members* assigned under their command are familiar with this policy and comply with its provisions; and **(2)** Supervisors should monitor the activities of *members* under their command to ensure that bias-based policing is not practiced.”
 - ✓ **Partially Included** – International Association of Chiefs of Police (IACP) Bias-Free Policing Model Policy IV. Procedures (B) Compliance states the following:
 - 2. Supervisors shall:
 - a. *Ensure that all agency personal in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.*
 - b. *Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.*
 - c. *Ensure that those who report instances of biased policing are not subject to retaliation.*- **Not Included**
***BOPC’s Recommendation to include language pertaining to retaliation**

Rationale: To include language pertaining to retaliation reporting, preventative measures, and possible disciplinary action taken if the policy is violated to alignment with the IACP’s model policy procedures.

- **Detroit Police Department Manual Directive 102.2 – 4.4 Bias-Based Policing Procedure, Training** states in part, “All Department members receive initial cultural diversity and awareness training at the basic recruit-training academy. Additionally, training regarding interaction with citizens, policy, ethics, legal requirements, and related topics shall be integrated into the basic recruit-training program for all new members and as part of in-service training programs.”
 - ✓ **Partially Included** – International Association of Chiefs of Police (IACP) Bias-Free Policing Model Policy IV. Procedures (C) Training states the following: “All agency personnel will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to



fair and bias-free policing, to include legal aspects and the psychology of bias. Agencies should test the impact of their training on changes in officers' attitudes, knowledge, and behavior, and confirm that the consequences, alternative training or retraining should be considered."

Rationale: To include language pertaining to retaliation reporting, preventative measures, and possible disciplinary action taken if the policy is violated to alignment with the IACP's model policy procedures.

- **Detroit Police Department Manual Directive 102.2 – 4.5 Bias-Based Policing Procedure, Compliance Reporting** states in part, "*Planning, Research, and Deployment shall conduct quarterly audits of self-initiated traffic stops to determine if there are any racial disparities. Any potential racial disparity shall be determined by comparing the demographics of the community living in the precinct with the demographics of the individuals being stopped. A copy of this report shall be forwarded to each relevant Precinct Commander, Deputy Chief, and Assistance Chief. The Board of Police Commissioners shall receive an annual report of the bias-based policing audit.*

- ✓ **Included – International Association of Chiefs of Police (IACP) Bias-Free Policing Model Policy II. Developing a Comprehensive Fair and Bias-Free Policing Strategy (E) Measurements and Assessment** states in relevant part, "The collection and reporting of data that includes subject demographics can be an important part of the agency's efforts to promote fair and bias-free policing and how these efforts are perceived by the community. A data collection program can convey to the community a commitment to fair and bias-free policing, accountability, and transparency."

BOPC RECOMMENDATION:

Based on a thorough review and evaluation of the Department's revised policy, national best practices, and lessons learned, the Board of Police Commissioners' recommendation is to approve the policy as proposed by the Department.



CITY OF DETROIT
BOARD OF POLICE COMMISSIONERS

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Attachments:

1. Cincinnati Police Department Policy Directive 15.101 Bias Free Policing
2. Denver Police Department Operations Manual Directive 118.00 Biased Policing and Criminal Intelligence Information
3. International Association of Chiefs of Police Law Enforcement Center Bias-Free Policing Model Policy (January 2020)
4. Santa Monica Police Department Policy Manual Directive 401
5. New Orleans Police Department Operations Manual 41.13 Bias-Free Policing
6. Orlando Police Department Policy and Procedure Directive 1112.5, Bias-Free Policing
7. Atlanta Police Department Policy Manual General Procedure 4.4 (pg. 9) Bias Based Policing
8. Seattle Police Department Manual Directive 5.140, Bias-Free Policing
9. Springfield, MO Police Department Manual Directive Standard Of Conduct 103.3 Bias Based Policing
10. President Barack Obama Task Force on 21st Century Policing