

Bias Based Policing

The goal of this training program is to provide an overview of some of the issues involved in Bias Based Policing that officers may face in the field and to ensure officers remain fair and impartial in their actions.

This facilitation guide is intended to assist in the delivery of the video material in an interactive and thought-provoking manner. It provides suggestions to help facilitate most sections of the video; however it is not a comprehensive guide for every aspect of the video. The videos do not necessarily depict a correct or incorrect way to handle a situation. The goal is for the students to engage in discussion of the topic and how it relates to them and to their agency. The guide may be used by facilitators of all experience levels to help the students get the most out of the material.

This guide contains the following sections: 1) **Video Viewing Options and Features**, 2) a **Brief Overview of the Scenarios** with key learning points, 3) an **Expanded Content Guide**, and 4) a **Student Study Guide Answer Key**.

The **Video Viewing Options and Features** section describes how the video is formatted and organized for use by facilitators or individual trainees.

The **Brief Overview of the Scenarios** describes each scenario and lists the key learning points for each section. It can assist a facilitator in getting up to speed with the material quickly.

The **Expanded Content Guide** is designed for use in a traditional training session where more time is available to explore the subject in depth. The expanded guide contains the same information as the brief scenario overview, plus provides suggested questions to facilitate most sections of the video, sample learning activities for small groups, and additional learning points that are often found in the interview comments.

A **Student Study Guide Answer Key**, which is a completed version of the Student Study Guide, is included at the end of this document. To receive credit, individual students review their completed Student Study Guide with the designated training manager or supervisor.

The facilitator should view and become familiar with all the material and key learning points in this course before use with students. This video is intended as a guide for discussion. Scenarios do not necessarily depict correct responses, and may not include a response at all. The goal is to create a venue for discussion and student interaction. The conclusion of the discussion should focus on the law and your specific agency policies.

This video is designed to give the facilitator different viewing options. The video may be watched in its entirety in a single session or broken up into shorter segments. Each video segment is approximately 15 minutes long, making it ideal for facilitation in a briefing or roll call setting.



Video Viewing Options and Features

The video will open with two different viewing options: **Facilitated Group Course** or **Informational/Individual Viewing**.

Facilitated Group Course

The Facilitated Group Course option should be selected when the video is being used in a classroom or briefing setting and an instructor or supervisor is present to facilitate the course. The material may be delivered in a single session or broken up over several days, such as delivery during briefing settings. The material is divided into tabbed sections that the facilitator may play in whatever order they feel best meets the training need. Once the material has been covered in its entirety, the supervisor or training manager (as designated by the department) may submit a completed training roster via EDI to POST for CPT credit for trainees who have completed the training.

Informational/Individual Viewing

The Informational/Individual Viewing option should be selected when an officer is viewing the video alone or without an instructor or supervisor present to facilitate the delivery of the material. This option should not be used in a group training session. This option is intended for officers who work in a remote location or for a smaller agency that cannot readily access group training, or for an officer who is simply interested in viewing the video for informational purposes. The viewer will be guided through the video without facilitator interaction.

At the discretion of the department designated training manager or supervisor, individual viewers may receive training credit for viewing this video. To receive credit, individual students must be provided with the student study guide that is attached as a PDF file on the DVD-ROM disc. The student watches the video and completes the study guide as they follow along. They then submit their completed study guide to the designated training manager or supervisor, who discusses the video and the student's responses with them. Once the training manager or supervisor is satisfied that the student has demonstrated an understanding of the concepts of the video, the supervisor or training manager may submit a completed training roster via EDI to POST for CPT credit. A completed version of the student study guide (Student Study Guide Answer Key) is included at the end of this document.

Navigating the Video

On-screen tabs appear across the bottom of each section of the video and allow the facilitator to select in what order the students will view the information. If in doubt about which tab to select, the information will flow logically if the tabs are selected in order from left to right. Once a facilitator is familiar with the content, they may find it more comfortable to deliver the material in an order of their own choosing.

Scenario Tabs

Scenario tabs appear at the start of each section and indicate a video scenario that is used for that section.

Task Tabs

Task tabs appear after scenarios or discussion tabs and are simply on-screen questions or statements available to use for group discussion.

Discussion Tabs

Discussion tabs appear after each scenario. They show a sample facilitation of the scenario in a briefing setting. They are optional. If the facilitator feels comfortable delivering the key learning points of the material, they may do so on their own. If they are not comfortable with the learning points or their own facilitation skills, they may either view the sample facilitation in advance to help become familiar with the material, or show the sample facilitation to the class to help spur further discussion.

Interview Tabs

Interview tabs appear after task questions. These are interviews with the Subject Matter Experts who provide additional discussion on the material. This commentary contains more information than what is delivered in the scenarios.

Menu Tab

Selecting the menu tab at the bottom right of the screen will take the viewer from the specific section they are in and return them to the main menu of the video where all sections are listed.



Brief Overview of the Scenarios

Scenario 1

Legal Considerations

This segment depicts two officers who have been directed to enforce traffic violations at an intersection due to past accidents there. They have been directed to focus on unlicensed drivers. The officers witness two drivers who simultaneously fail to stop for the stop signs. Both drivers (a White female driver and a Hispanic male driver) commit the same violation. The officers select one violator to stop. They stop the Hispanic male. There are viable reasons to select the male, one being simply that he was driving in the easiest direction to catch up to. The traffic stop is valid. But, after confirming that the driver is properly licensed and insured, one officer tells the other officer that he wants to search the driver's car because he has a "feeling." The other officer asks what his partner saw, and the officer replies that he did not see anything suspicious. We don't know the officers thoughts. This by itself does not necessarily represent bias, but the officer needs to question why he has a "feeling" about the stop. What is the motivation behind wanting to search the vehicle?

Key learning points:

- Awareness of the 4th Amendment of the Constitution.
- Awareness of the 14th Amendment of the Constitution.
- Awareness of *Whren v. United States*, 517 U.S. 806 (1996), and other relevant case law.
- Pretext stops are a valuable tool when properly applied.
- Use and document specific articulable facts when making contacts.
- Officers need to remain fair and impartial in their actions.
- Officers should regularly evaluate their possible personal biases to ensure that any biases do not impact their actions.

Scenario 2

Biases

This segment depicts a non-injury traffic accident involving two drivers. One driver demonstrates an obvious personal bias against the other driver's race and perceived ability to drive. The officers arrive and handle the call professionally. The officers do not demonstrate any bias in their actions. They do not address the expressed bias of one of the drivers at the scene.

Key learning points:

- All investigations and law enforcement interactions need to be fair and impartial.
- In this scenario, whether an officer chooses to address the bias demonstrated by the driver or not, the officer still has a responsibility to assure the other driver that their investigation will be fair and impartial.
- The drivers live in the same neighborhood. If the officers take no action, the disagreement between the two females might continue and create the need for future law enforcement interaction.

Scenario 3

Decision-Making

This scenario depicts two officers who receive a call regarding two Middle Eastern males at a park that is located next to a power plant. The reporting party provides no information that supports suspicious activity. While driving to the location, the officers discuss what information they have, and if they have enough to take an action or not.

Key learning points:

- Calls for service can reflect the bias of the caller.
- A good dispatch screening process can reduce the number of calls dispatched that do not contain actual suspicious activity.
- Be aware of the bias of "race out of place" and do not accidentally support that bias. Errors in this area can quickly become a violation of the 14th Amendment of the Constitution.



- When considering contacts other than consensual contacts, think about what specific, articulable facts are present.
- The discussion between the officers about what they have or don't have, and what their personal background knowledge is, is a healthy one. Officers should be encouraged to engage in discussions such as this.
- If officers choose to make a consensual contact in this situation, there are a variety of ways to approach the contact. Some options include:
 - Request further information from dispatch about what specific suspicious activity the caller observed.
 - Arrive and observe without making contact.
 - Walk through the park and make contact with others as well as the individuals listed.
 - Contact the individuals in a consensual contact and ask if they saw anything suspicious.
 - Contact the individuals in a consensual contact and explain the nature of the call.
 - Look for ways to educate the community about diversity in the area.
- Stereotypes are fixed thoughts. Prejudice is the next step and is a judgment or feeling based on that thought.

Scenario 4

The Community

This segment depicts officers who observe a teenaged male running. One officer comments, "Why is it every time you see a Black person, they're running?" The other officer comments that he knows the teenager, and that he attends a school in the area. The first officer states the actions of the teenager are suspicious and decides to stop the teen. Once stopped, the teenager states he is running home from school due to a family emergency. Neighbors observe the interaction and approach the officers, demanding to know what is going on. From their conversation, it can be determined that one of the officers knows the community members and has been involved in meetings with the community to improve community/police relations.

Key learning points:

- One officer demonstrates an obvious bias. What is the role of the partner officer to address this?
- How should the officer's bias be addressed?
- Officers must remain fair and impartial in their actions.
- Building rapport with the community can take a long time, and can be damaged or destroyed by a single incident.
- Community members need to be able to trust law enforcement.
- Officers must be willing to hold fellow officers accountable for their behavior.

Scenario 5

Resources

This segment depicts a community panel discussion. Panel members discuss programs and other actions that have worked and/or not worked in their relationship with local law enforcement. The focus of the panel is on partnerships, resources, and ways to improve communities in general.

Key learning points:

- A major measurement of a department's success is the strength of the relationship the department has with the community it serves.
- Be aware of the many parts of a community that can be resources for each other as well as for law enforcement.
- Being involved and interacting with the community on a regular basis builds community trust.
- There are many resources such as businesses, community-based organizations, and churches within a community. Agencies need to be aware of what is available in their area and build partnerships with those resources.
- It is important to interact with the community on a regular basis when there is not a crisis situation.
- It is the responsibility of every officer to build rapport with the community.



Expanded Content Guide

Scenario 1

Legal Considerations

This segment depicts two officers who have been directed to enforce traffic violations at an intersection due to past accidents there. They have been directed to focus on unlicensed drivers. The officers witness two drivers who simultaneously fail to stop for the stop signs. Both drivers (a White female driver and a Hispanic male driver) commit the same violation. The officers select one violator to stop. They stop the Hispanic male. There are viable reasons to select the male, one being simply that he was driving in the easiest direction to catch up to. The traffic stop is valid. But, after confirming that the driver is properly licensed and insured, one officer tells the other officer that he wants to search the driver's car because he has a "feeling." The other officer asks what his partner saw, and the officer replies that he did not see anything suspicious. We don't know the officers' thoughts. This by itself does not necessarily represent bias, but the officer needs to question why he has a "feeling" about the stop. What is the motivation behind wanting to search the vehicle?

Key learning points:

- Awareness of the 4th Amendment of the Constitution.
- Awareness of the 14th Amendment of the Constitution.
- Awareness of *Whren v. United States*, 517 U.S. 806 (1996), and other relevant case law.
- Pretext stops are a valuable tool when properly applied.
- Use and document specific articulable facts when making contacts.
- Officers need to remain fair and impartial in their actions.
- Officers should regularly evaluate their possible personal biases to ensure that any biases do not impact their actions.

Suggested facilitation questions and common responses:

What did we see?

- Two cars ran the stop sign. Both committed the same violation.
- The traffic stop was good.

Why did the officer select the car with the male driver to stop?

- It was going in the same direction, easiest to catch.
- We don't know, we can't read the officer's mind.
- Although both cars drove through the stop sign, the male drove through faster.
- The officers had been directed to seek unlicensed drivers and the Hispanic male was more likely to be unlicensed. (If you receive this answer, why does the officer think that? Anyone can be unlicensed. Race was not a specific, individualized descriptor given as part of a specific crime in this scenario. This might be an indicator of bias.)

Why ask for a consent search of the vehicle?

- It's good police work. (If you receive this answer, remind the group that the officer already stated to his partner that he did not see anything suspicious.)
- The driver can always say no.
- Although asking for a consent search is legal, officers should perform a self-check for what the motivation is behind asking for such a search. There are times when it is appropriate, such as when there are other facts and criminal indicators to support it, and there are times when it is not appropriate, such as if the request is based on a personal bias.



Scenario 2

Biases

This segment depicts a non-injury traffic accident involving two drivers. One driver demonstrates an obvious personal bias against the other driver's race and perceived ability to drive. The officers arrive and handle the call professionally. The officers do not demonstrate any bias in their actions. They do not address the expressed bias of one of the drivers at the scene.

Key learning points:

- All investigations and law enforcement interactions need to be fair and impartial.
- In this scenario, whether an officer chooses to address the bias demonstrated by the driver or not, the officer still has a responsibility to assure the other driver that their investigation will be fair and impartial.
- The drivers live in the same neighborhood. If the officers take no action, the disagreement between the two females might continue and create the need for future law enforcement interaction.

Additional learning points:

- Biases can be conscious or unconscious. Officers need to be aware of personal bias, not act on those biases, and regularly evaluate if any unconscious bias might be present.
- Although not a responsibility, there is an opportunity here for the officers to address the bias displayed by the driver.

Suggested facilitation questions and common responses:

What if the Asian driver later came to the department and complained that the investigation was biased because the officers didn't address the statements of the White driver?

- That's not the officer's problem, as long as the investigation is unbiased.
- Someone can always complain about anything.
- The officer should meet with the complaining party and assure her that the other driver's statements were inappropriate, and were not an aspect of his investigation. (The officers could have shared that information at the scene.)
- It is simple to respond that the investigation was not biased, because the other driver was found to be at fault. (But what if that was not the case, what would you say?)

The drivers live in the same neighborhood. What actions might the officers take to make it less likely there will be return calls to this area for future disturbances between the two drivers?

- Address the White driver and let her know her statements are inappropriate.
- Assure both drivers that any investigation will be fair and unbiased.
- Remind both drivers that they live in the same area, and want a peaceful neighborhood.
- Offer support services such as mediation assistance for the drivers.

Scenario 3

Decision-Making

This scenario depicts two officers who receive a call regarding two Middle Eastern males at a park that is located next to a power plant. The reporting party provides no information that supports suspicious activity. While driving to the location, the officers discuss what information they have, and if they have enough to take an action or not.

Key learning points:

- Calls for service can reflect the bias of the caller.
- A good dispatch screening process can reduce the number of calls dispatched that do not contain actual suspicious activity.
- Be aware of the bias of "race out of place" and do not accidentally support that bias. Errors in this area can quickly become a violation of the 14th Amendment of the Constitution.



- When considering contacts other than consensual contacts, think about what specific, articulable facts are present.
- The discussion between the officers about what they have or don't have, and what their personal background knowledge is, is a healthy one. Officers should be encouraged to engage in discussions such as this.

Additional learning points:

- If officers choose to make a consensual contact in this situation, there are a variety of ways to approach the contact. Some options include:
 - Request further information from dispatch about what specific suspicious activity the caller observed.
 - Arrive and observe without making contact.
 - Walk through the park and make contact with others as well as the individuals listed.
 - Contact the individuals in a consensual contact and ask if they saw anything suspicious.
 - Contact the individuals in a consensual contact and explain the nature of the call.
 - Look for ways to educate the community about diversity in the area.
- Stereotypes are fixed thoughts. Prejudice is the next step and is a judgment or feeling based on that thought.

Suggested learning activity:

Divide the room into three groups. Inform the groups that they are the officers who have been dispatched to this call. Tell one group they have to make a consensual contact. Have them list the possible questions they might ask, or describe different methods they might use to make contact. Tell the second group they will not be making contact. Have them describe what observations they might want to make, list the reasons why they would not make contact, and describe what they might say to defend this action. Assign the third group to work on community relations. Have them describe what actions they might take, or resources they might use to help improve community relations in this neighborhood.

Scenario 4

The Community

This segment depicts officers who observe a teenaged male running. One officer comments, "Why is it every time you see a Black person, they're running?" The other officer comments that he knows the teenager, and that he attends a school in the area. The first officer states the actions of the teenager are suspicious and decides to stop the teen. Once stopped, the teenager states he is running home from school due to a family emergency. Neighbors observe the interaction and approach the officers, demanding to know what is going on. From their conversation, it can be determined that one of the officers knows the community members and has been involved in meetings with the community to improve community/police relations.

Key learning points:

- One officer demonstrates an obvious bias. What is the role of the partner officer to address this?
- How should the officer's bias be addressed?
- Officers must remain fair and impartial in their actions.
- Building rapport with the community can take a long time, and can be damaged or destroyed by a single incident.
- Community members need to be able to trust law enforcement.
- Officers must be willing to hold fellow officers accountable for their behavior.

Additional learning points:

- The officer exhibiting bias needs to personally reflect and change his actions.



Suggested facilitation questions and common responses:

If you were the partner of the officer who demonstrated bias, how would you handle this situation?

- Speak with the officer in private and make him aware of his actions. If he realized his error and changed, no further action might be required.
- Advise a supervisor.
- Step in and take over handling of the call.
- Offer to assist the juvenile in getting home quickly.
- Speak with the neighbors immediately after the situation was resolved.
- Continue working with neighbors and the community, and include the officer who demonstrated bias in that process.
- Refer the officer who demonstrated bias to counseling.
- Engage in a discussion of conscious bias and unconscious or subconscious bias.

What if you were the officer who demonstrated bias? What could you do?

- Realize that biased actions have no place in law enforcement actions.
- Apologize to the juvenile and the neighbors, and change your personal perspective.
- If this was the result of an unconscious bias that was just brought to your attention, self-reflect, and decide on ways to change your attitude and behavior.
- Examine your belief system.
- This is a perishable skill; regular self-reflection is healthy.

What if you were one of the community members in this scenario? What would you want to see from your local law enforcement?

- That all officers engage in policing in a fair and impartial manner.
- That the officer involved in this incident changes perspective and does not continue to engage in actions like this.
- That the department is open to community interaction.
- That the department demonstrates the ability and willingness to listen to the community.
- That the department is responsive to the community and willing to address issues when they arise.

Scenario 5

Resources

This segment depicts a community panel discussion. Panel members discuss programs and other actions that have worked and/or not worked in their relationship with local law enforcement. The focus of the panel is on partnerships, resources, and ways to improve communities in general.

Key learning points:

- A major measurement of a department's success is the strength of the relationship the department has with the community it serves.
- Be aware of the many parts of a community that can be resources for each other as well as for law enforcement.
- Being involved and interacting with the community on a regular basis builds community trust.
- There are many resources such as businesses, community-based organizations, and churches within a community. Agencies need to be aware of what is available in their area and build partnerships with those resources.
- It is important to interact with the community on a regular basis when there is not a crisis situation.
- It is the responsibility of every officer to build rapport with the community.

Additional learning points:

- A partnership with the community is a necessity, not a program.
- Police/Community relations is a two-way street. It is not the responsibility of the agency only.



Suggested learning activity:

As a group, list all of the resources known to be available in your community or area. By each resource, list how it is used, and how it might be used more effectively. Have the group review the list and see if there are resources on it that do not work together currently, that could work together, and describe a plan to start that interaction. Or, if resources are identified that are not currently working with local law enforcement, design a plan to build a relationship with those resources and get them involved with law enforcement and other resources in the area.

Conclusion

This facilitation guide provides information needed to assist the instructor in delivering an interactive and goal-oriented training session. After completing this course, students should have general background knowledge about situations involving bias based policing and have acquired pointers on how to respond to these situations.

Student Study Guide – Answer Key

A blank copy of the Student Study Guide is attached as a separate document for individual viewers wishing to work with the agency designated trainer or supervisor for POST CPT credit. This is not a formal testing tool. Although sample answers are listed below, there are sometimes additional correct answers a student may respond with. Those answers should be evaluated by the trainer. The following answers match the video content and are listed for general guidance.

In the scenario where the two officers stopped the car for failing to stop at the stop sign, did the officer appear to be acting out of a person bias? Why or why not? Can this be determined with the information provided?

Answer: From the information displayed in this scenario alone, it cannot be determined if the officer is acting in response to a bias. The traffic stop is clearly legal. What is questionable is the officers desire to search the vehicle in this instance when he clearly states he did not observe anything suspicious. Further questions need to be asked of the officer as to why he has a “feeling” if he cannot articulate specific facts to support that “feeling.” Experienced officers often have “feelings” about situations. When they analyze those feelings, they find specific observations and facts that supported their response. This is not the same as acting on a bias.

In the scenario where the two officers responded to the non-injury traffic accident, they did not demonstrate any bias.

Answer: True

In the traffic accident scenario, although there is no requirement to address the bias of one of the drivers, there is an opportunity to do so, and that might help reduce the chance of return calls involving the drivers/neighbors in the future.

Answer: True

In the scenario involving the two Middle Eastern males at the park, the information provided to the officers did not include any specific articulable facts to justify a detention.

Answer: True



List at least two possible ways the officers could have handled the call of the suspicious Middle Eastern males at the park:

Answer: There are many ways the officers might have handled this call. Potential answers include: Having the dispatcher call the reporting party back and have them provide a description of what they thought was suspicious. Observing the males at the park before making any contact to see if the officers noticed anything. Walking through the park and making contact with others as well as the males. Not making any contact if that was within department policy. Engaging in a consensual contact with the males. Using the opportunity to build community interaction with the neighbors and those using the park, etc.

In the scenario involving the pedestrian stop of the teenager who was running, describe some actions that could be taken to resolve the situation.

Answer: There are many possible answers to this question. Some include: Recognizing the error, and offering to assist the juvenile in getting home quickly. The partner officer having an honest discussion with the other officer about his actions and the possible outcomes. If the officer is operating from an unconscious or subconscious bias, a conversation alone may help him to see that, reflect, and change his actions. Other options include informing a supervisor or taking other departmental action. Action also needs to be taken to address the concerns of the community.

In the scenario involving the stop of the teenager who was running, one officer demonstrated obvious bias.

Answer: True

It can take years to build good rapport with the community, and takes only a single incident to damage or destroy it.

Answer: True

Describe methods individual officers can use to improve relations with the community:

Answer: There are many possible answers to this question. Some include: Making contact with community members, businesses, and churches when there is not an emergency, and taking time to build personal rapport. Engaging community members in conversations that are not related to law enforcement. Listening to community members. Engaging in activities that are community based, and not necessarily law enforcement based. Attending community events. Introducing resources into the area. Introducing different aspects of the community to each other. Being responsive to community requests and providing as much information about incidents, etc.

Building community relations is the responsibility of assigned personnel only, not individual officers.

Answer: False

What community resources are available in your area, and what do you do to maintain good relationships with those resources?

Answer: Answers will vary depending upon what is available locally, but could include such things as are listed above under the improving relations with the community question, but with specific application and the names of local groups, businesses, churches, community based organizations, etc.

