



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 136B

Effective Date 03/23/2023

Policy Name Prohibition Against Bias-Based Policing

Approved Date 03/23/2023

Approved by *Wendell Franklin, Chief of Police*

Previous Date 08/23/2018

PURPOSE OF CHANGE:

Revised to include specific training requirements based on CNA recommendation of a minimum of four hours of implicit bias training.

POLICY:

The gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group or race of an individual shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or the sole factor in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

There shall be no bias in the operations of the Tulsa Police Department. The Department is committed to unbiased policing and will provide service and enforcement in a fair and equitable manner. Investigative detentions, traffic stops, pedestrian stops, searches and seizures of property, and asset seizure and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause as required by then-applicable state and federal law.

Officers must be able to articulate facts and circumstances which support probable cause or reasonable suspicion for an investigative detention, traffic stop, arrest, non-consensual search and seizure of property, and asset seizure and forfeiture efforts. Except as provided in this policy, officers shall not consider gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group, or race in establishing either reasonable suspicion or probable cause.

Officers may take into account, for the purposes of establishing either reasonable suspicion or probable cause, the reported gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group, or race of a specific suspect based only on credible, reliable information that links a person or persons of a specific gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group or race to a particular criminal incident.

The Department will train sworn personnel in bias-based policing issues including legal aspects and will take corrective measures when bias-based policing occurs. The Department promotes and supports those ensuring this policy is followed to protect the community we serve. TPD will not tolerate retaliation against any civilian or employee for exercising their right to report a violation of his policy.

Internal Affairs will conduct a documented annual administrative review of agency practices to include citizen concerns and any corrective measures taken.

SUMMARY: To define and prohibit bias-based policing.

APPLIES TO: All police personnel.

DEFINITIONS:

BIAS-BASED POLICING – the detention, interdiction, or other disparate treatment of an individual solely on the basis of the gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group, gender identity/expression or race.

PROCEDURES: None

REGULATIONS:

1. No officer shall engage in bias-based policing. The gender identity/expression, sexual orientation, age ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group, or race of an individual shall not be the sole factor in determining the existence of probable cause either to take into custody or to arrest an individual.
2. An individual's gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group or race alone shall not constitute a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.
3. Officers will attempt to reduce perceptions, if any, of bias when detaining a citizen. When consistent with the safety of an officer or others and when reasonable, officers will:
 - a. Be courteous, polite, and professional.
 - b. Introduce themselves before asking the citizen for identification and explain to the citizen the reason for the stop as soon as practical.
 - c. In accordance with statutory and common law, ensure that the length of detention is no longer than necessary to take the appropriate action for the known or suspected offense.
 - d. Answer any reasonable questions the citizen might have, to include explaining options for the disposition of the traffic citation, if relevant.
 - e. Provide his/her name and badge number when requested, in writing or on a business card.
 - f. Explain if it is determined that the reasonable suspicions were unfounded and, if appropriate under the circumstances, offer an apology to the affected citizen.
4. Internal Affairs will investigate all apparent instances of failure to comply with this policy in accordance with 304A *Complaints Against Police Employees*.
5. Violations of this policy shall result in disciplinary action.
6. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.
7. All TPD employees/officers will receive a minimum of four hours of instruction on implicit bias and/or fair and impartial training annually to its officers. This training may include but is not limited to such topics as: Policy Review, Legal Updates, Trauma-Informed Policing, Cultural Competency, and De-Escalation. Training shall include concepts and mitigation practices for reducing implicit and explicit bias and ensure the implementation of fair and impartial policing.

REFERENCES:

22 O.S. 34.3-34.5

Johnson, et al. v. City of Tulsa, No. 94-CV-39-H(M) *Consent Decree*, Section 16.1, 16.2

304A, *Complaints Against Police Employees*