Colorado Department of Revenue

Policy Manual

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Colorado Department of Revenue'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 agency'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:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups) (CRS § 24-31-309).

401.2 POLICY

The Colorado Department of Revenue 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 agency 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 investigator 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.

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Investigators shall provide, without being asked, a business card to any person who was detained in a traffic stop or detained for any other reason and was not cited or arrested. The business card shall include identifying information including, but not limited to, the investigator's name,

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division, precinct and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the stop (CRS § 24-31-309(4)(a)). Investigators shall provide a business card upon request.

401.4.1 REASON FOR CONTACT

Investigators contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

- (a) Supervisors should discuss any issues with the involved investigator and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) If available, supervisors should periodically review MAV recordings, portable audio/ video recordings, and any other available resource used to document contact between investigators and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (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 agency who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Agency shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public but shall not include the names of investigators or the names of persons alleging profiling (CRS § 24-31-309).

401.7 ADMINISTRATION

Each year, the Office of Professional Standards and Training unit should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Executive Director. The annual report should not contain any identifying information about any specific complaint, citizen or investigators. It should be reviewed by the Executive Director to identify any changes in training or operations that should be made to improve service.

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Supervisors should review the information compiled from complaints, as provided in this policy and the annual report, and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

All certified members shall attend regular training on the subject of bias-based policing (CRS § 24-31-309; CRS § 24-31-315).

401.9 PUBLIC INFORMATION

The Office of Professional Standards and Training unit will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).