



ATHENS-CLARKE COUNTY POLICE DEPARTMENT

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Cleveland Spruill, Sr.
Chief of Police

MEMORANDUM

Date: 18 February 2020

To: Chief Cleveland L. Spruill, Sr. *CSR*

From: Lieutenant S. Harrison Daniel
Office of Professional Standards *SP*

Subject: Biased-based policing annual review for 2019¹

① Approved
② Recommendations to be implemented
③ Follow up by May 30 on progress.

A. INTRODUCTION

The purpose of this memorandum is to report the Department's annual bias-based policing review and identify any enforcement trends that may be of concern to the Department and/or the community. General Order 4.04² defines bias-based profiling as "The practice of using race, ethnicity, religion, gender, sexual orientation, economic status, age, cultural group, or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching pedestrians and motorists, and in asset seizure and forfeiture efforts."³ Such practices would constitute violations of the Constitution⁴ and are strictly prohibited by Department policy.

It must also be recognized that bias-based policing concerns should not be limited to analysis of proactive enforcement efforts such as traffic and pedestrian stops by uniform patrol (i.e. an officer deciding to stop a person solely based on the person's race, ethnicity, cultural group, etc.). Bias-based actions can also manifest as adverse, unequal, or disparate treatment/service provided to a person based on the person's race, ethnicity, cultural group, etc.

This bias-based policing report is based on a quantitative and qualitative review of a) training records maintained by the Career Development and Training Unit (CDTU); b) quarterly bias-based policing reports generated at the unit level within the Field Operations Bureau and the Operational Support Bureau; c) New World Records Management System (RMS) data maintained by the Department; d) Athens-Clarke County Municipal Court records; and e) records of bias-based policing complaints maintained by the Office of Professional Standards.

¹ ACCPD General Order 4.04 (IV) (D) requires that the Office of Professional Standards (OPS) provide the Chief of Police with an annual report on the characteristics of persons stopped on traffic stops by race, ethnicity and gender by January 31.

² Current version has been in effect since October 09, 2017

³ Meets the President's Task Force on 21st Century Policing: Pillar 1 (Policy & Oversight) – Recommendation 2.13

⁴ 14th Amendment Equal Protection Clause prohibits denying any person equal protection of the laws

B. REVIEW

1. Training Records

Department policy requires initial and ongoing training for all sworn officers on issues related to bias-based policing such as proactive enforcement tactics, cultural diversity, fair and impartial policing, traffic stops, and search and seizure laws. In 2019, the CDTU offered five (5) half-day classes on Fair and Impartial Policing, which includes specific curriculum on bias-based policing and implicit bias⁵. Additionally, the CDTU reports that all Department officers completed mandatory Community Oriented Policing training, which is an annual requirement. This training is met by taking one of the following Georgia Public Safety Training Center online courses: Fostering Positive Community Relations, Police Legitimacy, Procedural Justice and Community Relations, and Cultural Awareness.

2. Quarterly Reports

Each quarter, the unit-level lieutenants submit a brief report documenting their oversight actions and any bias-based policing concerns noted for their respective units. I have reviewed the quarterly reports for 2019. The lieutenants reported that they randomly reviewed body-worn camera videos, randomly responded to calls to observe officers behavior, monitored officers' radio traffic and internal interactions/conversations, reviewed citations issued, reviewed use-of-force incidents and watched body-worn camera videos of these incidents, reviewed incident reports, and conducted monthly inspections and interviews with officers. The lieutenants reported no concerns or issues to suggest that officers were engaged in bias-based policing.

It should be noted that the Downtown Watch Commander reported one (1) instance from the first quarter in which a citizen expressed concern about bias-based policing through an anonymous online post to a social media site. The citizen's post indicated that citizen observed a Department officer make a traffic stop, and the citizen felt the officer did not cite the driver because the driver was white. The citizen did not tender a formal complaint with the Department. The bias-based policing allegation was investigated and deemed unfounded. No corrective action was required for this allegation.

See the full 2019 Bias-Based Policing Quarterly Report attached as Addendum A.⁶

3. RMS Data

Based on current Departmental practices for reporting incidents through the RMS, there is no meaningful way to aggregate and analyze demographic data related to proactive enforcement actions by officers. However, the Department does maintain data on traffic citations/warnings for

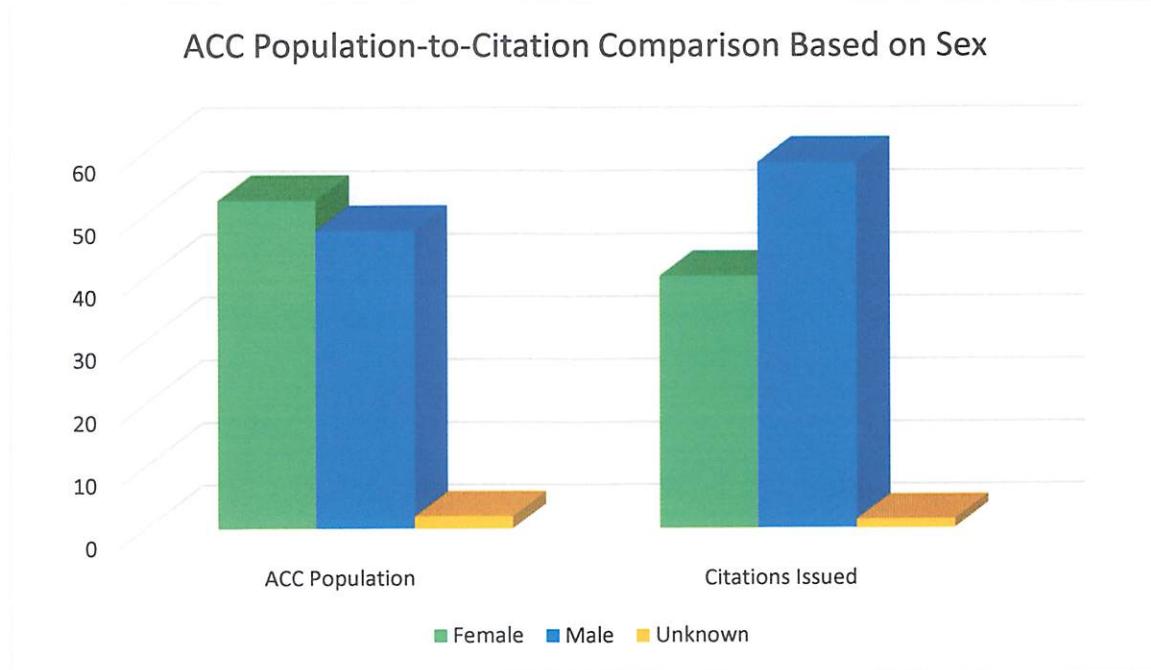
⁵ Meets the President's Task Force on 21st Century Policing: Pillar 1 (Training & Education) – Recommendation 5.9

⁶ The unit-level quarterly bias-based policing report is produced to inform the annual report and serve as a proof for CALEA Standard 1.2.9.

a select few officers who operate the Tyler Technologies Brazos Electronic Citations (E-Ticket) software.⁷

4. Municipal Court Records⁸

ACC Municipal Court reported that ACCPD officers issued a total of 16,226⁹ citations during the 2019 calendar year. The following charts are a visual depiction of the rates of citations issued¹⁰ by race and sex of the citizen as compared to the actual population ratios for Athens-Clarke County¹¹:



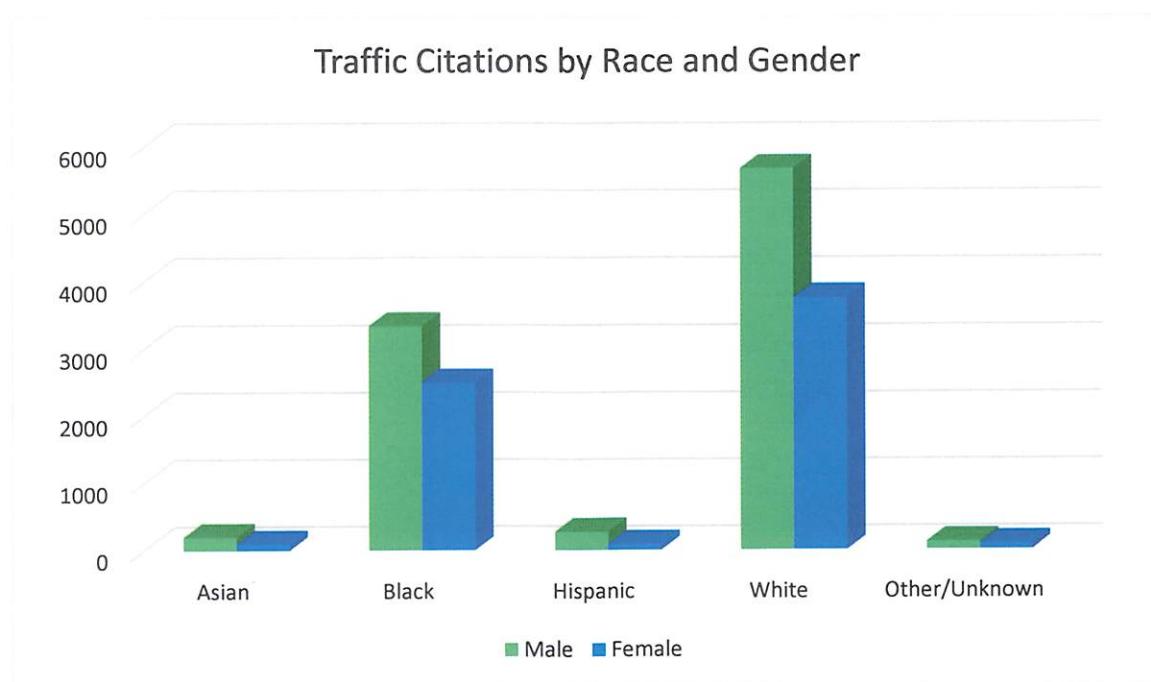
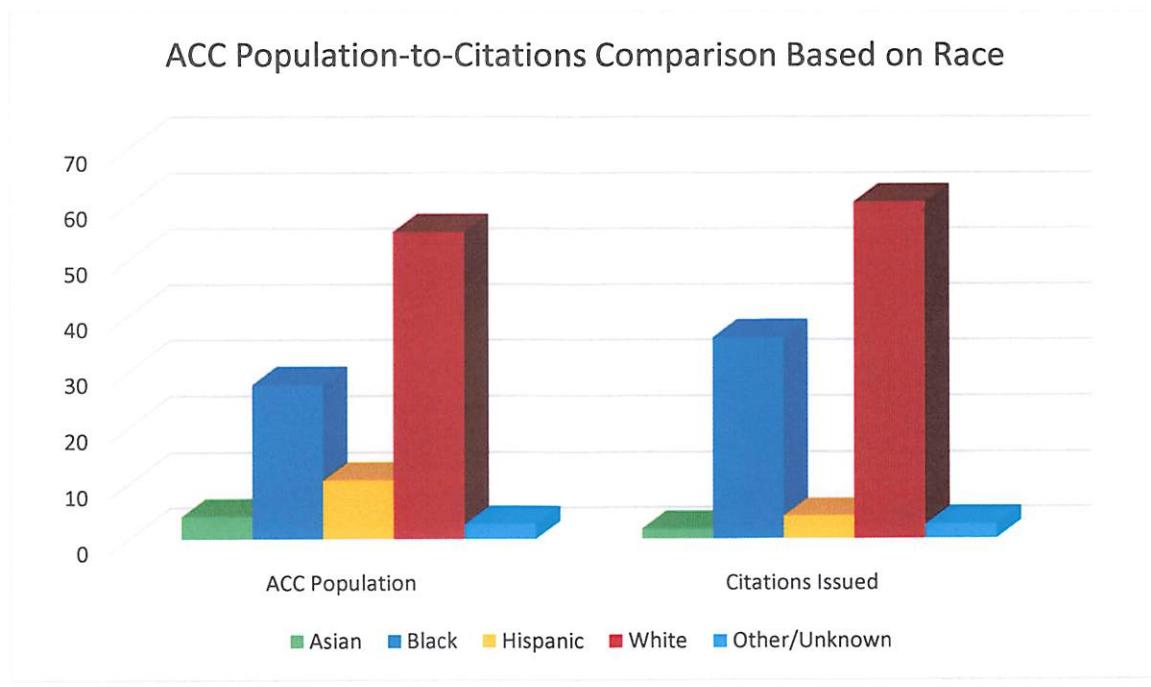
⁷ Further analysis was not done on E-Ticket users due to the limited sampling and concern for skewed or inaccurate information, as well as discovery that these records were incomplete and not all of them contained the identifying information of the driver.

⁸ The data that informs the graphics within this section was drawn from records provided to ACCPD by the Municipal Court of Athens-Clarke County. The data reported citations issued by ACCPD personnel during the 2019 calendar year. However, it should be noted that this data does not provide a complete or truly comprehensive understanding of Departmental practices related to bias-based policing. There are two (2) primary shortfalls to this dataset: 1) it is only a measurement of citations issued and cannot account for other police-citizen encounters that resulted in verbal warnings, written warnings, arrests for non-citable charges, or any combination thereof; and 2) the data does not differentiate citations issued as part of proactive enforcement efforts by the Department and its personnel or as a response to calls for service, complaints from the community, or other responsive enforcement actions by the Department and its personnel.

⁹ The total number of citations is made up by 15,384 GA Uniform Traffic Citations and 842 County Ordinance Citations. There were 218 (1.4%) citations that did not have a sex specification and were excluded from this chart.

¹⁰ Each chart is expressed as a percentage of the total for the specified categories, meaning the Y-axis numbers are read as percentages and not as raw numbers. For example, a bar indicating 50 is 50% and not 50 citations issued. These percentages report a one-to-one citation/race and citation/sex ratio and do not account for instances where one person was issued more than one citation within the same police-citizen contact.

¹¹ ACC population for all charts is based on 2019 United States Census Bureau estimates obtained at <https://www.census.gov/quickfacts/athensclarkecountybalancegeorgia>.



5. OPS Records

The Department reported over 98,000 citizen contacts (or incidents) during 2019. Review of OPS records identified only two (2) complaints of bias-based policing received by the OPS in 2019.¹² The OPS investigated both complaints. One (1) was deemed unfounded, and one (1) was deemed exonerated. There were no corrective actions necessary for the allegations of bias-based policing.

C. CONCLUSION

Based on the 2019 review, the policies and procedures of the Department prohibiting bias-based policing remain sufficient. From a qualitative perspective, the extremely low number of bias-based policing complaints compared to citizen contacts in 2019 strongly suggests that the department, its personnel, and its practices remain objective, lawful, and free from bias-based policing practices. Additionally, the Department is currently offering adequate and sufficient training to its personnel on issues related to bias-based policing. From a quantitative perspective, the ratio of citations issued by race is similar to the racial makeup of the ACC population at large. However, the ratio reported by sex does show an inverse relationship between citations issued and the ACC population. Though the currently available information strongly suggests that the Department and its personnel do not engage in bias-based policing, the Department has room to improve its oversight and reporting mechanisms related to bias-based policing:

- General Order 4.04 only requires annual reporting on demographic data related to traffic stops. There is no annual reporting requirement for other types of police-citizen contacts that may provide meaningful information on the Department, its personnel, and its practices as they relate to bias-based policing.
- The quarterly bias-based policing reports from the unit level suggest that supervisors use a variety of methods to observe and assess officers' conduct and behavior, which is good. However, this oversight methodology is not structured, uniform, or consistent across all units within the Department. Each supervisor appears to have his/her own method for conducting these quarterly reviews.
- The quarterly bias-based policing reports are limited to the Field Operations Bureau and only portions of the Operational Support Bureau. There is currently no reporting from the Administrative Support Bureau.
- The current RMS practices preclude the Department from accurately aggregating quantitative demographic data on enforcement and other actions (e.g., stops, frisks, searches, citations, and arrests).¹³

¹² This supports that about 0.002% of police-citizen contacts resulted in a complaint of bias-based policing.

¹³ This is one key area for improvement that would meet the President's Task Force on 21st Century Policing: Pillar 1 (Policy & Oversight) – Recommendation 2.6

D. RECOMMENDATIONS

Based on the 2019 review, the OPS has identified several recommendations to improve the Department's oversight and reporting mechanisms for bias-based policing. The OPS provides the following recommendations:

- Conduct a policy review of General Order 4.04 to ensure that it remains compliant with a) local, state, and federal laws; b) CALEA and Georgia accreditation standards; c) and other best practices;
- Implement standardized bias-based policing quarterly review and reporting procedures at the unit level and train supervisory personnel on these procedures;
- Expand the quarterly bias-based policing reviews and reports to all units within the Department whose personnel, as part of their job assignments, have contact with the public; and
- Further investigate and implement more comprehensive and meaningful mechanisms to collect, maintain, and analyze quantitative data of demographics associated with enforcement actions (e.g., stops, frisks, searches, citations, and arrests).¹⁴

¹⁴ President's Task Force on 21st Century Policing: Pillar 1 (Policy & Oversight) – Recommendation 2.6