

3-01/000.05 - Bias - Free Policing

The Department is committed to ensuring that members of the public receive equal protection of the law without bias based on actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or age in accordance with the rights secured or protected by the Constitution or laws of the United States.

Core Values

Lead With Compassion, Serve With Humility And Courageously Seek Justice For ALL. Refer to Manual of Policy and Procedures (MPP) 3-01/000.13, Professional Conduct – Core Values, and MPP 3-01/121.00, Policy of Equality.

These ideals are engrained into our efforts and reflect our Department's continued commitment to Bias-Free Policing. Biased-based policing alienates communities, promotes distrust of law enforcement actions, and undermines legitimate law enforcement efforts. Biased, racial, or identity profiling will not be tolerated by the Department. See MPP 5-09/520.00, Constitutional Policing and Stops.

Definitions

- **Racial or Identity Profiling** - The consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop: pat-down, consensual, and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest. (Penal Code 13519.4 (e)).
- **Biased-Based Policing** - Is the intentional practice by an individual law enforcement officer who incorporates prejudicial judgments based on actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or age that are inappropriately applied in the performance of their duties.
- **Implicit Bias** - The attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.
- **Bias by Proxy** - Occurs when an individual contacts the police and makes a false or ill-informed claim of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service of unlawful bias, they risk perpetuating the callers' bias. Department personnel should use their critical decision-making skills, drawing upon their training to access whether criminal conduct exists.
- **Stop** – Any detention by a peace officer of a person, *or* any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control. *12525.5(g)(2) Government Code*

Detentions and Stops

Department members shall not use actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or age as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause except as part of actual and reliable information and description(s) of a specific suspect or suspects in any criminal investigation. (*Navarette v California, 572 US 393, {2014}*).

Deputies should draw upon their training, and use critical decision making skills to assess whether there is criminal conduct and be aware of implicit and bias by proxy while carrying out duties. Deputies conducting investigative detentions and stops shall:

- Establish reasonable suspicion or probable cause except as part of actual and reliable information and description(s) of a specific suspect or suspects in any criminal investigation;
- Only conduct investigatory stops or detentions when they have reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime;
- Not use racial or identity profiling in exercising discretion to conduct a search except as part of an actual and reliable information, and description of a specific suspect or suspects in any criminal investigation;
- Not initiate stops or other field contacts because of an individual's actual or perceived immigration status;
- Not conduct arbitrary searches. The request to conduct a consent search must be reasonable, and a deputy must be able to articulate a valid reason under law and policy for initially having stopped the individual; and
- Only conduct searches of individuals based on probation or parole status when knowledge of a probation or parole search condition has been established.

Persons that are contacted during consensual encounters shall be free to leave at all times and the contact shall be voluntary. A consensual encounter can transform into a detention if a reasonable person believes that they are not free to leave. Refer to MPP 5-09/520.05-Stops, Seizures, and Searches, MPP 5-09/520.15, Consensual Encounters, and MPP 5-09/520.25, Logging Field Activities.

Community Encounters

Department personnel are to interact with members of the public in a manner that is professional, respectful, and courteous. Refer to MPP 3-01/030.15, Conduct Toward Others, MPP 5-09/560.00, Interactions with Transgender and Gender Non-Conforming Persons, and MPP 2-02/090.00, Deputy Sheriffs.

Training

State Mandated:

- *Racial Profiling* – All sworn personnel must attend once every five years. (Penal Code 13519.4(i)).

Department Mandated:

- *Respect Based Leadership* – All personnel must attend once; and
- *Leadership Development institute (DLI)* – All personnel must attend session one (16 hours) once.

Unit Optional Training:

- *Ethics in Community Policing.*

All units shall provide training to personnel, whenever possible, which enhances competence and skills required to meet unit needs. The training may consist of formal training sessions and/or briefings as time and necessity dictates. See MPP 3-02/080.01, Training Requirements for Sworn Personnel.

Department personnel are responsible for knowing the contents of this policy.

Complaints/Supervisory Review

Department personnel who witness, or are aware of incidents of biased policing, shall report the incident to a supervisor.

If a person alleges racial bias, the employee shall call a supervisor to the scene to determine an appropriate course of action.

Sergeants are first-line supervisors with primary responsibility for ensuring compliance with the professional and ethical standards of the Department by all subordinate deputy sheriffs and civilian employees. See MPP 2-02/080.00, Sergeants.

A Department Service Review is an externally initiated supervisory review of the Department's or individual employee's performance. External is defined as those which are received from any member of the public. Department service reviews shall be documented on Service Comment Report forms. The watch commander of the unit shall initiate a service review by immediately interviewing any member of the public who offers a comment. In cases of public input received through the mail or electronic means, the unit commander shall designate a lieutenant to complete the Service Comment Report form. Complaints of racial bias must be noted on the Watch Commanders Service Comment Report (WCSCR) form. See MPP 3-01/122.20, Policy of Equality-Procedures-External Complaint Monitoring, and MPP 3-04/010.05, Procedures for Department Service Reviews.

The unit commander will assess the complaint and determine the disposition based on the evidence. See MPP 3-04/010.25, Personnel Complaints.

Data Collection

All significant public contacts and activity (as defined by section 5-09/520.25 - Logging Field Activities) shall be appropriately logged on the Mobile Digital Computer's Deputy's Daily Work Sheet (DDWS). The Mobile Digital Computer's DDWS logs shall contain only accurate information including, but not limited to, the race of each individual detained or searched, the result of the stop, and the date, time, and location of the stop. See MPP 5-09/520.25, Logging Field Activities.

Assembly Bill 953 (AB 953), also known as the Racial and Identity Profiling Act, was signed into law by the Governor in 2015, enacting section 12525.5 of the Government Code (12525.5 GC). As 12525.5 GC mandates, each state and local agency employing peace officers shall submit specific information, referred to as "stop data," to the California State Attorney General regarding police practices pertaining to racial and identity profiling. The following personnel shall make a "stop data" entry into the Sheriff's Automated Contact Reporting (SACR) system after conducting a stop. They include, but are not limited to, the following:

- Any sworn member working a patrol assignment;
- Any sworn member working a detective assignment, specialized unit, and special task force (OSS, COPS, parole compliance, federal task force, etc.);
- Any sworn member working Department contracted overtime (parades, concerts, movies, sporting events);
- Any school resource deputy; and
- Any sworn member working in a courthouse or custody facility where there is civilian (public) contact.

NOTE: Refer to Field Operations Directive 18-04 Sheriff's Automated Contact Reporting (SACR) System, and Newsletter 18-07 Sheriff's Automated Contact Reporting System (SACR) regarding the above requirements.

This data is collected and sent to the Department of Justice (DOJ) annually as required by law.
