

Bias-Free Policing

402.1 PURPOSE AND SCOPE

A guiding principle of the Piedmont Police Department is its commitment to treat all people with dignity, fairness and respect. It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased. This policy provides guidance to department members that affirms the Piedmont Police Department's commitment to policing that is transparent, fair and objective.

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Along with this right is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment.

Department members are charged with protecting these rights for all people, regardless of race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status. Police action that is biased is illegal and violates these rights. Biased policing is unsafe, unjust and ineffective. It also alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An unlawful reliance on actual or perceived characteristics such as race, color, ethnicity, national origin, age, religion,, gender identity or expression, sexual orientation, mental or physical disability, socio-economic status, cultural group, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

Implicit Bias refers to 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. Rather, implicit biases are not accessible through self-reflection or examination.

Bias by proxy occurs when individuals call the police and make false or ill-informed claims 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 rooted in implicit, explicit or unlawful bias, they risk perpetuating the caller's bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.

Bias-Free Policing

402.2 POLICY

The Piedmont Police Department is committed to providing law enforcement services to the community with respect for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is unlawful and strictly prohibited.

Nothing in this policy is intended to prohibit an officer 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. The listed characteristics should not be given undue weight.

Members should use their critical decision-making skills drawing upon their training to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members should be cognizant of racial and identity profiling, implicit bias and bias by proxy.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES

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

402.4.1 REASON FOR CONTACT AND PREVENTING PERCEPTIONS OF BIASED POLICING

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual. In an effort to prevent perceptions of biased law enforcement policing, members shall do the following when conducting an investigative detention including pedestrian, bicycle, or vehicle stops:

- Be courteous and professional.

Piedmont Police Department

Piedmont PD Policy Manual

Bias-Free Policing

- Approach the person being stopped, identify themselves by their name and rank, and provide an explanation for the stop as soon as practical and when safe. When effecting vehicle stops, the member shall provide this information before asking the driver for his or her driver's license and registration.
- Ensure the detention is no longer than necessary to take appropriate actions for the known or suspected offense, including but not limited to conducting a pat search, and that the person understand the nature of reasonable delays.
- Answer questions the person may have regarding the stop, including an explanation of options for traffic citation disposition, if relevant.
- Conclude the stop with asking person(s) stopped if they have any questions or concerns and address them professionally.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card, stop data report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 RACIAL AND IDENTITY PROFILING ACT OFFICER COLLECTION AND REPORTING RESPONSIBILITIES

The Piedmont Police Department shall collect and report data to the California Department of Justice as required by Government Code Section 12525.5. An officer shall complete a stop data report and collect the data elements required by the Racial and Identity Profiling Act of 2015 (RIPA), Government Code section 12525.5, and its implementing regulations (11 CCR §§ 999.224 through 999.229) for every person stopped. A stop is defined as a detention or search including a consensual search. Officers shall adhere to the following provisions:

- Complete a RIPA stop entry, at the conclusion of each event, for every individual detained and/or searched. (Refer to PPD Training Bulletin #21-003)
- All entries shall be completed by the end of the shift, unless exigent circumstances preclude doing so in which case the entries will be made during the next shift worked.
- Advise dispatch over the radio when a RIPA entry is delayed due to Mobile Data Computer (MDC) malfunction.
- Ensure no personally identifiable information (PII) of any officer or the person stopped or residential addresses are included in any RIPA open data field..

When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Piedmont Police Department is the primary agency, the Piedmont Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

Bias-Free Policing

402.4.3 CALL TAKING RESPONSIBILITIES

Members should be aware of the potential for biased-based motivations behind calls for service. Members should always aim to build community trust through all actions they take, especially in response to bias-based reports.

Dispatchers and call-takers shall employ the following strategies and considerations when addressing a potentially bias-based call for police department resources:

- Members should exhibit critical decision making, drawing on their training and awareness of implicit and explicit bias, to assess whether there is a legitimate law enforcement purpose before taking action.
- Absent a legal duty to act, no member is obligated to take any discretionary action where bias-based motivation is behind a call for service.
- When taking calls and dispatching, dispatchers should collect enough information necessary to verify there is a legitimate law enforcement purpose for the call and relay information without including biased assumptions.
- For suspected bias-motivated calls, dispatchers may use discretion to inform the caller that a member will not respond to the call without a legitimate basis of there being potential criminal conduct or when there is no legitimate law enforcement purpose for responding.

If dispatchers assign a member to a questionable call, they should inform the responding member(s) and the watch commander of any concerns with the call for service as soon as practicable.

A watch commander may cancel a call at their discretion based on an evaluation of an event's specific articulable facts, the absence of potential criminal conduct, and/or absence of legitimate law enforcement purpose for responding.

402.5 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.

- (a) Supervisors should discuss any deficiencies with the involved officer and their supervisor in a timely manner.
 - (a) Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should review officer body-worn camera recordings as proscribed in **Policy Section 433 Portable Audio/Video Recorders** and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - (a) Supervisors shall document these reviews utilizing the audit function in Evidence.com.

Bias-Free Policing

- (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes per department policy on the retention of such evidence.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy and notify the Operations Commander.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who reports possible bias-based policing.

402.5.1 RACIAL AND IDENTITY PROFILING ACT SERGEANT RESPONSIBILITIES:

Sergeants shall log into the DOJ portal and review all stop data entries prior to the end of watch. Incomplete entries or entries containing PII or residential address information shall be returned to the officer for correction. Sergeants shall also ensure that all stops requiring RIPA data entry have been submitted by the involved officer by the end of their shift unless exigent circumstances are present. If a stop data entry has not been completed by an officer by the end of their shift, the supervisor will ensure that the officer completes all missing RIPA entries during their next shift.

Sergeants shall review the RIPA Coordinator's quarterly compliance report for their teams and address any RIPA entries that are incomplete or missing.

402.6 ADMINISTRATION

Each year, the Operations Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify disparities and any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.6.1 RACIAL AND IDENTITY PROFILING ACT COORDINATOR RESPONSIBILITIES

The Support Services Commander shall be the RIPA coordinator. The RIPA coordinator (or their designee) shall conduct quarterly RIPA audits to ensure compliance. Results of the audit will be forwarded to sergeants and the Operations Commander along with the identity of officers who are missing RIPA stop entries.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant.

- (a) All sworn members of this department attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing as required by legislation.

Piedmont Police Department

Piedmont PD Policy Manual

Bias-Free Policing

- (b) Pending participation in such POST-approved training and at all times, all members of this department should familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Operations Commander shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Support Services Commander for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Specialist Policy.

The Support Services Commander shall ensure the Records Specialist conducts final reviews and submissions of stop data records for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Specialist Policy).