



POLICY/PROCEDURE NUMBER: 08-P.A.-012

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SUBJECT: BIAS-BASED PROFILING

EFFECTIVE DATE: March 21, 2022
2023

REVIEW DATE: March 21,

AMENDS/SUPERSEDES: January 4, 2008 version; January 25, 2008 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version; January 7, 2015 version.

IACLEA STANDARD: 4.1.3

CSU POLICE SYSTEMWIDE POLICY: Yes

APPROVED: Alfredo B. Fernandez, Chief of Police

I. PURPOSE

The purpose of this policy is to ensure that all sworn officers of the California State University, Northridge Department of Police Services comply with California Penal Code Section 13519.4(f), which states that, "a law enforcement officer shall not engage in racial profiling." Furthermore, this policy provides guidelines for officers so as to prohibit and prevent bias-based identity profiling of race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, and mental or physical disability and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

II. POLICY

It shall be the policy of this Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle code, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law. Officers of this Department are prohibited from using bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts.

III. DEFINITIONS

A. Racial/biased-based profiling: According to California Penal Code Section 13519.4(e), "Racial or identity profiling," is 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, such as asking questions, frisks, 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.”

- B. Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that a violation of the law has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

IV. PROCEDURES

A. Legal Considerations:

1. For the purpose of California Penal Code Section 13519.4(c), “culturally diverse” and “cultural diversity” include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.. The Legislature finds and declares as follows:
 - a. Racial profiling is a practice that presents a great danger to the fundamental principles of a democratic society. Racial profiling is abhorrent and cannot be tolerated.
 - b. Motorists who have been stopped by the police for no reason other than the color of their skin or their apparent nationality or ethnicity are the victims of discriminatory practices.
 - c. Law enforcement officers in California risk their lives every day in protecting public safety. The good name of these officers should not be tarnished by the action of those few who commit discriminatory practices.
2. California Penal Code Section 13519.4(e) states that, “A law enforcement officer shall not engage in racial profiling.”

B. Training:

1. Police Officers will receive initial training to include the police academy and departmental field training officer (FTO) programs, as well as ongoing in-service training annually exceeding the California POST mandate of completing the “Racial Profiling: Issues and Impact” course every 5 years. This is in accordance to California Penal Code section 13519.4 which mandates expanded training for all peace officers in racial profiling. All training includes topics on the deployment of proactive enforcement tactics, consisting of officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communication skills.

2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
3. Given Community Service Officers have limited enforcement responsibilities as part of their position description (e.g., parking enforcement, requests for student conduct and human resource referrals, private persons arrests in conjunction with police when necessary), they shall receive initial and annual bias-based profiling training.

C. Enforcement Procedures:

1. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a violation. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the impending stop, the license plate and/or description of the vehicle, a description of the person being detained on a pedestrian stop, and the reason for the stop. This information shall be recorded as directed within department policy #07-L.E.-004 "Traffic Enforcement."
2. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
3. Appropriate enforcement action should always be completed, generally in the form of a warning (documented within the appropriate RIMS dispatch "incident" log), a RIMS "field interview" entry, citation, or arrest. All RIMS documentation must be filled out by the officer, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
4. No motorist or pedestrian, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
5. In the absence of a specific credible report of criminal or suspicious activity containing a physical description, a person's race, ethnicity, religious, socio-economic, gender or sexual orientation, or any combination of these, shall not be a factor in determining probable cause for an arrest or reasonable suspicion to stop.

D. Complaints of Bias-Based Profiling:

1. Any person may file a complaint with the department if they feel they have been stopped or searched based on racial, ethnic, gender, sexual orientation, religious, or socio-economic based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. Any employee contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form, which may be mailed or delivered to the Department of Police Services.
3. Biased-based profiling complaints will be investigated as noted in department policy #07-P.A.-010 "Internal Affairs Investigations." All complaints investigated will contain findings and any suggestions for

disciplinary action or changes in policy, training or tactics. Any complaints that are sustained will result in discipline ranging from counseling to termination.

E. Annual Administrative Review:

1. The Deputy Chief shall conduct an annual review of agency training and law enforcement practices including citizen concerns and citizen complaints as related to bias-based profiling.
2. Customer satisfaction surveys and associated citizen complaints shall also be reviewed as part of the analysis.
3. The review should result in a written report to the Chief of Police identifying trends or training needs, if any, who will acknowledge receipt and review of the report in writing.