

Bias-Based Policing

401.1 PURPOSE AND SCOPE

- (a) This policy provides guidance to Department members that affirms the Oakley Police Department's commitment to policing that is fair and objective.
- (b) 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).

401.2 POLICY

- (a) The Oakley Police Department 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 Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 DEFINITIONS

- (a) **Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, 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 (Penal Code § 13519.4).

401.4 BIAS-BASED POLICING PROHIBITED

- (a) Bias-based policing is strictly prohibited.
- (b) However, 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.

401.4.1 CALIFORNIA RELIGIOUS FREEDOM ACT

- (a) 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).
- (b) Members shall not assist federal government authorities (Government Code § 8310.3):
 - 1. In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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2. 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.

401.5 MEMBER RESPONSIBILITIES

- (a) Every member of this department shall perform his/her 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.

401.5.1 REASON FOR CONTACT

- (a) Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.
- (b) To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.
- (c) 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.

401.6 SUPERVISOR RESPONSIBILITIES

- (a) 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.
 1. Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 2. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
 3. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.7 TRAINING

- (a) Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.
 1. All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
 2. Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

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3. 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)).

401.8 REVISION DATE

- (a) 29 APR 16
- (b) 23 DEC 19 (Lexipol Updates)