

BERKELEY POLICE DEPARTMENT

DATE ISSUED: 12/31/2014

GENERAL ORDER B-4

SUBJECT: FAIR AND IMPARTIAL POLICING

PURPOSE

- 1 - This policy is intended to reaffirm the commitment of the Berkeley Police Department to fair and impartial policing; to clarify the circumstances in which officers can consider race, ethnicity and other demographics; and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

California Penal Code Section 13519.4(e) prohibits racial profiling by law enforcement officers. This Department policy explicitly prohibits racial profiling and other biased policing. This policy describes the limited circumstances in which members can consider race, ethnicity, national origin, gender, age, religion, sexual orientation/identity or socio-economic status in making law enforcement decisions.

DEFINITION

- 2 - Bias based policing: Any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being engaged in criminal activity.

POLICY

- 3 - Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause.

Officers shall not consider race, ethnicity, national origin, gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities except when officers are:

- (a) seeking specific person(s) who have been described in part by any of the above listed characteristics, or
- (b) the person(s) are being sought for a specific law enforcement purpose.

Discrimination or harassment based on a trait or class described above is considered a "serious allegation" of misconduct (Police Regulations 200 and 201).

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Responsibility to Report and Take Corrective/Investigative Action

- 4 - Employees who become aware of another employee engaging in biased policing shall adhere to reporting procedures set forth in Police Regulation 200.
- 5 - A supervisor or command officer who becomes aware of biased policing shall adhere to notification and administrative procedures set forth in Police Regulation 201 and General Order P-26.
- 6 - All reports of biased policing shall be investigated in accordance with General Order P-26.

Training

- 7 - All sworn officers will participate and successfully complete courses of instruction on the subject of "racial profiling" approved by the Commission on Peace Officer Standards and Training (POST).
- 8 - The Personnel and Training Bureau shall schedule training on the subject of "racial profiling" at an interval prescribed by POST for continuing education.

Demographic Data Procedures

- 9 - All sworn officers shall provide demographic statistical data for:
 - (a) All vehicle detentions.
 - (b) All pedestrian detentions up to five persons.
 - (c) Consensual contacts are not included under this directive.
- 10- Officers shall provide demographic statistical data when closing the related Computer-Aided Dispatch (CAD) System event.

References: Penal Code §13519.4
General Orders C-2, P-26 and R-31
Police Regulation 200, 201, 234, 248, 250 and 273
A Resource Guide on Racial Profiling Data Collection Systems from the
United States Department of Justice, Published in 2000