



BIAS-FREE POLICING  
**GENERAL ORDER #17.12**

**Adopted:** 10/7/2022

**Pages:** 6

**Persons Affected:** All personnel

**Authority:** Laura Wilson, Director

**IACLEA Standards:** 4.1.3a-e

**Revision History**

SCCSO update 3/26/2021; Formally titled “Acts of Intolerance”

**PURPOSE**\_(IACLEA 4.1.3)

*The purpose of this General Order is to affirm the Stanford University Department of Public Safety Department’s (SUDPS) commitment to unbiased, fair, and impartial policing. To clarify the limited circumstances in which perceived personal characteristics, such as race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic or immigration status can be considered as factors when making law enforcement decisions, to reinforce processes and procedures that serve to assure the public that SUDPS provides service, and enforces laws in a fair and equitable manner.*

It is the policy of SUDPS to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group. SUDPS expressly prohibits racial and identity profiling (Pen. Code § 13519.4).

**POLICY**

All employees of SUDPS are prohibited from taking law enforcement actions, including the use of force, based on actual or perceived personal characteristics, including but not limited to race, color, ethnicity, national origin, age, religion, political affiliation, gender identity or expression,



sexual orientation, mental and or physical disability. All employees of *SUDPS* shall rely on their training and experience when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group.

Personnel must not delay or deny policing services based on an individual's actual or perceived personally identifying characteristics. All employees should draw upon their training and use their critical decision making skills to assess whether there is criminal conduct and to be aware of personal implicit bias and bias by proxy when carrying out their duties.

### BIAS-BASED POLICING PROHIBITED

Biased policing, *as defined below*, is strictly prohibited *for all employees (IACLEA 4.1.3d)*. However, nothing in this policy is intended to prohibit a deputy 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.

### DEFINITIONS

TERMS	DEFINITIONS
<b>RACIAL &amp; IDENTITY PROFILING</b>	<i>The California Penal Code defines racial and identity profiling as 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, mental or physical disability in deciding which person 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. These 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.</i>
<b>BIASED POLICING/ENFORCEMENT</b>	<i>When providing law enforcement services or enforcement, biased policing occurs when law enforcement inappropriately considers</i>



	<i>perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, disability or affiliation with any non-criminal group. (IACLEA 4.1.3a)</i>
<b>EXPLICIT BIAS</b>	Conscious belief or attitude toward a specific social group or person that may lead an individual to act in discriminatory ways.
<b>IMPLICIT BIAS</b>	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.
<b>BIAS BY PROXY</b>	Occurs when individuals calls/contacts the police and makes 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 or explicit bias, they risk perpetuating the caller's bias. Personnel should use their critical decision-making skills and draw upon their training to assess whether there is criminal conduct.

## PROCEDURES

*Community members are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out for scrutiny on the basis of personal characteristics, socio-economic status or immigration status.*

*Because partnership with the University community and the public is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. Personal characteristics,*



*socio-economic status, or immigration status should have no adverse bearing on an individual's treatment in SUDPS's custody to secure this trust.*

*To achieve these objectives, SUDPS will implement a combination of best practices, including but not limited to hiring, in-service training, policy development, supervision, reporting, investigative processes, appropriate discipline, and community outreach/partnerships. All members are responsible for knowing and complying with this policy.*

#### A. CALIFORNIA RELIGIOUS FREEDOM ACT

Employees 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).

Employees 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.
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.

#### B. THE RACIAL AND IDENTITY PROFILING ACT (RIPA) / STOP DATA

1. Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report.
2. When multiple deputies conduct a stop, the deputy 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 SUDPS is the primary agency, the SUDPS deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).
3. The stop data report should be completed by the end of the deputy's shift or as soon as practicable. It must however, be submitted within 24 hours of the stop (11 CCR 999.227)

#### C. EMPLOYEE RESPONSIBILITIES

Every employee of SUDPS shall perform his/her duties in a fair, impartial, and objective manner, and is responsible for promptly reporting any suspected or known instances of bias-



based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee of SUDPS.

#### D. SUPERVISOR RESPONSIBILITIES

*Supervisors shall monitor individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with General Order #14.00 Complaints by Members of the Public and General Order #14.01 Internal Affairs Policy.*

1. *Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring. Supervisors should document as appropriate.*
2. *Supervisors shall initiate investigations and respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.*
3. *Supervisors shall take prompt action and reasonable steps to address any retaliatory action taken against any employee of this department who discloses information concerning bias-based policing.*
4. *Supervisors may periodically review and document portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.*

#### E. TRAINING (IACLEA 4.1.3b,c)

1. *The California State legislature has enacted Penal Code § 13519.4 mandating additional training for all California law enforcement officers to foster mutual respect and cooperation between law enforcement and members of all racial, identity and cultural groups. To comply with this mandate and IACLEA Standards, the Training Manager shall identify and deliver entry-level and annual training that is informed by contemporary, evidence-based best practices that includes, but is not limited to:*
  - a) *Identification of key indices and perspectives that make up racial, identity and cultural differences among residents;*
  - b) *Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest, detention and incarceration rights, and wrongful convictions;*
  - c) *The history and role of the civil and human rights movement and struggles and their impact on law enforcement;*



- d) *Specific obligations of peace officers in preventing, reporting and responding to discriminatory or biased practices by fellow peace officers;*
  - e) *Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations; and*
  - f) *The prohibition against racial or identity profiling.*
2. *The Training Manager shall ensure that sworn, non-sworn, and civilian members of SUDPS attend training that is consistent with legislative, Peace Officer Standards and Training (P.O.S.T.), SUDPS requirements, and/or University standards, as applicable, including but not limited to:*
- a. *Equal Employment Opportunity/Harassment*
  - b. *Principled Policing and Procedural Justice*
  - c. *Racial and Cultural Diversity and Racial Profiling*
  - d. *Creating an Inclusive Environment*
  - e. *Managing Implicit Biases*
  - f. *Bias by Proxy*

F. *ADMINISTRATIVE REVIEW (IACLEA 4.1.3e,f)*

1. *An annual review of all investigated complaints shall be conducted and reviewed by the Captain, who shall identify trends or a need for training, policy modification, and/or corrective measures. The findings will be reported to the Director of Public Safety.*
2. *The Director of Public Safety will review the annual review summary and acknowledge in writing that the review was conducted and he/she reviewed the summary.*
3. *The Captain or their designee 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 DOJ as required for reporting (Penal Code § 13012; Penal Code §13020). Employees shall ensure that stop data reports are provided for required annual reporting to DOJ (Government Code § 12525.5). The Sheriff's Office Records Divisions shall be responsible for releasing the annual data to the DOJ consistent with existing record release procedures.*