



Effective: 07/01/2001
Last Revised: 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 3-12**

BIAS BASED PROFILING

SUBJECT: Policy on Biased Based Profiling

PURPOSE: The purpose of this order is to state that racial and ethnic profiling in law enforcement is totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.
[CALEA 1.2.9a]

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 or any situations involving search and seizure. [CALEA 1.2.9a]

PROCEDURE:

I. Definitions

- A. Bias Based Profiling – The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.
- 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 in believing 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.

II. Training [CALEA 1.2.9b]

- A. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in racial profiling, officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communication skills.

- B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- C. California Penal Code Section 13519.4 mandates expanded training for all peace officers in racial profiling.

III. Enforcement Procedures

- A. 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 pedestrian or motorist is stopped, the officer shall radio to the dispatcher the location of the stop, the license plate of the vehicle, the description of the vehicle or the person being detained, and the statute number violated or other reason for the stop and this information shall be logged.
- B. 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.
- C. Appropriate enforcement action should always be completed, generally in the form of a warning, field interview card, citation, or arrest. The proper form 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.
- D. No motorist 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.
- E. In the absence of a specific credible report containing a physical description, a person's race, ethnicity, 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.

IV. Complaints of Racial/Ethnic Profiling

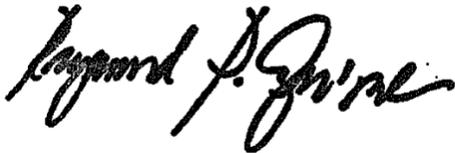
- A. Any person may file a complaint with the Department if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. [CALEA 1.2.9c]
- B. 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 police Department. [CALEA 1.2.9c]

- C. Biased based profiling complaints will be investigated as noted in General Order 2-1 “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 and training to termination. [CALEA 1.2.9c]
- D. The Chief of Police will conduct an annual documented administrative review of Department practices, which will include enforcement practices, any citizen concerns and suggestions for additional training. This review will include an assessment of citizen complaints against officers that allege any form of bias, to determine if there are any trends. The review will also examine enforcement activities (citations and arrests) in relation to race/ethnicity. The administrative review will note any trends or areas of concern. [CALEA 1.2.9d]

REVIEWED BY:

R.Burk

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund Aguirre". The signature is written in a cursive, flowing style.

Raymund Aguirre
Chief of Police