

Bias Free Policing

402.1 PURPOSE AND SCOPE

The Department strives to provide law enforcement services to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, gender identity, sexual orientation, or disability.

402.2 POLICY

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

1. It is the responsibility of every Member of this Department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
2. Every Member of this Department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 - (a) To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the contact.
 - (b) Nothing in this policy shall require any deputy to prepare documentation of a contact that would not otherwise involve such reporting.
 - (c) While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Orange County Sheriff-Coroner Department shall investigate all complaints of alleged racial/bias based profiling complaints against its Members. Members found to be in violation of this policy are subject to discipline in accordance with this Department's disciplinary policy.

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402.4 MEMBER RESPONSIBILITY

1. All sworn Members of this Department shall be scheduled to attend POST approved training on the subject of racial profiling.
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 our community.
3. Each Member of this Department undergoing initial POST approved training shall 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 and cultural trends (Penal Code §13519.4(i)).

402.5 SUPERVISOR RESPONSIBILITY

Each January, the S.A.F.E Division Commander shall review the Department's effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Sheriff. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.

402.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit Manager and the S.A.F.E. Division Commander or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against deputies is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).