

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Fontana Police Department's commitment to policing that is fair, objective, and constitutional.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived 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). This includes explicit and implicit biases.

402.2 POLICY

The Fontana 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.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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.

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).

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) 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.

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402.4 MEMBER RESPONSIBILITIES

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.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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.

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.

402.4.2 REPORTING OF STOPS PURSUANT TO RIPA

The reporting requirements for data collection to DOJ by officers, under this sub-section will begin on January 1, 2022.

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person(s) shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers' conduct a stop, the primary officer or his/her designee shall collect the data elements and prepare the stop data report (11 CCR 999.227). If the primary officer designates another officer to prepare the stop data report, the primary officer is responsible to confirm the stop was reported.

If multiple agencies are involved in a stop and the Fontana Police Department is the primary agency, the Fontana Police Department primary officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report shall be completed by the end of the officer's shift, unless exigent circumstances exist. In such circumstances, the stop data report shall be completed as soon as practicable (11 CCR 999.227).

The Supervisor or his/her designee for each patrol team or specialized unit, shall be responsible for approving all stop data reports generated by impacted members of this department pursuant to California Assembly Bill No. 953.

402.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

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Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

402.5 SUPERVISOR RESPONSIBILITIES

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.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review recordings, portable audio/video recordings, mobile digital computer data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) 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.

402.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Personnel and Training Division.

- (a) 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.
- (b) 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.
- (c) 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)).

All impacted employees that will be required to report all “stops” pursuant to RIPA (California Assembly Bill No. 953) will be trained by designated department personnel.

402.6.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Unit.

- (a) 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.

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- (b) 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.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST 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)).

402.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Supervisor or an authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

The Internal Affairs Supervisor, the Records Supervisor, or an authorized designee shall ensure that all data required by the Department of Justice (DOJ) pursuant to the Racial and Identity Profiling Act (Assembly Bill 953) is collected and reported annually to DOJ (Penal Code § 12525.5(a)(1)).