

POLICY PROHIBITING BIASED POLICING

One of the Department's guiding principles is our commitment to treat all people with dignity, fairness, and respect. This order outlines the policy for policing without racial bias. The members of the San Francisco Police Department have always striven to gain the trust of the community. To maintain that trust, it is crucial for members of our Department to carry out their duties in a manner free from bias and to eliminate any perception of policing that appears racially biased.

Over the past several years there has been a growing national perception that law enforcement action is often based on racial stereotypes or "racial profiling." In order to address this perception in California, the State legislature has enacted statutes mandating additional training for all California law enforcement officers on "racial and cultural differences and development of effective, non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment." (See Penal Code Section 13519.4(a). Also see California Penal Code 13519.4(e) which prohibits racial profiling by law enforcement officers).

As detailed below biased policing is the use, to any extent or degree, of actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in determining whether to initiate any law enforcement action in the absence of a specific suspect description.

I. PURPOSE

This policy establishes the San Francisco Police Department's commitment to unbiased policing. It is to clarify the circumstances in which officers can consider race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity when making law enforcement decisions and to reinforce existing policies and procedures that serve to assure the public that we are providing service and enforcing laws in an equitable manner.

II. POLICY

A. Policing Impartially

1. Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrest, nonconsensual searches and property seizures.

2. Department personnel may not use, to any extent or degree, actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in conducting stops or detentions, or activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics may rely on them in part only in combination with other appropriate identifying factors. The listed characteristics should not be given undue weight.
 - a) Except as provided above, officers shall not consider actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation or gender identity in establishing either reasonable suspicion or probable cause.
 - b) Except as provided above, officers shall not consider actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation or gender identity in deciding to initiate even those consensual encounters that do not amount to legal detentions or to request consent to search.

B. Preventing Perceptions of Biased Policing

In an effort to prevent perceptions of biased law enforcement, each officer (with consideration for officer safety), should do the following when conducting pedestrian, bicycle, or vehicle stops:

1. Be courteous and professional.
2. Approach the person being stopped and provide an explanation for the stop as soon as practical. When effecting vehicle stops, the officer should provide this information before asking the driver for his or her license and registration.
3. Ensure the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the person understands the nature of reasonable delays.
4. Answer questions the person may have regarding the stop, including an explanation of options for traffic citation disposition, if relevant.
5. Provide his or her star number. Do so in writing if requested.

C. Member's Responsibility and Compliance

All officers are responsible for knowing and complying with this policy. As with all General Orders, any violation of this policy may subject the member to disciplinary action. Supervisors shall ensure that all personnel in their command know the content of this policy and operate in compliance with it. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established procedure.