

Bias-Based Policing

428.1 PURPOSE AND SCOPE

This policy affirms the University of California Irvine Police Department's commitment to fair and objective policing.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the University of California Irvine Police Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

All complaints of bias-based policing activity will be investigated.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - A 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 (protected characteristics), or affiliation with any non-criminal group as the basis for providing differing law enforcement service or enforcement.

428.2 POLICY

The University of California Irvine 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.

428.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, 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.

428.3.1 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.

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- (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.

428.4 MEMBER RESPONSIBILITIES

Every member of the University of California Irvine Police Department shall perform their 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.

428.4.1 REASON FOR CONTACT

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

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.

428.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC AND 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).

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

428.5 REPORTING OF STOPS (RACIAL AND IDENTITY PROFILING ACT OF 2015)

The University of California Police Irvine Department shall collect and report to the California Attorney General detailed data regarding all stops defined as a detention or search, including consensual search, in compliance with the Racial and Identity Profiling Act (RIPA). The data to be collected on each stop by law enforcement includes, among other things (California Government Code §12525.5):

- Time, date, location, reason for and the result of the stop;
- Perceived race or ethnicity, gender and approximate age of the person stopped;
- Actions taken by the officer during the stop, including whether the officer asked for consent to search; whether a search was conducted; and whether any evidence or contraband was discovered or seized.

The reporting requirements under this section took effect on November 1, 2020.

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Unless an exception applies under 11 CCR 999.227, an officer 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. When multiple officers conduct a stop, the officer 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 the UC Irvine Police Department is the primary agency, the UC Irvine Police Department 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 officer at the completion of the stop unless circumstances prevent the officer from doing so, but no longer than by the end of the officer's shift.

The supervisor shall review all stop data to ensure it has been completed by every member of the shift prior to end of watch. If a supervisor cannot check stop data inputs for the officers on their shift in the last hour of the shift, without incurring overtime, they should request the oncoming supervisor to complete those checks.

The primary supervisor remains responsible for ensuring the stop data is completed and each officer submits accurate data on their shift.

428.6 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with the law and 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 Mobile Audio/Video (MAV) recordings, body-worn camera (BWC), Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. 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) Retaliation for reporting violations of this policy is strictly prohibited. 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.

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428.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Operations Lieutenant 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 Records for required reporting to the DOJ in compliance with Penal Code § 13012.

Supervisors should ensure that data stop reports are provided to Records for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

428.8 ADMINISTRATION

Each year, the Operations Lieutenant should review the efforts of the University of California Irvine Police Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public, or officers. It should be reviewed and acknowledged in writing by the Chief of Police to identify any trends, changes in training or operations that should be made to improve service.

428.9 TRAINING

Training for both sworn and non-sworn members on fair and objective policing and review of this policy shall be conducted annually and include, at a minimum:

- (a) Explicit and implicit biases
- (b) Avoiding improper profiling

428.9.1 ADDITIONAL STATE REQUIREMENTS

Training should be provided as directed by the Support Services Lieutenant

- (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) 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 receives 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)).