

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 45.4**FAIR AND IMPARTIAL POLICING POLICY****ISSUED JULY 2010**

The purpose of this order is to reaffirm the commitment of the Santa Clara Police Department to fair and impartial policing, to clarify situations in which officers can consider race or ethnicity when making law enforcement decisions and to reinforce procedures that serve to assure the community that we are providing service and enforcing the law in an unbiased manner.

45.4.1 Policy

The policy of the Santa Clara Police Department is to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group(s) because of their race, ethnicity or nationality. The practice of racial profiling is illegal and will not be tolerated by this department (13519.4(f) P.C., see also General Order 26.3.3F)

45.4.2 Definitions

RACIAL PROFILING: Racial profiling for purposes of this section, is the practice of detaining a person 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 (13519.4(e) P.C.).

45.4.3 Procedures

It is the responsibility of every member of this department to prevent, report, and respond appropriately to discriminatory or biased practices.

Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause. Officers must be able to articulate specific facts and circumstances that support their actions.

While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be a factor considered by an officer 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). However, race or ethnicity alone cannot be the sole basis for establishing that reasonable suspicion or probable cause.

The officer shall document the facts giving rise to the his or her reasonable suspicion or probable cause for the contact if a police report is taken. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.

45.3.4 Training

Each police officer of this department must receive the POST approved training related to Racial Profiling. After the initial training is completed, police officers of this department are required to attend a refresher course every five years thereafter (13519.4(j) P.C.).

All members of this department should be mindful of racial and cultural differences among members of our community.