

RESOLUTION \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO EXPRESSING ITS  
CONDEMNATION OF RACIAL PROFILING AND AFFIRMING A POLICY OF ZERO  
TOLERANCE FOR RACIAL PROFILING**

**WHEREAS**, the United States Department of Justice defines racial profiling as "any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity"; and

**WHEREAS**, the Palo Alto Police Department has adopted the attached policy on racial profiling that states that the department has zero tolerance for racial profiling; and

**WHEREAS**, the City Council has contracted with Michael Gennaco to serve as an independent Police Auditor reporting directly to the City Council and, in this role, Mr. Gennaco will review the Police Department's policy and practices regarding racial profiling; and

**WHEREAS**, in advance of such review of the Police Department's policy and practices, the members of the City Council, as the elected representatives of the Palo Alto community, wishes to reaffirm their commitment to a zero tolerance policy on racial profiling; and

**WHEREAS**, the City of Palo Alto, the City Council and City staff are committed to the values of equality, inclusion, fairness and justice.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Palo Alto hereby expresses its commitment to ensuring that Palo Alto is a community that encourages respect and tolerance and a place where all residents, visitors, employees, Stanford students, and others feel welcome and at home and therefore reaffirms its opposition to the practice of racial profiling.

INTRODUCED AND PASSED: November 10, 2008

AYES:

NOES:

ABSENTIONS:

ABSENT:

ATTEST:

APPROVED:

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City Clerk

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Mayor

APPROVED AS TO FORM:

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City Attorney

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City Manager

## **Racial Profiling**

### **402.1 PURPOSE AND SCOPE**

The Palo Alto Police Department strives to provide law enforcement 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. The Department has zero tolerance for racial profiling.

### **402.2 DEFINITION**

"Racial Profiling", as defined by the U.S. Department of Justice, is any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.

### **402.3 POLICY**

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

- (a) It is the responsibility of every member of this Department to prevent, report and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this Department engaging in a detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
- (c) While the practice of "racial profiling" is strictly prohibited, it is recognized that race or ethnicity may be legitimately 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).

### **402.4 TRAINING**

- (a) All sworn members of this Department will be scheduled to attend POST approved training on the subject of "racial profiling".
- (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 our community.
- (c) Each member of this Department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five (5) years or sooner if deemed necessary in order to keep current with changing racial and cultural trends.

# PALO ALTO POLICE DEPARTMENT

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## **402.5 DOCUMENTATION**

The Palo Alto Police Department collects demographic data on drivers of all car stops, self-initiated pedestrian stops, and self-initiated bicycle stops. Along with the race of the subject the following data will be collected: reason for stop, location of stop, gender, age, city of residence, disposition of stop, if there was a search, why the search was conducted, and disposition of search.

### **402.51 DATA COLLECTION**

Every time a uniformed officer stops a subject as outlined above the following information will be recorded:

- (a) Reason for the stop;
- (b) Location of the stop;
- (c) Gender of subject;
- (d) Age of subject;
- (e) Race of subject;
- (f) City the subject resides in;
- (g) Disposition of the stop, (i.e. cited, warned, arrested, no action);
- (h) If a search was conducted:
  - 1. Why a search conducted; i.e. consent, parole, probation, probable cause;
  - 2. Disposition of search; was anything located?

Demographic data will be collected through the use of the Mobile Data Computer and Records Management System (CAD-RMS). CAD-RMS captures the information, which is entered into the system and may be retrieved at a later time. The officer will use the Mobile Data Computer to provide the above listed information before he or she can clear the stop and continue with their patrol duties. If for some reason the MDC is not functioning, the officer will still provide the information to Communications prior to clearing the stop. This should be done over the police radio. The dispatcher will enter the information received from the officer into CAD-RMS.

If the MDC and the CAD-RMS System are not functioning, the officer will still provide the information to Communications prior to clearing the stop by using the police radio. The dispatcher will manually capture the information from the officer. The information will be entered into CAD-RMS when the system is functioning again. The Communications Chief or the Senior Dispatcher is responsible for ensuring the information is thoroughly and accurately entered into CAD-RMS.

### **402.52 SEARCHES**

It is very important that officers are able to clearly articulate not only why a person was stopped, but also why a search was conducted. The reason for the search must be indicated on the MDC. All consent searches must be associated with a suspicion of criminal activity or a connection to criminal activity. If a search was conducted based on consent, the suspicion of criminal activity must be explained on the MDC.

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## 402.53 RACE CODES

An officer will make the determination of the citizen's race throughout the course of his or her contact with the individual. The following categories should be used for data collection purposes:

- (W) White
- (B) African American/Black
- (H) Hispanic
- (A) Asian (Includes Asian, Chinese, Cambodian, Filipino, Japanese, Korean, Laotian, and Vietnamese)
- (U) Unknown.

