

Title	City of San Diego Police Department	07/07/2023
	by Jose Romo in Organized Retail Theft Prevention Grant Program	id. 41335035
	jromo@pd.sandiego.gov	

Original Submission 07/07/2023

The Organized Retail Theft (ORT) Prevention Grant Program Application is divided into five (5) sections as identified below: Background Information Contact Information Program Information Proposal Narrative and Budget Mandatory Attachments Each section has a series of questions requiring a response. Applicants will be prompted to provide written text, select options from a drop down menu, select options from a multiple choice menu, or upload attachments. Questions with a red asterisk require responses. Applicants will not be able to submit the application until all questions with a red asterisk have been completed. Applicants may reference the ORT Prevention Grant Program Proposal Instruction Packet for background information, key dates, rating factors, and other important information to aid in the completion of the ORT Prevention Grant Program Application. The ORT Prevention Grant Proposal Instruction Packet is available on the Board of State and Community Corrections (BSCC) website. NOTE: Applicants may start and stop their application but must select "Save Draft" at the bottom of the application before existing.

SECTION I - BACKGROUND INFORMATION	This section requests information about the applicant's name, location, mailing address, and tax identification number.
Name of Applicant (i.e., Police Department, Sheriff's Department, or Probation Department)	City of San Diego Police Department
Multi-Agency Partnerships Information (if applicable)	Applicants may apply for funding as part of a multi-agency partnership (two [2] or more agencies). The agencies and jurisdictions comprising the collaborative application are not required to be contiguous. One (1) Lead Public Agency must be identified on behalf of the partnership.
Multi-Agency Partnerships	No: This is not a Multi-Agency Partnership Application
Lead Public Agency Information	All applicants are required to designate a Lead Public Agency (LPA) to serve as the coordinator for all grant activities. The LPA is a governmental agency with local authority within the applicant's city or county. The applicant may choose to fill the role of LPA itself or it may designate a department, agency, or office under its jurisdiction to serve as the LPA. The role of the LPA is to coordinate with other local government agency partners and non-governmental organizations to ensure successful implementation of the grant program. The LPA is responsible for data collection and management, invoices, meeting coordination (virtual and/or in-person), and will serve as the primary point of contact with the BSCC.
Lead Public Agency	City of San Diego Police Department
Applicant's Physical Address	1401 Broadway MS 715 San Diego CA 92101-5710 US
Applicant's Mailing Address (if different than the physical address)	n/a

Mailing Address for Payment **1401 Broadway
MS 715
San Diego
CA
92101-5710
US**

Tax Identification Number **956000776**

SECTION II - CONTACT INFORMATION **This section requests contact information for the individuals identified as the Project Director, Financial Officer, Day-to-Day Project Contact, Day-to-Day Fiscal Contact, and the Authorized Signature.**

Project Director **Jose Luis Romo**

Project Director's Title with Agency/Department/Organization **Program Coordinator**

Project Director's Physical Address **1401 Broadway
MS 715
San Diego
CA
92101-5710
US**

Project Director's Email Address **jromo@pd.sandiego.gov**

Project Director's Phone Number **+16195312739**

Financial Officer **Kyle Meaux**

Financial Officer's Title with Agency/Department/Organization **Administrative Services Director**

Financial Officer's Physical Address **1401 Broadway
MS 715
San Diego
CA
92101-5710
US**

Financial Officer's Email Address **kmeaux@pd.sandiego.gov**

Financial Officer's Phone Number **+16195312221**

Day-To-Day Program Contact **Henrietta Woods-Martin**

Day-To-Day Program Contact's Title **Administrative Aide II**

Day-To-Day Program Contact's Physical Address **1401 Broadway
MS 715
San Diego
CA
92101-5710
US**

Day-To-Day Program Contact's Email Address **hwoodsmartin@pd.sandiego.gov**

Day-To-Day Program Contact's Phone Number	+16195312811
Day-To-Day Fiscal Contact	Daniel Holguin
Day-To-Day Fiscal Contact's Title	Associate Management Analyst
Day-To-Day Fiscal Contact's Physical Address	1401 Broadway MS 715 San Diego CA 92101-5710 US
Day-To-Day Fiscal Contact's Email Address	dhoguin@pd.sandiego.gov
Day-To-Day Fiscal Contact's Phone Number	+16195335788
Name of Authorized Officer	David Nisleit
Authorized Officer's Title	Chief of Police
Authorized Officer's Physical Address	1401 Broadway San Diego CA 92101-5710 US
Authorized Officer's Email Address	sdppolicechief@pd.sandiego.gov
Authorized Officer's Phone Number	+16195312777
Authorized Officer Assurances	checked
SECTION III - PROGRAM INFORMATION	This section requests a Project Title, Proposal Summary description, Program Purpose Area(s) selection, and Scope Funding Category selection.
Project Title	San Diego Police Department Organized Retail Theft Prevention Program
Proposal Summary	The San Diego Police Department is submitting a request for funding to support overtime operations to prevent and respond to Organized Retail Theft. The goal of these operations is to augment relationships, partnerships, and training between law enforcement and retail loss prevention personnel, therefore discouraging Organized Retail theft.
PROGRAM PURPOSE AREAS	Applicants must propose activities, strategies, or programs that address the Program Purpose Areas (PPAs) as defined on pages 5 - 8 in the ORT Prevention Grant Proposal Instruction Packet. A minimum of one (1) PPA must be selected; applicants are not required to address all three (3) PPAs. All proposed activities, strategies, or programs must have a link to the ORT Prevention Grant Program as described in the authorizing legislation and the ORT Prevention Grant Proposal Instruction Packet.
Program Purpose Areas (PPAs):	PPA 1: Organized Retail Theft

Funding Category Information Applicants may apply for funding in a Medium Scope OR Large Scope Category. The maximum an applicant may apply for is up to \$6,125,000 in the Medium Scope category OR up to \$15,650,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. Multi-agency partnerships (determined as Medium Scope OR Large Scope) may apply for up to the maximum grant award in that category, multiplied by the number of partnering eligible applicants. For Example: Four (4) eligible applicants in the Medium Scope category may submit one (1) application for up to \$24,500,000 o \$6,125,000 (Medium Scope Max) x 4 (# of Agencies) = \$24,500,000 Two (2) eligible applicants in the Large Scope category may submit one (1) application for up to \$31,300,000 o \$15,650,000 (Large Scope Max x 2 (# of Agencies) = \$31,300,000 Please reference pages 10-12 in the ORT Prevention Grant Proposal Instruction Packet for additional information.

Funding Category Medium Scope (Up to \$6,125,000)

SECTION IV - PROPOSAL NARRATIVE AND BUDGET This section requests responses to the Rating Factors identified in the the ORT Prevention Grant Program Application Instruction Packet.

Proposal Narrative Instructions The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors as described in the ORT Prevention Grant Instruction Packet (refer to pages 20-24). A separate narrative response is required for each Rating Factor as described below: The Project Need narrative may not may not exceed 6,711 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately three (3) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Description narrative may not may not exceed 11,185 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately five (5) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Organizational Capacity and Coordination narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. The Project Evaluation and Monitoring narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately two (2) pages in Arial 12-point font with one-inch margins on all four (4) sides and at 1.5-line spacing. A character counter is automatically enabled that shows the number of characters used and the remaining number of characters before the limit for each response is met. If the character limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants will be prohibited from submitting the ORT Prevention Grant Program Application until they comply with the character limit requirements. NOTE: It is up to the applicant to determine how to use the total word limit in addressing each section, however as a guide, the percent of total point value for each section is provided in the ORT Prevention Grant Proposal Instruction Packet (refer to page 15).

Project Need San Diego has averaged nearly 7,000 reported thefts yearly, some of these cases are isolated occurrences of theft, but a significant number are part of sophisticated, large-scale criminal enterprises targeting their victims not only in San Diego but across vast geographical areas. The number of cases, which is significant, doesn't begin to speak to the actual impact and costs of these crimes to the businesses and citizens of San Diego and beyond. Because of the regional nature of these crimes, investigators often have difficulty connecting the cases to the wide-ranging conspiracies at play. To impact this theft epidemic meaningfully, San Diego Police Department (SDPD) needs to assist in identifying, safely arresting, and prosecuting perpetrators especially those leading the criminal enterprises. SDPD also needs to easily share information and collaborate in real-time with retail loss prevention staff in order to prevent and deter Organized Retail Theft (ORT) by arresting these individuals. neighboring law enforcement agencies as individuals and groups engaged in ORT often operate regionally and beyond law enforcement jurisdictional boundaries.

Project Description An essential tool in fighting Organized Retail Theft (ORT) and auto theft is having boots on the ground in the times and places the crime is occurring. Not surprisingly, the highest rates of ORT and a significant number of auto thefts occur in and around San Diego's busiest shopping centers, Fashion Valley Mall, Mission Valley Mall, University Town Center Mall, and Las Americas Outlet Mall. The San Diego Police Department seeks to utilize grant funding to staff each location with a squad of undercover and uniformed officers to combat ORT and vehicle theft during the six weekends between "Black Friday" and New Year's. A Sergeant, an undercover Detective, four undercover officers deployed on foot throughout the malls, and two uniformed officers in a marked patrol car to respond to reports of auto thefts and provide jail transport support for the undercover officers would be deployed to each location. This allocation would also be used to fund training time with Loss Prevention Officers at various businesses that have been impacted by ORT.

Project Organizational Capacity and Coordination **Holiday Overtime-** Overtime is scheduled and managed by the Special Events Unit. No additional administrative staffing will be required to manage this portion of the request. The Special Events Unit has the knowledge and experience to manage the proposed assignments. This unit also collects enforcement statistics and would provide the oversight necessary to ensure the project is implemented as intended. Sergeants, Detectives, and Officers in the Robbery Unit have extensive knowledge and experience in undercover operations to combat and deter retail theft. These staff members have also worked in partnership with retail operators providing guidance on loss prevention techniques. The proposed undercover operations will be efficiently performed and managed. The San Diego Police Department Administrative Services Grants team has the knowledge, experience and required certifications to accurately manage the administrative portion of the grant. Staff have more than 10 years of experience managing large grants, querying labor data, verifying information, and submitting reports.

Project Evaluation and Monitoring The San Diego Police Department Crime Analysis staff will conduct analysis of theft reports during the specified periods, and compare with previous years reports. These reports will be done using several parameters in order to provide a tangible report that demonstrates the end result of the undercover operations. Data from previous years will be used as a baseline for the analysis, and then a comparison between the operations conducted during the specified timeframes for each location will be processed. Another benefit that cannot be quantified is the training and transfer of knowledge between the San Diego Police Department Robbery Unit officers and the retail loss prevention staff.

Budget Instructions Applicants are required to submit a Proposal Budget and Budget Narrative (Budget Attachment). Upon submission the Budget Attachment will become Section 5: Budget (Budget Tables & Narrative) making up part of the official proposal. The Budget Attachment must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget and Budget Narrative. The Proposal Budget must cover the entire grant period. For additional guidance related to grant budgets, refer to the BSCC Grant Administration Guide. The Budget Attachment is provided as a stand-alone document on the BSCC website.

Budget Attachment

[ORT-Grant-Program-Budget-Attachment-Final_1.xlsx](#)

SECTION V - ATTACHMENTS

This section list the attachments that are required at the time of submission, unless otherwise noted. Project Work Plan (Appendix B) - Mandatory Grantee Assurance for Non-Governmental Organizations (Appendix D) - Mandatory Local Impact Letter(s) (Appendix E) - Mandatory Letter(s) of Commitment (Appendix F) - If Applicable Policies Limiting Racial Bias - Refer to page 9 of the Proposal Instruction Packet - Mandatory Policies on Surveillance Technology - Refer to page 9 of the Proposal Instruction Packet - If Applicable Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G) - Mandatory Governing Board Resolution (Appendix H) - Optional

Project Work Plan (Appendix B)

[Project-Work-Plan-ORT.docx](#)

Grantee Assurance for Non-Governmental Organizations (Appendix D)

[Appendix_D_Grantee_Assurance_for_Non_Governmental_Organizations.pdf](#)

Local Impact Letter(s) (Appendix E)

[Local_Impact_Letter.pdf](#)

Letter(s) of Commitment, *n/a*
(Appendix F)

Policies Limiting Racial Bias

[TB_02-02_Non-Biased_Based_Policing_Mar_2002.pdf](#)

Policies on Surveillance *n/a*
Technology

Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix G)

[Appendix_G_Certification_of_compliance_with_BSCC_Policies_on_Debarment_Fraud_Theft_and_Embezzelment.pdf](#)

OPTIONAL: Governing *n/a*
Board Resolution
(Appendix H)

OPTIONAL: Bibliography *n/a*

CONFIDENTIALITY
NOTICE:

All documents submitted as a part of the Organized Retail Theft Prevention Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)

Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project’s top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	> Decrease in Organized Retail Theft at high profile malls		
Objectives (A., B., etc.)	> Stop Organized Retail Theft during the holiday shopping season		
Process Measures and Outcome Measures:	> Comparison of reports from San Diego Police Department Crime Analysis unit for previous years on the same sites during the holiday shopping season		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> Undercover operations at 4 high profile sites to proactively stop Organized Retail Theft during the holiday shopping season	> San Diego Police Department Robbery Unit team	> November 2023	> December 2026
List data and sources to be used to measure outcomes: > Retail and auto theft reports from the identified high profile malls; data analysis from San Diego Police Department Crime Analysis unit; feedback from retail loss prevention staff.			

(2) Goal:	> Decrease in organized auto theft at high profile malls		
Objectives (A., B., etc.)	> Stop and deter organized auto theft during the holiday shopping season		
Process Measures and Outcome Measures:	> Comparison of reports from San Diego Police Department Crime Analysis unit for previous years on the same sites during the holiday shopping season		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> Undercover operations at 4 high profile sites to proactively stop organized auto theft during the holiday shopping season	> San Diego Police Department Robbery Unit team	> November 2023	> December 2026
List data and sources to be used to measure outcomes: > Retail and auto theft reports from the identified high profile malls; data analysis from San Diego Police Department Crime Analysis unit; feedback from retail loss prevention staff			

(3) Goal:	>		
Objectives (A., B., etc.)	> [REDACTED]		
Process Measures and Outcome Measures:	> [REDACTED]		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
> [REDACTED]	> [REDACTED]	> [REDACTED]	> [REDACTED]
List data and sources to be used to measure outcomes: >			

Organized Retail Theft Prevention Grant Program - Project Budget and Budget Narrative

Name of Applicant: *City of San Diego Police Department*
(i.e., County Sheriff's Office, County Probation Department, or City Police Department)

44-Month Budget: October 1, 2023 to June 1, 2027

Note: Rows 7-16 will auto-populate based on the information entered in the budget line items (Salaries and Benefits, Services and Supplies, etc.)

Budget Line Item	Total
1. Salaries & Benefits	\$1,177,492.88
2. Services and Supplies	\$0.00
3. Professional Services or Public Agencies	\$0.00
4. Non-Governmental Organization (NGO) Subcontracts	\$0.00
5. Data Collection and Evaluation	\$0.00
6. Equipment/Fixed Assets	\$0.00
7. Financial Audit (Up to \$25,000)	\$0.00
8. Other (Travel, Training, etc.)	\$0.00
9. Indirect Costs	\$0.00
TOTAL	\$1,177,492.88

1a. Salaries & Benefits

Description of Salaries & Benefits	(% FTE or Hourly Rate) & Benefits	Total
1 - Detective Sergeant - Overtime	Overtime rate (\$64.62 x 1.5) \$96.93 x 1.45% Fringe benefits = \$98.34 x 8 hrs x 18 days x 4 sites x 3 years	\$169,931.52
1 - Police Detective - Overtime	Overtime rate (\$55.88 x 1.5) \$83.82 x 1.45% Fringe benefits = \$85.04 x 8 hrs x 18 days x 4 sites x 3 years	\$146,949.12
4 - Police Officer II - Overtime (undercover)	Overtime rate (\$53.22 x 1.5) \$79.83 x 1.45% Fringe benefits = \$80.99 x 8 hrs x 18 days x 4 sites x 3 years	\$559,802.00
2 - Police Officer II - Overtime (uniformed)	Overtime rate (\$64.62 x 1.5) \$79.83 x 1.45% Fringe benefits = \$80.99 x 8 hrs x 18 days x 4 sites x 3 years	\$279,901.44
		\$0.00
Associate Management Analyst	Avg hourly rate \$41.71 + \$30.89 Fringe = \$72.60 x 16 hrs x 6 weeks x 3 years	\$20,908.80
		\$0.00
		\$0.00
TOTAL		\$1,177,492.88

1b. Salaries & Benefits Narrative:

*Operations will be based on 8 hour overtime shifts, and salaries for sworn personnel are based on average of salary per rank with 1.45% Overtime Fringe,
 A Detective Sergeant will provide operational oversight and coordination for each site.
 A Detective per site will be the senior undercover lead.
 4 Police Officers 2 per site will work undercover.
 2 Police Officers 2 per site will work in uniform in a marked patrol car to respond to reports of auto theft and provide jail transport support for the undercover officers.
 1 Associate Management Analyst will provide grant administration support services, reviewing overtime reports, processing and submitting reports to BSCC.*

2a. Services and Supplies

Description of Services or Supplies	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

2b. Services and Supplies Narrative:

Enter narrative here. You may expand cell height if needed.

3a. Professional Services

Description of Professional Service(s)	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

3b. Professional Services Narrative

Enter narrative here. You may expand cell height if needed.

4a. Non-Governmental Organization (NGO) Subcontracts

Description of Non-Governmental Organization (NGO) Subcontracts	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

4b. Non-Governmental Organization (NGO) Subcontracts Narrative

Enter narrative here. You may expand cell height if needed.

5a. Data Collection and Evaluation

Description of Data Collection and Evaluation	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

5b. Data Collection and Evaluation Narrative

Enter narrative here. You may expand cell height if needed.

6a. Equipment/Fixed Assets

Description of Equipment/Fixed Assets	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

6b. Equipment/Fixed Assets Narrative

Enter narrative here. You may expand cell height if needed.

7a. Financial Audit

Description	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

7b. Financial Audit) Narrative:

Enter narrative here. You may expand cell height if needed.

8a. Other (Travel, Training, etc.)

Description	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

8b. Other (Travel, Training, etc.) Narrative:

Enter narrative here. You may expand cell height if needed.

9a. Indirect Costs

For this grant program, indirect costs may be charged using only one of the two options below:	Grant Funds	Total
1) Indirect costs not to exceed 10 percent (10%) of the total grant award. Applicable if the organization does not have a federally approved indirect cost rate.	\$0	\$0
<i>If using Option 1) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization has a federally approved indirect cost rate. Amount claimed may not exceed the organization's federally approved indirect cost rate.	\$0	\$0
<i>If using Option 2) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
<i>Please see instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns red, please adjust it to not exceed the line-item noted.</i>	\$0	\$0
TOTAL	\$0	\$0

9b. Indirect Costs Narrative:

Enter narrative here. You may expand cell height if needed. **If using a federally approved indirect cost rate, please include the rate in the narrative.**



THE CITY OF SAN DIEGO

Board of State and Community Corrections
Corrections Planning and Grant Programs Division
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Attn: Organized Retail Theft Prevention Grant Program – Local Impact Letter

To Whom It May Concern:

This Local Impact Letter is being submitted to the Board of State and Community Corrections (BSCC) by the San Diego Police Department (SDPD) on behalf of the City of San Diego. The SDPD will be the lead public agency (LPA) on a grant to be submitted July 7, 2023 in response to the Organized Retail Theft Prevention Grant Program Request for Proposals that was released April 14, 2023.

The City of San Diego Police Department has concluded that the Organized Retail Theft Prevention Grant Program Project of Overtime Operations will not impact any other agency(ies).

The point of contact for this grant application will be Jose Luis Romo who can be reached via email at jromo@pd.sandiego.gov or by phone at (619) 531-2739.

Thank you for accepting this Local Impact Letter and for considering our request for funding when it is received.

Sincerely,

Jose Luis Romo
Program Coordinator, Grants
San Diego Police Department

Office of the Chief of Police

1401 Broadway • San Diego, CA 92101-5729
Tel (619) 531-2000



San Diego Police Business Center

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

DAVID BEJARANO
CHIEF OF POLICE

02-02

March 8, 2002

NON-BIAS BASED POLICING

INTRODUCTION:

The concept of racial profiling by the law enforcement community has received a great deal of attention in our society. Police agencies throughout the nation have been questioned about their operational practices in stopping individuals of particular groups. In some cases, accusations are made that officers target individuals solely or in part because of their apparent group affiliation such as ethnic background or other protected class, with no specific connection to criminal activity.

The San Diego Police Department is highly sensitive to this issue. The Department recognizes that in order to provide effective law enforcement for the City of San Diego, the Department must assure the public of its fair and unbiased policing practices. One step in establishing this trust is to educate our members about the law, the Department's philosophy, and the community perceptions that surround this issue. This Training Bulletin will provide information on these components. The Commission on Peace Officer Standards & Training is developing a statewide curriculum for both academy recruits and tenured officers. Our Department will present more in-depth training in the future.

DEFINITIONS:

BIAS-BASED POLICING:

This is a phrase often used to expand the term "racial profiling" to apply not only to race, but also to factors such as religion, national origin, age, gender, sexual orientation or lifestyle.

RACIAL PROFILING:

California law makes it illegal to practice racial profiling. Section 13519.4 (d) of the California Penal Code defines racial profiling as "...the practice of detaining a suspect based upon a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."

This definition simply restates that a peace officer is required to have reasonable suspicion or probable cause in order to make a stop or an arrest. This requirement has previously been established by the 4th Amendment to the U.S. Constitution, which states, in part, that all persons shall be secure from unreasonable searches and seizures.

CRIMINAL PROFILING

Criminal profiling occurs when an officer can articulate objective factors that are linked to criminal activity.

PRETEXT STOPS

A “pretext stop” occurs when a stop is made for a lawful reason, but the officer’s actual motivation is for other than the lawfully stated reason.

WHREN V. UNITED STATES (1996) 517 U.S. 806 [135 L.Ed.2nd 89]

The United States Supreme Court has ruled that an officer’s subjective motivations for making a stop are irrelevant so long as there is some legal cause, even if the correct legal justification for the stop is not known or subjectively contemplated by the officer at the time. The Whren decision upheld the actions of plain-clothes detectives who stopped a defendant for an observed traffic violation. Their real motivation, however, was to investigate him for more serious criminal offenses for which they did not have cause to justify the stop.

Whren indicates that pretext stops are lawful. However, although Whren and case law permit “pretext stops”, it is highly unlikely that any court would uphold a pretext stop or detention when an officer’s actual motivation was based on discrimination. Such a stop would be a violation of the 14th Amendment to the U.S. Constitution, which states in part that all persons are entitled to equal protection under the law.

COMMUNITY CONCERNS:

One often-voiced community perception is that officers use race as the reason to initiate an enforcement contact. This can take one of two forms:

- An officer stops someone just because they are of a particular race.
- An officer thinks that members of a particular race are generally more prone to crime, and therefore only looks for violations by members of that race.

One source of this perception can be traced to the national war on drugs and to federal and state drug courier profiles. In some incidents, race was not used as part of a suspect description, but instead was used as a substitute for reasonable suspicion or probable cause. The philosophy behind this sort of profile is the belief that people of a certain race should be stopped because they are more likely to be engaged in certain criminal activities.

There have been a number of cases in which officers were given direction that if they saw a certain kind of vehicle, driven by persons of a particular race, that the likelihood that they were involved in criminal activity was so high that they did not need any more reason than that to stop them on suspicion.

Depending on the situation, actions such as these could be considered a violation of either the 4th or 14th amendments.

Another community concern sometimes heard is more difficult to define. This involves the perception that the officer may have a subconscious bias towards a specific race or group. In other words, if an officer sees the same violation committed by two individuals, each of a different race, then he or she might unintentionally select the one to stop on the basis of race.

DEPARTMENT PHILOSOPHY

The San Diego Police Department is committed to non-bias based policing, which includes an opposition to racial profiling and to avoiding the perceptions thereof. Members must not practice bias towards or against any person due to their race, religion, national origin, age, gender, sexual orientation or lifestyle.

Investigative detentions, traffic stops, arrests, searches, and seizures of property by officers are to be based on a standard of reasonable suspicion or probable cause as required by the 4th Amendment to the U.S. Constitution and by statutory authority. Officers must be able to articulate specific facts and circumstances that support probable cause or reasonable suspicion for an arrest, traffic stop, investigative detention, or search.

The 4th Amendment applies to all seizures, including seizures that involve only a brief detention short of an arrest. To satisfy the 4th Amendment provisions, a detention may be made only if the officer has a reasonable suspicion supported by articulated facts. Like probable cause determinations, the reasonable suspicion analysis applicable to a stop is not readily reduced to one specific set of legal rules, and like probable cause, it takes into account the totality of the circumstances. With this in mind, it is important for an officer to understand and be able to clearly articulate factors that help form the basis for reasonable suspicion or probable cause.

Reasonable suspicion is the standard used to justify a detention. It exists when an officer has sufficient facts and information to make it reasonable to suspect that criminal activity may be afoot, and that the person to be detained is connected to that activity. Reasonable suspicion may be based on observation, personal training and experience, or information from eyewitnesses, victims, or other officers. Reasonable suspicion cannot be based simply on a hunch or instinct. If reasonable suspicion does not exist, the case against the defendant may be dismissed or any evidence seized may be excluded from trial.

Additionally, probable cause to arrest exists when the totality of the circumstances or “total atmosphere” of the case would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime. Facts required to

establish probable cause may include, but are not limited to: direct investigative reports, circumstantial evidence, or second hand statements from reliable informants.

SO, WHEN ARE MY ACTIONS “BIAS-BASED POLICING”?

Because of the dynamic nature of the law and court interpretations, this is not something that can be easily defined. However, officers must observe the precepts of probable cause and reasonable suspicion when conducting enforcement activity.

Suspects are often described in part by their race or ethnicity. Regardless, it is unacceptable for an officer to base his or her enforcement action on race or ethnicity, except when a suspect is described in part by race or ethnicity. In other words, officers are required to make fair and non-bias policing decisions and base enforcement actions on articulated reasonable suspicion or probable cause. The following examples illustrate this issue.

Example 1:

Several recent narcotics arrests and intelligence reports by undercover officers indicate that white students from the local college are buying cocaine at a particular apartment complex. The residents of this apartment complex are primarily African-American.

In this situation, the race of citizens visiting the complex can be used as one factor in a set of factors to establish, for instance, reasonable suspicion to detain. Race can be included as one part of the “totality of the circumstances” that may justify a stop.

Example 2:

A number of middle school students have reported that Hispanic males are selling drugs to students in the area immediately surrounding the middle school.

Again, the ethnicity of citizens around the school could be used as one factor in a set of factors to establish, for instance, reasonable suspicion to detain. That is, ethnicity can be included as one part of the “totality of the circumstances” that may justify the stop. This does not imply that all Hispanic males in the area can be stopped. Further specific information must be present. If all indications are that the suspects are in their early 20’s, Hispanic males who do not appear to be of that age group could not be stopped absent specific details.

Example 3:

An officer sees a poorly dressed young African-American male walking in an upper class white neighborhood.

Without credible, reliable and locally relevant information linking a black male of similar description to particular crimes in the area, the officer would not be at liberty to use this person’s race as a factor among others in establishing reasonable suspicion or probable

cause. That is, an officer of the San Diego Police Department is prohibited from detaining individuals merely because they are “out of place” by virtue of their race or ethnicity.

No person shall be singled out or otherwise treated differently because of his or her race or ethnicity unless the race or ethnicity of a suspect is relevant to a particular crime.

WHAT CAN I DO TO DIMINISH THE PERCEPTION OF RACIAL PROFILING?

It seems inevitable that an officer’s obligation to proactively enforce the law will sometimes conflict with a community’s perception that some citizens are being unfairly targeted. The Department expects all members to take whatever steps possible to eliminate the perception of bias, reduce the fears and build the trust of the community.

First, do not allow personal biases to influence your professional conduct. Base your pattern of enforcement activity on facts that you know, not on arbitrary feelings about groups or areas.

Secondly, establish trust by incorporating the following behaviors into your law enforcement contacts whenever your safety or crime-fighting efforts would not be jeopardized:

- Introduce yourself and explain to the person being contacted the reason for the stop as soon as possible, preferably at the start of the contact.
- Do not detain the person contacted for longer than is appropriate for the potential offense.
- Attempt to answer all questions that the contacted person asks.
- Provide your name and identification or badge number when requested, preferably in writing.
- If the suspicions motivating the stop prove to be unfounded, it is especially important for you to explain the circumstances and if necessary, apologize for any inconvenience.

The single-most avoidable complaint the Department receives is that the officer did not explain his or her actions after an enforcement contact.

Even when officers observe all of the above behaviors, there may be instances in which the person stopped may feel that the officer’s politeness is masking a bias. This is especially possible during pretext stops, in which the subject “knows” that the real reason for the stop was not stated, and subsequently assumes that the stop was bias based. This may be unavoidable, but officers should at least be aware that these perceptions may exist, and should try to reduce this perception whenever possible.