

RACIAL AND
IDENTITY
PROFILING
ADVISORY BOARD

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Racial and Identity Profiling Advisory Board

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RACIAL AND IDENTITY PROFILING ADVISORY (RIPA) BOARD

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Contents

Executive Summary 1

Introduction 4

Benefits of Using Data 9

Stop Data 10

Civilian Complaint Policies and Procedures 18

State and Local Racial and Identity Profiling Policies and Accountability 35

POST Training & Recruitment 41

How to Leverage Data for Change 50

Conclusion 53

Appendix A 57

Appendix B 62

Appendix C 69

Appendix D 77

Appendix E 83

Video

This year’s report is accompanied by a video that illustrates the purpose of the RIPA Board and highlights the work that has been accomplished to date.



Executive Summary

The Racial and Identity Profiling Advisory (RIPA) Board began its work in July 2016 as part of the Racial and Identity Profiling Act of 2015 (AB 953) with a momentous purpose: to eliminate racial and identity profiling and improve racial and identity sensitivity in law enforcement.¹ In order to achieve these goals, the RIPA Board was charged with several responsibilities including publishing an annual report on the past and current status of racial and identity profiling with policy recommendations for eliminating it. This is the first report of the RIPA Board, and similarly represents California's first ever statewide report on racial and identity profiling in law enforcement.

In addition to forming the RIPA Board, the Racial and Identity Profiling Act also requires that in the coming years the majority of California's law enforcement agencies collect information on all "stops" – defined as any detention or search (including consensual searches) – and report this information to the California Department of Justice (Department). Starting in January 2020, the RIPA Board's annual report will contain analyses of the "stop" data reported to the Department, beginning with California's largest law enforcement agencies that will start collecting this data in July 2018 and report it to the Department by April 2019.

The analysis of the stop data that is collected and reported, however, is just one component of several elements that must be included in the RIPA Board's annual report. In fact, the Board's responsibilities characterize a comprehensive approach to examining and understanding the role of race and identity in policing, including:

1. Analyzing data regarding complaints made against California peace officers;
2. Working with state and local law enforcement to review and analyze their policies and practices relevant to racial and identity profiling;
3. Working with the Commission on Peace Officer Standards and Training (POST) on its trainings pertaining to racial and cultural differences;
4. Conducting and consulting evidence-based research on bias, and law enforcement-community interactions; and
5. Making policy recommendations to eliminate racial and identity profiling.²

As the inaugural report of the RIPA Board, this year's report provides baseline information about what is currently known about disparities in enforcement actions and the existing policies and practices to prevent bias and profiling, and outlines the agenda and vision for the future work of the Board.

The report begins by orienting stakeholders in the historical circumstances that underlie law enforcement-community relations today. The RIPA Board – itself comprised of diverse stakeholders – recognizes the urgency and opportunity of its work to unify law enforcement and

¹ Pen. Code § 13519.4, subs. (d) & (1).

² Pen. Code § 13519.4, subs. (j)(3), & (A)-(E).

community members to use data and information to improve police practices and strengthen relationships.

Stop Data

This year's report lays the groundwork for California's law enforcement agencies to become data-driven organizations that leverage the rich information that can be accessed through analyzing stop and other data. Based on AB 953 and the Stop Data Regulations, this section summarizes the information that law enforcement agencies will have to collect and report on all "stops," including information about the stop itself, (e.g. reason for stop, actions taken against the person stopped, and outcome of the stop), about the person stopped, and about the officer making the stop.

This section also highlights some of the research that has been conducted to date to help stakeholders understand what is known about this issue and recognize that, based on existing studies, there is empirical evidence of disparities in policing activities in cities in California. Finding disparities does not necessarily serve as proof of profiling; rather, it shows that there is an observable difference in, for example, the likelihood of one demographic group being stopped, searched, and so forth, compared to another. Moreover, relatively few California agencies have examined their own policing activities in this way, so the collection of stop data presents a critical opportunity for agencies to begin using data to take a hard look at their enforcement actions, and to begin to explore both positive and negative outcomes during stops. This section also offers various best practices that agencies can adopt to fully realize the benefits of this data – including making it possible to link data sets, analyze data over time, and hire data managers or partner with researchers.

Civilian Complaint Policies and Procedures

In addition to requiring that agencies collect information on stops, AB 953 also expanded the information regarding civilian complaints made against peace officers that must be collected and reported to the Department. In 2016, California law enforcement agencies began collecting and reporting complaints alleging racial or identity profiling, including the specific type(s) of profiling alleged (based on race, national origin, religion, etc.), and reporting disposition categories (e.g. sustained, exonerated, etc.) for this data and for non-criminal, misdemeanor, and felony complaints. This report includes a snapshot of the 2016 complaint data submitted to the Department, and discusses some limitations of comparing the data across agencies that arise from the policies and collection practices varying widely between agencies. As a result, differences in numbers of complaints may be attributed to peace officer conduct or, for example, due to how accessible an agency makes its complaint process.

To this end, the RIPA Board developed and distributed a survey to California law enforcement agencies to obtain baseline information about agencies' policies and methods for receiving civilian complaints. Of the 425 agencies to which the survey was sent, 114 submitted responses. These responses revealed great variation in the manners in which agencies inform their constituents about the ability to make a complaint and intake complaints; the content and structure of complaint forms; the languages in which forms are available; and the ability for a

complainant to track his/her complaint. The results of the survey also indicate that agencies have varied complaint policies and procedures.

The RIPA Board offers several recommendations in this section of the report to emphasize the importance of standard, formalized, accessible, and thorough complaint policies and procedures. In the future, the Board will look to work with law enforcement agencies across the state to develop and adopt model citizen complaint forms and standard investigation practices.

State and Local Racial and Identity Profiling Policies and Accountability

Through the RIPA Board's survey, the Board also sought to gather baseline information about agencies' current policies and practices relevant to racial and identity profiling, as well as efforts to enhance law enforcement-community relations and reduce bias in policing. Among the results from the survey, of the 114 responding agencies, 106 agencies (93%) indicated that they have a specific policy concerning racial and/or identity profiling. The majority of responding agencies also reported that they address biased policing or racial and identity profiling in their policies or trainings related to reasonable suspicion or probable cause (80%), initiating investigative stops (71%), searches (60%), and use of force (56%). This section of the report contains a full discussion of the results of the survey.

A more thorough examination of existing agency policies is necessary; in the years to come the RIPA Board will work with California law enforcement agencies to comprehensively analyze policies relevant to the prevention of profiling, and review the degree to which principles of equitable treatment and unbiased policing are incorporated throughout an agency's policies more broadly. The Board further plans to identify best practices and methods of ensuring effective policy implementation.

POST Training and Recruitment

Beyond focusing on agency policies, AB 953 also tasks the RIPA Board with analyzing the course(s) that POST has designated to meet the requirements for the racial and cultural differences training outlined in Penal Code section 13519.4, which must consist of, at least, a course of basic training³ and expanded training.⁴ Because POST is planning to replace its existing video training designated to meet the expanded training requirement and is in the beginning stages of developing a new course to satisfy the expanded training requirement described in this section, this year's report focuses its analysis on the current video training, "Bias-Based Policing: Remaining Fair and Impartial," in order to provide a framework for general principles and recommendations the Board hopes will inform the new courses.

In the coming years, the RIPA Board, similar to its work on agency policies and practices, will look to analyze POST's trainings related to bias and profiling more comprehensively. The RIPA Board will also work with POST to begin to implement an evidence-based approach to its trainings and evaluate how well its trainings are meeting the

³ Pen. Code § 13519.4, subd. (b).

⁴ Pen. Code § 13519.5, subd. (g).

stated objectives. Finally, given POST’s substantial role in peace officer recruitment in California, the RIPA Board also looks forward to working with POST on officer recruitment to prioritize excellence and diversity in California law enforcement

How to Leverage Data for Change

As stop data reporting is phased in over the next several years, California law enforcement agencies and the RIPA Board will have the opportunity to use this data to inform best practices, create and evaluate trainings and policies, and build trust to improve police-community relations. It is the goal of the RIPA Board that its annual reports serve as valuable resources to law enforcement, policymakers, and community members alike. It is in this spirit that this report concludes by looking to the future to outline a set of seven deliverables that it hopes to offer in its 2019 report.

Introduction

The Racial and Identity Profiling Advisory (RIPA) Board was formed as part of the Racial and Identity Profiling Act of 2015 (AB 953), and began its work in July 2016. The Legislature charged the Board with an ambitious purpose: to eliminate racial and identity profiling, and improve diversity and racial and identity sensitivity in law enforcement.⁵ By unifying a diverse group of individuals from across different sectors – law enforcement, civil and human rights, and academia – in a shared cause, the RIPA Board aims to improve law enforcement-community relations in California through collaboration, transparency, and accountability.

As a step toward achieving that goal, the RIPA Board must issue an annual report that includes “detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling.”⁶ Each annual report must also include the following information:

- An analysis of law enforcement “stop” and “citizen complaint” data;
- An analysis of the law enforcement training on racial and cultural differences discussed in Penal Code section 13519.4;
- A review and analysis of racial and identity profiling policies and practices across geographic areas in California, working in partnership with state and local law enforcement agencies; and
- Evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.⁷

⁵ Pen. Code § 13519.4, subs. (j) & (1).

⁶ Pen. Code § 13519.4, subs. (j)(3) & (E).

⁷ Pen. Code §13519.4, subs. (j)(3) & (A)-(E).

In addition, the RIPA Board is charged with holding at least three meetings each year to discuss identifying and preventing racial and identity profiling,⁸ and consulting with the Commission on Peace Officer Standards and Training (POST) on its training(s) on racial and cultural differences.⁹

The Racial and Identity Profiling Act also:

- Mandates that the majority of California’s law enforcement agencies collect information on all “stops” made by their officers, and report this information to the California Department of Justice (Department);
- Requires the Department to work with stakeholders including the RIPA Board to draft the regulations that govern the stop data collection;¹⁰
- Makes several changes to the citizen complaint data required to be reported to and published by the Department;¹¹
- Expands the definition of racial profiling to include “identity profiling” and specifically provides that the consideration of a person’s personal characteristics cannot be a basis for deciding who to stop or how to treat a person who has been stopped, except when relying on a specific suspect description;¹² and
- Enhances the training requirements for law enforcement with respect to racial and cultural diversity training.¹³

The Board’s first two reports (2018 and 2019) will not include law enforcement “stop” data, because agencies will not begin collecting this data until July 2018 and reporting it to the Department until April 2019. Despite the absence of stop data, there is still much work to be done. This year’s report: 1) summarizes the information that agencies will collect and report on each stop, 2) highlights some of the current evidence-based research to help stakeholders understand the issues, 3) analyzes citizen complaint data reported from 2016, 4) summarizes the results of a survey the RIPA Board distributed to law enforcement agencies regarding agency policies, and 5) analyzes the training currently designated by POST to fulfill the racial and cultural differences training requirement. In each section of the report, the RIPA Board also offers recommendations for best practices, next steps, and a vision for the work that is yet to come.

The RIPA Board members hope that its reports serve as valuable resources for law enforcement agencies, policymakers, and community members alike. A primary goal of the Board is to understand, through data, the nature of the problem and work collaboratively to develop solutions. As stop data reporting is phased in over the next several years, California law enforcement agencies and the RIPA Board will have the opportunity to analyze stop and complaint data of each agency, together with the agency’s policies, procedures and trainings, to

⁸ Pen. Code § 13519.4, subs. (j)(3) & (F).

⁹ Pen. Code § 13519.4, subd. (h).

¹⁰ Gov. Code § 12525.5.

¹¹ Pen. Code § 13012, subs. (a) & (b).

¹² Pen. Code § 13519.4, subd. (e).

¹³ Pen. Code § 13519.4, subs. (a)(b)(h) & (i).

begin to uncover the policies and practices that may be creating disparities and identify those that have shown promise in preventing or reducing any disparities.¹⁴

The RIPA Board members understand that meaningful change will only occur if all stakeholders are engaged to work collaboratively and constructively. It is in this spirit that the RIPA Board members, who have diverse backgrounds and perspectives, come to the table and offer solutions to strengthen law enforcement-community relations.

What I find amazing is the diverse background of this board and how we have come together and work cooperatively. We may not share the same ideas, values, lives, but we have come together for the purpose of making California a better place.

- RIPA Board Co-Chair, Chief Edward Medrano

The Evolution and the Current Status of Law Enforcement-Community Relations

The RIPA Board’s initial meeting was held on July 8, 2016, which turned out to be a painful week for our country with respect to law enforcement-community interactions. That Tuesday, July 5, Alton Sterling was shot and killed by an officer in Louisiana. Wednesday, July 6, Philando Castile was shot and killed by an officer in Minnesota. And Thursday, July 7, a man opened fire in Dallas during what began as a peaceful demonstration protesting these and other officer-involved shootings. That shooter, who told negotiators he was upset about the recent police shootings of unarmed men of color, targeted police officers, and ended up killing five officers before the shooter was killed by police.

This is the environment in which the RIPA Board began its work, one in which racial tensions run deep. While issues of race and policing are not new, numerous high-profile officer-involved shootings in recent years have again brought police violence against people of color into the national spotlight. As fatal officer-involved shootings were caught on camera and went viral, the Black Lives Matter movement emerged to renew attention to the impact policing has on the lives of people of color. AB 953 was introduced in the California State Legislature to examine these issues, and to unite community members and law enforcement in an effort to develop solutions to eliminate racial and identity profiling in law enforcement.

As the Legislature asserted when enacting AB 953, “The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety.”¹⁵ Equally important, “[r]acial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated. Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law

¹⁴ In order to create a standard set of agencies across which to analyze these datasets alongside agency policies, the universe of agencies discussed in this report is limited to those agencies that are required to submit “stop” data to the Department.

¹⁵ Pen. Code § 13519.4, subs. (d) & (1).

enforcement is sworn to protect and serve.”¹⁶ Elevating both of these assertions, the RIPA Board aims to work with all Californians to continue to improve policing and eradicate profiling.

For all stakeholders, it is imperative to recognize that the circumstances that have created the current environment in law enforcement-community relations extend far beyond the events of the last few years. In California, all peace officers prior to the start of their service, take the Law Enforcement Code of Ethics, stating in part: “As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.”¹⁷ Law enforcement is an honorable profession. Regrettably, however, law enforcement has at times been used to enforce laws that are inherently discriminatory, and any examination of police-community relations today must be contextualized in American history which began with slavery and where racism, discrimination, and prejudice continue.¹⁸ This historical framework underlies the lack of trust that currently exists between law enforcement and communities.

The unsavory truth about the United States is that it was born with inequality at its roots. Africans and African Americans were bought and sold as property, simply because of their skin color. Women were viewed as inferior and the property of men. Native Americans were referred to as “merciless Indian Savages,”¹⁹ and forcibly removed from their lands and in many instances massacred. In more recent history, institutionalized discrimination has persisted through, among other things: Jim Crow laws of the south; segregation laws in California and across other non-southern states; the Chinese Exclusion Act; pervasive laws criminalizing homosexuality;

Telling the truth about history is not political, it's just responsible. We have to tell the story of what has happened and particularly who it happened to and how it has created the construct for where we are now.

-RIPA Board Co-Chair, Reverend Ben McBride

Japanese internment during World War II; “Operation Wetback,” the mass deportation effort of the mid-1950s targeting Mexican nationals; and sexual assault and harassment of women. In the last few decades, the “War on Drugs” brought about an era of mass incarceration, with a severely disproportionate impact on men of color.²⁰ Today, executive actions and statements impacting immigrant communities and targeting individuals from Muslim-majority countries spark fears of deportation and profiling by law enforcement.²¹

¹⁶ Pen. Code § 13519.4, subs. (d)(2) & (3).

¹⁷ Commission on Peace Officer Standards and Training, POST Administrative Manual, PAM Section C, Commission Procedure, C-3, Law Enforcement Code of Ethics (2017).

¹⁸ Aldridge & Daniels, Black Violence and Crime in the 21st Century: A Socio-Historical Structure Analysis (2001) Journal of Human Behavior in the Social Environment, 4, 1-2, p. 139.

¹⁹ Second Continental Congress, United States Declaration of Independence (Jul. 4, 1776).

²⁰ Mauer, The Changing Racial Dynamics of the War on Drugs (Apr, 2009) The Sentencing Project.

²¹This short summary is intended only to highlight a select few important historical events, laws, and policies in the U.S. For additional information, see Balderrama & Rodriguez, Decade of Betrayal: Mexican Repatriation in the 1930s (2006) University of New Mexico Press.; Chin & Tu, Comprehensive Immigration Reform in the Jim Crow Era: Chinese Exclusion and the McCreary Act of 1893 (2016) Asian American L.J. 39.; Goluboff,

Law enforcement did not create these societal circumstances, but law enforcement is – and always has been – tasked with enforcing the laws, no matter how unjust those laws may be. As the President of the International Association of Chiefs of Police (IACP) noted during the IACP’s 2016 annual conference:

*"There have been times when law enforcement officers, because of the laws enacted by federal, state and local governments, have been the face of oppression for far too many of our fellow citizens. In the past, the laws adopted by our society have required police officers to perform many unpalatable tasks, such as ensuring legalized discrimination or even denying the basic rights of citizenship to many of our fellow Americans."*²²

In order to cultivate trust and heal wounds that have been passed down over the course of generations, it is important to understand this background of oppression and discrimination in our society. Many images of police misconduct are seared in the minds of the public: from state troopers beating nonviolent marchers on the Edmund Pettus Bridge during the Civil Rights Movement in 1965, to the beating of Rodney King by the LAPD that was broadcast on national television in 1991, to the cellphone video of Walter Scott being shot and killed by an officer in South Carolina in 2015 as he ran away. As we know too well from watching the news, these types of interactions are not relics of the past; images and videos of similar conduct continue to be captured across the nation, including California. While these incidents do not represent the majority of modern law enforcement and community interactions, their impact on individuals, communities, and the reputation of law enforcement are significant.

Many newer members of law enforcement may understandably feel that they are not and cannot be held responsible for the actions of those that came before them. However, history is inherited, as it lives in the experiences of communities who have learned over time to mistrust the police. Recognizing this history will strengthen the relationship between law enforcement and the communities they serve. Cultivating trust can make all of us, police officers and community members alike, safer.

The stakes are high, but there is significant cause for hope. Efforts across California are already underway to improve relationships. The efforts of the RIPA Board are an example of what can be accomplished when diverse stakeholders work together to achieve a greater good. Through the data to be collected as part of AB 953, and the work of the RIPA Board together with efforts of law enforcement agencies and communities across the state, California has an opportunity to demonstrate to the country that there is a path forward to heal wounds and continue to cultivate mutual trust and respect.

Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s (2016) Oxford University Press.; Rodriguez & Hagan, U.S. Policies to Restrict Immigration in Migration in an Era of Restriction and Recession (2016) Springer International Publishing, pp. 27-38.,

²² Cunningham, Statement by Terrence M. Cunningham on the Law Enforcement Profession and Historical Injustices (Oct. 17, 2016).

Benefits of Using Data

Data Collection Plays a Crucial Role in Identifying, Preventing and Eradicating Racial and Identity Profiling

The subject of racial and identity profiling is one that affects every member of the community, whether it be a peace officer tasked with ensuring public safety or a community member whose life has been touched in some way by an interaction with law enforcement. The collection of data regarding law enforcement interactions with the public is an important way to dismantle preconceptions and address conflicts productively.

The Racial and Identity Profiling Act (AB 953) provides the State of California with an opportunity to adopt an evidence-based approach and analyze data collected regarding law enforcement stops, and use that data to identify any disparities in enforcement and to begin to evaluate the reasons and causes of such differences. The data will also help to facilitate a discussion about any disproportionate impacts that law enforcement actions may have on certain communities and the role of bias, and provide law enforcement and the community with information that can be used to improve law enforcement's interactions with the public where necessary.

Strong public safety comes from good data, and if we do not have comprehensive data that includes both quantitative and qualitative data, I do not think that we have fully fulfilled our charge.

– RIPA Board Member, Alex Johnson

Adopting an evidence-based approach and conceiving of law enforcement agencies as data-driven organizations has numerous and wide-ranging benefits:

1. Increases transparency and can open dialogue between community members with divergent viewpoints and experiences regarding racial and identity profiling, engaging the public to strengthen police-community relations.
2. Informs law enforcement agencies about disparities that might exist in their everyday activities and enforcement actions. If disparities or patterns are observed, the agencies can better understand the nature of these patterns and take the appropriate steps – policy changes, training, etc. – to improve their police practices. Additionally, data may reveal promising practices for enhancing police-community relations and reducing disparities.
3. Provides all stakeholders with insight into law enforcement activities, informing the creation of policies locally and statewide when needed to address any disparities observed, and allowing the public to observe where an agency has demonstrated progress over time in reducing disparities.

By establishing a statewide system to collect and use data to inform decisions about policing, the Racial and Identity Profiling Act provides a measure of accountability that

facilitates oversight and transparency, taking an important step towards increasing trust between the community and law enforcement, which is vital to public safety.

Stop Data

Each year, the RIPA Board must include in its annual report an analysis of the stop data required to be collected and reported to the Department of Justice (Department), as required by AB 953 and the Stop Data Regulations. Additionally, the report must include detailed findings on the past and current status of racial and identity profiling in law enforcement. Since stop data will not be reported to the Department until April 2019, this section of the report: 1) summarizes the information that agencies will have to collect and report on each stop; 2) highlights some evidence-based work that has been conducted to date to help stakeholders understand what is known about this issue; and 3) offers various best practices for agencies to consider as they collect, maintain, and use stop and other data.

Overview of The Stop Data Regulations

In the coming years, the majority of California's law enforcement agencies will begin collecting information on all stops, defined as any detention or search (including consensual searches), conducted by peace officers and reporting this information to the California Department of Justice (Department). This requirement applies to (1) all city and county law enforcement agencies; (2) the California Highway Patrol; (3) all police departments of California state educational institutions (i.e., all police departments of K-12 public school districts); and (4) all police departments of California university institutions (i.e., all police departments on the campuses of the University of California, California State University, and the California Community Colleges). This requirement does not apply to probation officers, and only applies to custodial officers if they make stops in noncustodial settings.

This data collection and reporting will be phased in over the next few years. The largest agencies (with more than 1,000 officers)²³ will begin collecting stop data on July 1, 2018 and reporting to the Department by April 1, 2019. Agencies with 667-999 officers will begin collecting data on January 1, 2019, and report to the Department by April 1, 2020. Agencies with 334-666 officers will begin collecting data by January 1, 2021, and report this data to the Department by April 1, 2022. Finally, the smallest agencies (with fewer than 334 officers) will begin collecting data January 1, 2022, and reporting to the Department by April 1, 2023.

²³ On January 1 of each year until the agency begins reporting data to the Department, each reporting agency shall count the number of peace officers it employs who are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to section 12515.5, subdivisions (a)(1) and (a)(2) of the Government Code and sections 999.224 through 999.229 of California Code of Regulations, Title 11, Division 1, Chapter 19.

We [need] this data so that we can find out more about what is actually going on so that we can implement real data-driven solutions and help make sure that the next 25 years of training, policy, and practice around racial profiling are more effective than the last 25 years.

-Peter Bibring, American Civil Liberties Union of Southern California

Agencies are required to submit data to the Department annually, but will be able to submit on a more frequent basis if they so choose.

In order to implement this data collection and reporting program, the Department was tasked with drafting regulations, which – after two public comment periods, and extensive outreach and significant input from a diverse set of stakeholders, including the RIPA Board – were approved and became effective on November 7, 2017. The regulations specify the reporting requirements and

data that must be collected and reported on each stop, consistent with Government Code section 12525.5 and with the updated definition of “racial or identity profiling:”

“Racial or identity profiling,” for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.²⁴

Information Required to be Reported for Each Stop Under AB 953

The information required to be collected on each stop and reported to the Department includes information about the stop itself, about the person stopped, and about the officer making the stop. Specifically, the officer must report the following:

1. Date, time and duration of stop
2. Location of stop
3. Reason for stop
4. Whether the stop was in response to a call for service (yes/no answer)
5. Actions taken by officer during stop (e.g., curbside detention, handcuffed or flex cuffed, firearm pointed at person, firearm discharged or used, whether a search was conducted [and whether the officer asked for consent to search the person or person’s property, and whether consent was given])
6. Contraband or evidence discovered, if any
7. Property seized, if any
8. Result of stop (e.g., warning, citation for infraction, custodial arrest)

²⁴ Cal. Pen. Code § 13519.4, subd. (3).

With respect to the person stopped, the officer must report his/her own perception, based upon personal observation only (and not through any other means, such as asking the person or referring to identification), regarding the following:

1. Perceived race or ethnicity of the person stopped
2. Perceived age of the person stopped
3. Perceived gender of the person stopped
4. Whether the person stopped is perceived to be lesbian, gay, bisexual or transgender
5. Whether the person stopped is perceived to have limited or no English fluency
6. Whether the person stopped is perceived or known to have a disability

With respect to the officer making the stop, the officer must report:

1. His/her years of experience
2. His/her type of assignment during the stop (e.g., patrol, traffic enforcement, field operations; narcotics/vice, investigative/detective)
3. In addition, the agency is required to track and report to the Department stops by officer through an officer's identification (I.D.) number that they assign to each officer, enabling the state to analyze stops by officer while protecting the identity of officers. To ensure agencies can best leverage this data, agencies must maintain a system to match an individual officer to his or her identification number.

The full list of data elements and values required to be collected under the Stop Data Regulations can be found in *Appendix A*.

When collecting the stop data, officers will select from an extensive list of responses for each of the categories of information, using check boxes in order to ensure that the data collected is uniform for all agencies. When providing the reason for the stop and basis for the search (if one is conducted), in addition to selecting among the list of responses, officers will also be required to complete an explanatory field of no more than 250

characters, in which the officer explains in his/her own words the reason the person was stopped and/or searched. The regulations require that the explanation provided by the officer must include additional detail beyond the general check boxes selected, and that the officer should not include any personally identifying information of the person stopped or of themselves.

The RIPA Board encourages agencies that are collecting (or wish to collect) additional data beyond that required by the stop data regulations to continue this practice. Department staff will be able to offer technical assistance to agencies in order to ensure that it is possible for agencies to collect data beyond that minimally required by AB 953 and its implementing regulations.

We can now begin to use a measurable, psychometric approach to gathering the information to help us look at the problem more intently.

-RIPA Board Member, Pastor J. Edgar Boyd

Special Settings

The regulations also outline the various settings in which, for practical or public safety reasons, officers will not be required to report stops, or will only be required to report stops if the officer takes certain additional actions after stopping the person.

1. *Not reportable*: Stops made during public safety mass evacuations, active shooter events, and as the result of routine security screenings required of all people to enter a building or special event, do not need to be reported. Stops made of a person at their residence who is the subject of a warrant, search condition, home detention, or house arrest are not required to be reported.
2. *Reporting for stops of passengers in a vehicle*: Stops of passengers in a vehicle are only required to be reported if the officer engages in any actions with the passenger that are identified in response to the category for “actions taken by officer during stop,” except for “vehicle impounds” and “none.” For example, if an officer stops a driver with three passengers in the car, the officer is not required to report a stop on the passengers unless the officer takes any of the actions specified, for example, if the officer handcuffs or flex cuffs any of the passengers, the officer would be required to report on that passenger.
3. *Reportable if officer takes any action under “Actions taken by officer during stop:”* Stops that take place in the following settings are only reportable if an officer takes any of the actions, excluding “none,” provided under the category of information entitled “actions taken by officer during stop,” and the person is detained based upon individualized suspicion or personal characteristics. These settings include: (1) traffic control; (2) crowd control; (3) interactions in which people are detained at a residence so an officer can verify proof of age for purposes of underage drinking; and (4) checkpoints or roadblocks in which all people are being detained or people are being detained based on a neutral formula.
4. *Reportable if officer takes specific actions under “Actions taken by officer during stop:”* When officers are executing warrants or search conditions, or on home detention or house arrest assignments, they need only report stops of people in the home who are not the subject of the warrant, etc. if the officer takes any of the following actions against the person: handcuffs or flex cuffs them; arrests them; points a firearm at them; discharges or uses a firearm, uses an electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person; or a K-9 canine bit/held the person.
5. *Stops of students in a K-12 public school are subject to different reporting requirements*: In a K-12 public school, only the following interactions with students are subject to stop data reporting requirements: (1) an interaction resulting in temporary custody, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity; (2) an interaction in which a student is questioned to investigate whether they committed any violation of law, including offenses listed under Education Code section 48900 and including truancy; and (3) any interaction in which an officer takes any of the actions provided under the

category of information entitled “Actions taken by officer during stop,” excluding “none” and excluding searches applied using a neutral formula.

Law enforcement agencies must submit stop data electronically, and will be able to submit this data to the Department in one of three ways. Agencies that collect and store stop data locally will be able to submit data to the Department either through batch uploads or through a web-service interface. The Department is also creating a web-based application, which will enable officers to enter stop data through a web-browser. To ensure that agencies are prepared to begin collecting and submitting stop data on schedule, the Department is currently engaged in outreach efforts to all agencies that will start collecting stop data in July 2018, and additional workshops and outreach is being planned.

There are different methods for analyzing stop data. *Appendix B* includes a discussion of some factors to consider and spells out the pros and cons of different approaches to the analysis of stop data. It includes some preliminary suggestions on how to analyze the stop data that will be collected under AB 953.

What Evidence-Based Work Has Already Been Done?

With the passage of AB 953, California’s law enforcement agencies have a tremendous opportunity to embrace a data-driven approach to policing – an approach that has been utilized and has yielded invaluable information, albeit on a smaller scale, in some jurisdictions throughout the country and California.

Recently a lot of attention has been paid to fatal and encounters involving serious force,²⁵ but routine police encounters are worthy of attention because these everyday experiences can build or erode trust between police and the community.²⁶ Routine stops are also the most common interaction the public has with the police. A report released by the Bureau of Justice Statistics (2011) shows that 26% of the U.S. population 16 years of age and older had an interaction with the police in the last 12 months and 42% of those interactions were traffic stops.²⁷

The evidence-based research executed to date, and in particular studies with the highest level of scientific rigor, have revealed significant disparities in policing activities in cities in California. Similar findings tend to replicate across the country. In Oakland, California, Stanford University researchers conducted a multi-year comprehensive analysis of 28,000 stops made by the Oakland Police Department (OPD). Overall, they found a consistent pattern of racial disparities in the community members stopped, handcuffed, searched, and arrested by the OPD. Importantly, these disparities remained even after the researchers took into account a wide range

²⁵ Lowery, *They Can't Kill Us All: The Story of Black Lives Matter* (2017) Penguin Books Limited.

²⁶ Maynard-Moody & Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (2014) Chicago: The University of Chicago Press.

²⁷ Department of Justice, Bureau of Justice Statistics, Langton and Durose, *Police Behavior during Traffic and Street Stops*, 2011. (2013).

of factors known to affect police decision-making, such as neighborhood crime rates and the racial demographics of the neighborhood where the stop took place.²⁸

The trend of racial disparities in stops appears to continue across the nation. Stanford researchers in computer science and engineering, in an effort to use data to understand and improve public policy, launched the Stanford Open Policing Project.²⁹ In an analysis of more than 60 million stops conducted by state highway patrol agencies in 20 states, the researchers found that African American drivers are stopped more often than White drivers, relative to their share of the driving-age population; Hispanic drivers are stopped at similar rates as Whites across jurisdictions and statistically less often than Whites when controlling for various factors. Among stopped drivers, and after accounting for age, gender, and the time and location of the stop, African American and Hispanic drivers are more likely to be ticketed, searched, and arrested than White drivers.³⁰

Recognizing that, “Such disparities may stem from a combination of factors – including differences in driving behavior – and are not necessarily the result of racial bias,”³¹ the researchers also examined search and search recovery (i.e., hit) rates. They found that – after controlling for the location, date and time of the stop plus the age and gender of the driver – African American and Hispanic drivers have approximately twice the odds of being searched relative to White drivers. Moreover, statistical tests indicated that the bar for searching African American and Hispanic drivers is lower than the bar for searching White drivers, suggesting that officers might be searching African American and Hispanic drivers on the basis of less substantial evidence.

A similar pattern of racial disparities in enforcement actions has also been found in cities and states across the country, including in Boston;³² Chicago;³³ Greensboro, North Carolina;³⁴

²⁸ Hetey, Monin, Maitreyi, & Eberhardt, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (2016), Stanford SPARQ.

²⁹ The Stanford Open Policing Project. (2017) < <https://openpolicing.stanford.edu/>> [as of Dec. 14, 2017].

³⁰ Pierson, Simoiu, Overgoor, Corbett-Davies, Ramachandran, Phillips, & Goel, *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States* (2017) Working Paper.

³¹ *Id.* p. 1.

³² ACLU Foundation of Massachusetts & the National ACLU Racial Justice Program, *Black, Brown, and Targeted: A Report on Boston Police Department Street Encounters from 2007-2010* (2014).

³³ United States Department of Justice Civil Rights Division & United States Attorney’s Office Northern District of Illinois, *Investigation of the Chicago Police Department* (Jan. 13., 2017).

³⁴ LaFraniere & Lehren, *The Disproportionate Risks of Driving While Black*, *New York Times* (Oct. 24, 2015).

Ferguson, Missouri;³⁵ Los Angeles;³⁶ New York City;^{37, 38} and New Jersey.³⁹ In the U.S. Department of Justice’s (U.S. DOJ) investigation into the Ferguson Police Department (FPD) they found, “African Americans experience disparate impact in nearly every aspect of Ferguson’s law enforcement system. Despite making up 67% of the population, African Americans accounted for 85% of FPD’s traffic stops, 90% of FPD’s citations, and 93% of FPD’s arrests from 2012 to 2014.”⁴⁰ Additionally, U.S. DOJ’s investigation of the Ferguson Police Department found substantial evidence that the disparate impact is in part attributed to intentional discrimination.

It is important to note, however, that the observation of disparities does not necessarily serve as proof of bias or profiling. The term “disparity” means that there is some observable difference between the likelihood of a given outcome for different groups (for example, the likelihood of being pulled over or of being searched during a traffic stop). Additionally, the observation of disparities does not establish what may *cause* that difference, and there is no agreed upon way to decide when a difference is reason for concern and when it is not.

This is where California’s new stop data collection and reporting program will become so elucidating. If the specific information collected reveals disparities in the frequency that certain demographic groups are stopped, the actions taken against those groups during a stop, or the outcomes of the stops at a given law enforcement agency, that agency will be able to use this and other data to begin to understand *why* those disparities are occurring.

[By collecting data], we are a lot better off... We have a better understanding of what activities our officers are engaged in, we are able to do a better assessment of the risk, we are able to really look at the impact they are having on the community, particularly in minority communities.

-Deputy Chief LeRonne
Armstrong, Oakland Police

For example, an agency may be able to use the information to determine whether the observed disparities are attributed to agency policies, protocols, or other systemic issues; whether they are the result of stops and activities by a small percentage of officers; and whether any part of the disparities can be explained by legitimate policing activities. Equipped with this data, agencies will have the information needed to more fully understand the nature of how race and identity may affect policing in their jurisdiction, and, by extension, help inform the types of interventions they develop to improve policing at their agency.

³⁵ United States Department of Justice, Civil Rights Division, Investigation of the Ferguson Police Department (Mar. 4, 2015).

³⁶ Ayres & Borowsky, A Study of Racially Disparate Outcomes in the Los Angeles Police Department (2008) Prepared for the ACLU of Southern California.

³⁷ Goel, Rao & Shroff, Precinct or Prejudice? Understanding Racial Disparities in New York City’s Stop-and-Frisk Policy (2016) *The Annals of Applied Statistics*, 10, 1, p. 365-394.

³⁸ Dunn, Stop-and-Frisk 2012 (2012) New York Civil Liberties Union.

³⁹ Fagan & Geller, Profiling and Consent: Stops, Searches and Seizures after *Soto* (Jul. 16, 2010) 5th Annual Conference on Empirical Legal Studies Paper.

⁴⁰ United States Department of Justice, Civil Rights Division, Investigation of the Ferguson Police Department (Mar. 4, 2015) p. 4.

Best Practices for Agencies when Maintaining, Analyzing and Using Stop and Other Data

As law enforcement agencies prepare to collect stop data, the RIPA Board encourages all stakeholders to think beyond the specific data collection mandated by the regulations. The implementation of AB 953 provides a much larger opportunity to put forth a vision for the future of law enforcement agencies as data-driven, evidence-based organizations. To that end, it is worth considering what kinds of best practices to develop and put in place for how agencies should ideally maintain, analyze, and make use of stop data and other kinds of data. It is also worth noting at the outset that the recommendations below are purposely forward-looking.

Realistically, based on size, resources, and starting point, these recommendations may be more or less feasible for different law enforcement agencies across the state, and appropriate funding mechanisms should be identified to fund such efforts, thereby allowing agencies to realize the potential benefits of data. Nevertheless, all law enforcement agencies at any stage in the process of data collection, analysis, and usage can benefit from considering these best practices. Additionally, the California Department of Justice's California Justice Information Services (CJIS) Division may be able to provide infrastructure assistance to help law enforcement agencies achieve some of these objectives.

Make Data Accessible Across Systems

By handling and storing each data set separately, agencies make it difficult, if not impossible, to link various types of data that are collected across their organization. By preserving the ability to link and easily connect and access multiple datasets, law enforcement agencies can create rich databases.

In particular, agencies can begin to build a comprehensive electronic dashboard or display of stop and post-stop activity and examine, for instance, how changing agency policies or practices may affect the number of stops on a particular day or the trajectory of search recovery rates or arrest rates over time. For example, as one of the recommendations resulting from a multiyear partnership between Stanford University and the Oakland Police Department (OPD), the OPD began tagging body-worn camera footage of self-initiated stops with an incident number.⁴¹ This allowed the OPD and researchers to more easily link data about stops with the footage of what took place during those stops. Without rigid limitations and structures imposed on data that are collected and stored, data collection can be more fully harnessed as a tool to understand and inform policing decisions.

Automate Stop Data Analyses

By building systems that can automate the analysis of data collected under AB 953, law enforcement agencies are more likely to rely on that information in real-time and gain insight on the impact of their law enforcement activity on the community as it unfolds. Otherwise, it may take months or years to analyze this data internally, which can blunt an agency's ability to respond to on-the-ground conditions and amend their ongoing activities, if needed. Stop data

⁴¹ For more information, see: Eberhardt, *Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, CA.* (2016) Stanford SPARQ.

might also be included in an agency's analyses as part of risk management systems and is an important source of information that may aid in the early detection of problematic conduct.

Analyze Data Over Time

By adopting a more long-term focus and approach in analyzing data, law enforcement agencies can begin to capture trends over time. This is important internally for assessing whether organizations are meeting their goals, and whether certain policy changes, initiatives or interventions are having their intended impact. Capturing change over time is necessary to remain accountable to the public, which often wants to know whether and how law enforcement strategies may be improving and evolving. Law enforcement agencies will have access to all data submitted by their agency to the Department, and can review this data to note progress and areas for improvement. The system to be built by the Department will be designed to allow permissioned users to easily download in bulk the data submitted by their agency.

Collaborate with Data Partners

There are a lot of steps and know-how in learning to analyze, manage, and use data. In certain cases, it is more efficient to take advantage of the expertise of those already well-versed in the use of data. One specific suggestion is to hire a data manager. At some law enforcement agencies, there are dedicated crime-rate analysts. Having someone to monitor data on stops and police-community relations could be an extension of this practice. This staff member could take charge of the maintenance of databases, requests for data, expanding data collection efforts, and potentially could serve as the point person for research collaborations and media requests for data. Another suggestion is to partner with researchers to analyze data and to collect additional data wherever possible. A team of researchers, for example, could design carefully controlled experiments to test the effects of new law enforcement strategies or specific efforts to improve police-community relations.

Civilian Complaint Policies and Procedures

In addition to analyzing the stop data reported to the Department, the RIPA Board's annual report must also include an analysis of the citizen complaint data reported to the Department and a review and analysis of policies relevant to racial and identity profiling. This section of the report discusses the importance of effective complaint procedures in cultivating community trust, and includes: 1) an analysis of the 2016 complaint data submitted to the Department; 2) a summary of the results of a survey the Board distributed to law enforcement agencies to understand their complaint policies and procedures; and 3) provides some recommendations and best practices for agencies to consider in regards to their complaint procedures.

To meet the goals of AB 953, it is critical that each law enforcement agency across the state ensure that it has accessible and well-formulated civilian complaint policies and procedures. All law enforcement agencies, no matter how well they are run, are likely to be the subject of complaints. Law enforcement agencies must have reliable, transparent mechanisms by which to receive, investigate, and resolve complaints about alleged peace officer misconduct, particularly those involving racial or identity profiling. Both anecdotal and hard data received through civilian complaints will help law enforcement agencies identify and redress potential problems in policing.

Written and thorough civilian complaint procedures can provide a myriad of benefits to a law enforcement agency and the community at large. First, communities who feel they have been subjected to racial or identity profiling need to feel there is a fair, accessible mechanism by which their grievances can be addressed. By creating robust civilian complaint procedures, law enforcement agencies can help fortify trust with their communities.

There was a young woman who spoke during the public comment and what gave me concern as a peace officer in California is it has changed her life for the rest of her life. It gives me great concern that we probably have lost someone who could work within the community to assist us.

-RIPA Board Member, Mike Durant

Second, having civilian complaint procedures that are easily accessed by the community will also provide law enforcement with the opportunity to receive feedback and help root out and address potentially problematic practices within their ranks. If there are officers who are the subject of multiple complaints, they can be identified for training and intervention. Trends in complaints can be tracked to help shape policy within an agency. Indeed, many law enforcement agencies have begun to regard civilian complaint data as important “management information.”⁴² In other words, even when complaints are not sustained, they can provide extremely useful information about performance that can be utilized to examine agency and individual officer performance.⁴³

Third, being receptive to civilian complaints allows law enforcement to strengthen their relationship with their communities. Distrust and resentment often exist among communities who feel marginalized by law enforcement. To heal these divides, it is imperative that law enforcement agencies demonstrate that from investigation to resolution, civilian complaints are heard, taken seriously, and pursued with professionalism and thoroughness.

Overview of Civilian (Citizen) Complaint Data Reported to the Department

Since 1981, state and local law enforcement agencies that employ peace officers in California have reported summary information annually on the number of citizen complaints they receive to the Department. Historically, this data has included the number of non-criminal complaints and complaints alleging criminal conduct of either a felony or misdemeanor, and the

⁴² Walker & Archibold, *The New World of Police Accountability* (2014) Sage Publications, Inc., p. 104.

⁴³ *Id.* pp. 104-105.

number sustained in each category. Until 2017, the Department published statistics at the statewide level only, not by individual agency.

Beginning January 2018, an amendment to Penal Code section 13012 will take effect, to refer to the data under this section as “civilian complaints” rather than “citizen complaints.” The terms may be used interchangeably throughout this report, since to date this data set has been referred to as citizen complaints. The passage of AB 953 expanded the complaints information collected pursuant to Penal Code section 13012 to require that agencies also collect and report complaints alleging racial or identity profiling, including the specific type(s) of profiling alleged: based on race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability. Further, in addition to providing the total number of non-criminal, misdemeanor, felony, and racial or identity profiling complaints reported, under AB 953, agencies must also report the following disposition categories: sustained, exonerated, not sustained, unfounded, or pending.

Key Terms

Reported: the number of civilian complaints reported for the statistical year

Sustained: the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of evidence

Exonerated: the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy

Not sustained: the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint

Unfounded: the investigation clearly established that the allegation is not true

Pending: the number of complaints reported in this year that are still pending

Moreover, AB 953 also required that the Department begin publishing all complaint data by individual law enforcement agency. Agencies were required to begin collecting complaints under this new schema beginning in January 2016, with the new data reported to be included in the Department’s [2016 Crime in California report](#).

In December 2015, the Department released an [information bulletin](#) to law enforcement agencies to notify them of the new requirements, and provide a copy of the updated [data collection form](#). To ensure accurate reporting to the Department, the bulletin advised agencies that they, “...should explicitly inquire on their citizen complaint forms whether the complainant alleges racial or identity profiling and if so, the specific types(s) of racial or identity profiling alleged.”

It is important to note, however, that developing policies and procedures for collecting information regarding complaints against peace officers is at the discretion of each law enforcement agency (See e.g., Pen. Code, § 832.5). Therefore, each law enforcement agency has the latitude to implement their complaint programs and outreach differently, which could affect the number of complaints they receive.

Care should be taken when comparing data across law enforcement agencies. Differences in numbers of complaints may be associated with peace officer actions in some cases, but may also be due to a variety of factors. For example, if one agency has a process that makes it easier for civilians to file complaints than does another comparable agency, a difference between the numbers of complaints each agency receives could be due to the difference in complaint processes between the agencies rather than, or in addition to, the conduct of their peace officers.

This also applies to agencies that receive and report no complaints in a given year. Peace officer actions that may result in a complaint being reported in some jurisdictions could go unreported in other jurisdictions due to intervening factors. Factors, such as agency policies or staffing resources within the units assigned to processing and investigating complaints, may also affect the disposition of complaints after they are reported. Over time the collection of complaint information will hopefully become more standardized as the RIPA Board works with California's law enforcement agencies to use more consistent protocols and an exemplar complaint form.

Overview of Data Examined

For purposes of this report, and in order to provide consistency, the civilian complaint data discussed below is limited to the agencies that are also subject to stop data reporting requirements under AB 953. This includes city or county law enforcement agencies, the California Highway Patrol, and the law enforcement agencies of the University of California, California State Universities, California Community Colleges, and K-12 school districts. Of the 463 agencies required to report stop data, 451 submitted civilian complaint data in 2016. Data for the full set of agencies that reported civilian complaint information in 2016, including agencies not subject to stop reporting requirements, (e.g. District Attorney's Offices, Probation Departments, Coroner's Offices, and the California Employee Development Department) is available at <https://oag.ca.gov/ab953/board>.

Civilian Complaints for Stop Data Reporters Statewide

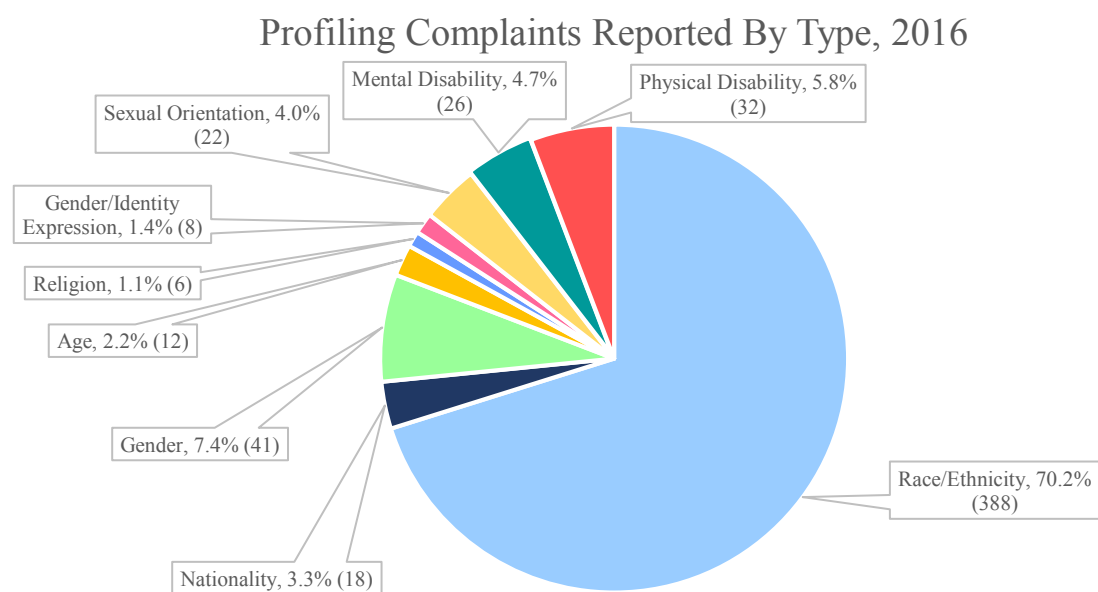
For the 2016 calendar year (i.e., January 1 to December 31, 2016), the 451 stop data reporting agencies that also submitted civilian complaint data reported a total of 9,625 complaints. Of these complaints, 8,670 (90.1%) were for noncriminal conduct, 625 (6.5%) were for conduct that constitutes a misdemeanor offense, and 330 (3.4%) were complaints for conduct that constitutes a felony offense. Of the complaints that reached a disposition during the 2016 calendar year, 911 (11.8%) were sustained, 1,744 (22.5%) were not sustained, 1,381 (17.8%) were exonerated, and 3,712 (47.9%) were unfounded. It should be noted that complaints do not always reach a disposition during the same year in which they are reported.

For example, if the outcome of a complaint was pending in 2015 and resolved as sustained in 2016, this complaint would be reported in 2016 as sustained, even though it was among the complaints reported in the previous year. In other words, given the manner in which data is currently submitted, it is not possible to track complaints by year, as the year in which a

resolved complaint was originally reported is unknown. Therefore, it is likely that a portion of the 2016 complaints that reached a disposition are for complaints reported prior to 2016.

Out of 451 agencies, 64 (14.2%) reported zero complaints, and 331 (73.4%) reported zero complaints alleging racial or identity profiling. Stop data reporting agencies, as a group, reported 514 complaints alleging racial or identity profiling for the 2016 calendar year. *Figure 1* breaks down the complaints of racial or identity profiling by type of profiling. It is important to note that one civilian complaint may contain allegations of multiple types of profiling, which is why the sum of all profiling complaints reported by type (553) is not equal to the number of complaints alleging profiling (514). For example, a person may submit one complaint stating that they were profiled because of their race and their age. In this example, the complaint would be counted as a complaint alleging profiling based upon the person's race *and* it would also be counted as a complaint alleging profiling based upon the person's age. Therefore, numbers in *Figure 1* should not be interpreted to mean the discrete number of complaints, because this would serve to over count the number of individual complaints received by the reporting agencies.

Figure 1



Agency-Level Data Snapshot

For the 2016 calendar year, California's largest law enforcement agencies, employing more than 999 peace officers (excluding custodial officers), reported the information provided in *Table 1* below, including the number of complaints reported and the number of complaints reported alleging racial or identity profiling. The number of sworn personnel each agency employed and the number of calls for service that each agency responded to in 2016 provide contextual information by which to understand the volume of complaints.

The data regarding each agency's number of calls for service in 2016 was provided by law enforcement agencies in response to a survey conducted by the RIPA Board in October of 2017, discussed in greater detail below. Agencies that did not respond to the survey or filled out the survey without providing their number of calls for service do not have values for this column of *Table 1*.

Table 1

Agency	Complaints Reported	Profiling Complaints Reported	Sworn Personnel	Calls for Service
California Highway Patrol	349	22	7,197	2,400,000
Los Angeles County Sheriff's Department	920	1	9,316	1,219,319
Los Angeles Police Department	1,997	52	9,850	.
Riverside County Sheriff's Department	70	1	2,003	.
San Bernardino County Sheriff's Department	175	19	1,855	717,076
San Diego County Sheriff's Department	13	3	2,569	.
San Diego Police Department	129	8	1,815	.
San Francisco Police Department	251	23	2,296	.

Table 2 displays the same information as *Table 1* for California's medium – large agencies, (with between 334 and 999 non-custodial sworn personnel), which responded to the question regarding the number of calls for service their agency responded to in 2016 on the law enforcement survey.

Table 2

Agency	Complaints Reported	Profiling Complaints Reported	Sworn Personnel	Calls for Service
Anaheim Police Department	23	4	408	194,000
Oakland Police Department	1,197	41	750	559,000
Orange County Sheriff's Department	10	0	1,745	890,000
San Jose Police Department	278	51	939	310,000

The majority, 427, of California's law enforcement agencies required to submit stop data have fewer than 334 non-custodial sworn personnel. Among these 427 agencies, 64 (15.0%) reported zero complaints in 2016. Of the remaining 363 smaller agencies that reported one or more complaints in the 2016 data, 76 provided the RIPA Board with the number of calls for service their agency responded to in 2016.

Table 3 shows the information provided in the two preceding tables for a sample of 14 agencies from these 76 agencies with no missing values for the relevant data fields. In order to obtain a geographical representation of agencies from around the state, the 14 agencies represent a random sample stratified to include two agencies from each of the seven Office of Emergency Services planning zones shown in Figure 2.

Figure 2

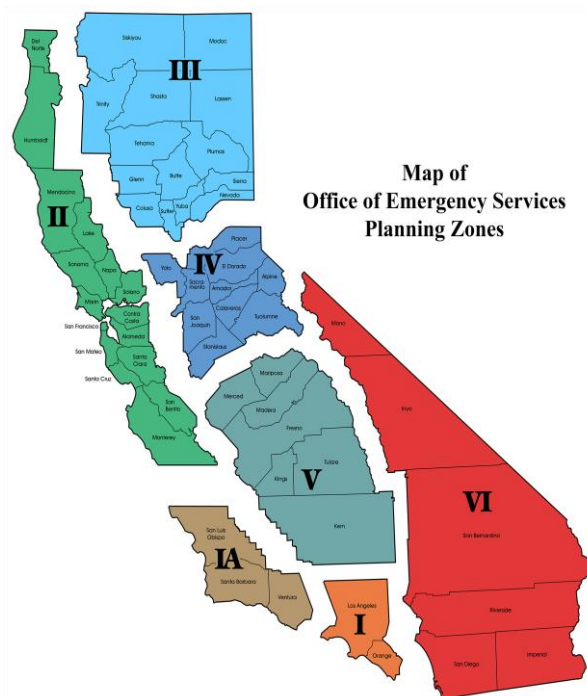


Table 3

Zone	Agency	Complaints Reported	Profiling Complaints Reported	Sworn Personnel	Calls for Service
1	El Monte Police Department	12	0	108	59,000
1	Monterey Park Police Department	2	0	69	52,000
1A	Atascadero Police Department	12	1	28	24,998
1A	Port Hueneme Police Department	4	0	21	10,000
2	Campbell Police Department	5	1	42	35,380
2	Healdsburg Police Department	4	0	17	7,831
3	Susanville Police Department	6	0	17	8,767
3	Weed Police Department	3	0	8	7,040
4	Jackson Police Department	1	0	10	8,346
4	Roseville Police Department	3	0	125	80,559
5	Huron Police Department	1	0	10	2,000
5	Kings County Sheriff's Office	4	0	75	33,746
6	Chula Vista Police Department	15	3	225	68,518
6	Inyo County Sheriff's Department	8	0	35	12,993

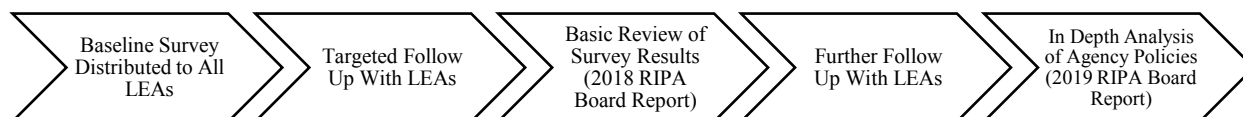
The above tables are intended to provide the reader with a snapshot of the data for agencies of different sizes. The data for all agencies are available at <https://oag.ca.gov/ab953/board>.

October 2017 RIPA Board Survey Sent to Law Enforcement Regarding Civilian Complaint Policies and Practices

In response to its charge mandated by AB 953, the RIPA Board developed a survey to distribute to California law enforcement agencies that are also subject to stop data reporting. Agencies were asked to participate in the survey to assist the RIPA Board in gathering information on law enforcement agencies' current policies and practices relevant to racial and identity profiling, efforts to enhance law enforcement-community relations and reduce bias in policing, and policies and methods for receiving civilian complaints.

The survey was not intended to be a fully comprehensive review or a systematic analysis of agency policies, trainings, and procedures. Rather, the survey results serve to provide a baseline understanding of what measures are already being taken to combat and prevent racial and identity profiling in law enforcement, and to provide context for future analysis and comparison efforts by the RIPA Board. The summary below provides a broad overview of the responses received; the RIPA Board plans to engage in a deeper analysis of agency policies, procedures, and trainings in future reports. For a graphic overview of the survey process, please see *Figure 3*.

Figure 3



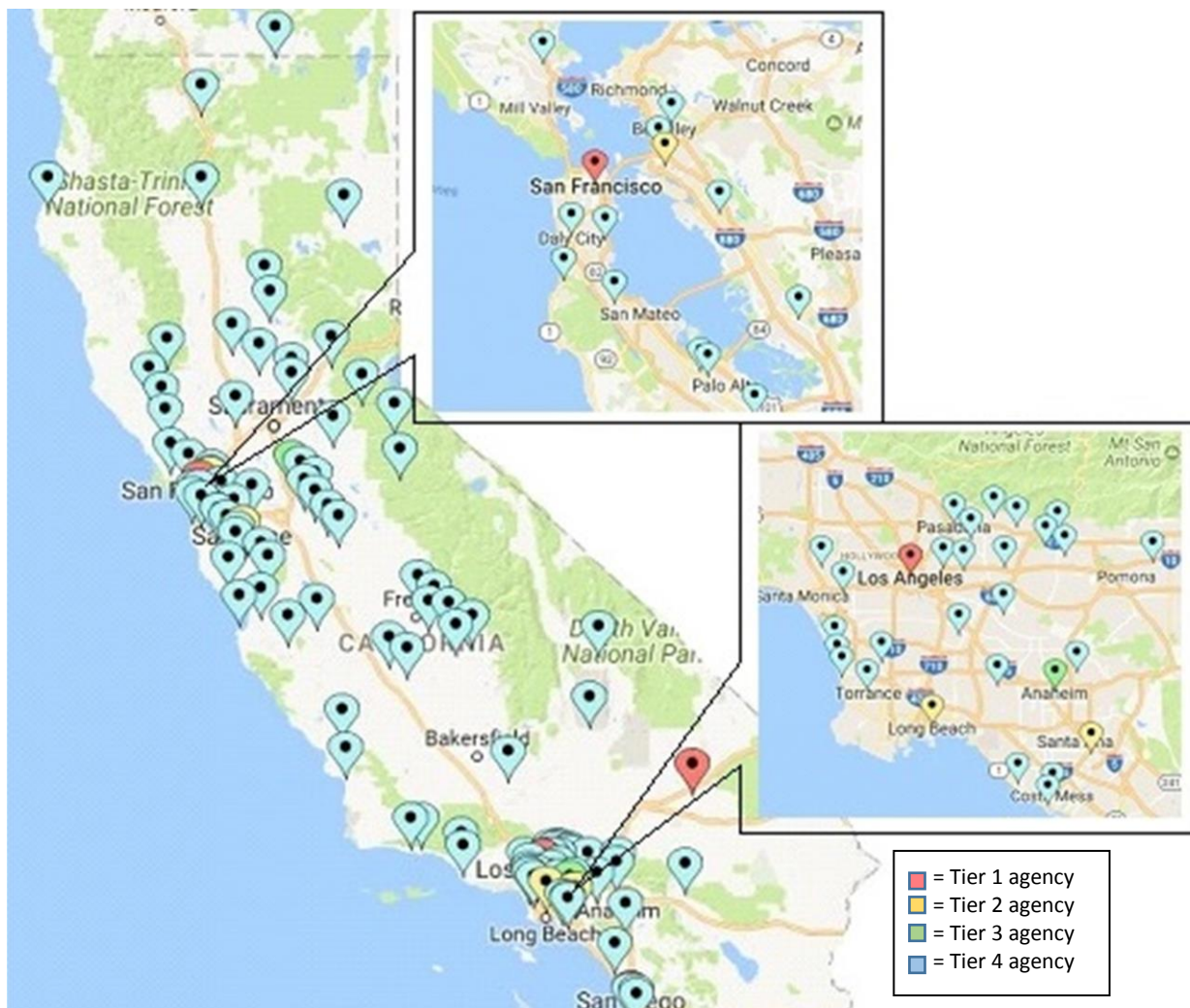
The survey questions were drafted by two subcommittees of the RIPA Board: the State and Local Policies and Accountability Subcommittee and the Citizen Complaints Subcommittee. The final survey can be viewed in *Appendix C*. On October 5, 2017, the survey was sent out to 425 law enforcement agencies (LEAs) from across the state, including the CHP, police departments, sheriffs' offices, and University of California and California State University law enforcement agencies^{44,45}

Agencies were given approximately two weeks to complete the survey online. Department staff completed targeted follow up with points of contact for each agency to ensure that the survey requests reached all applicable agencies. In total, 114 agencies submitted completed surveys: 7 of the 8 agencies employing more than 999 non-custodial peace officers (Tier 1); 6 of the 16 agencies employing between 334 and 999 non-custodial sworn personnel (Tiers 2 & 3); and 101 agencies with fewer than 334 non-custodial sworn personnel (Tier 4). For a graphic representation of the geographic locations of the responding agencies, see *Figure 4* below.

⁴⁴ Among those required to report stop data, this year's survey was not sent to community college or K-12 school district police departments.

⁴⁵ For a full list of the agencies the survey was sent to, please contact DOJ staff at AB953@doj.ca.gov

Figure 4



Civilian Complaint Intake and Tracking

The survey asked 16 specific questions to gather information on agencies' civilian complaint policies, as well as methods by which agencies accept complaints and inform their constituents about the ability to make a complaint. The agency responses were compiled and reviewed; no stark contrasts were observed between the answers provided by agencies of different sizes. Below is a summary of the responses received. To view the agency-specific responses to a selection of the questions, organized from largest to smallest agency, please refer to *Appendix D*.⁴⁶

Of the 114 responding agencies, 109 (96%) indicated that they accept civilian complaints through a complaint form and 94 (82%) respondents indicated that they receive civilian complaints through intakes by officers or staff. In other words, many agencies stated that they receive complaints both by form and in person. Agencies also indicated that they receive

⁴⁶ Full agency responses are available upon request at AB953@doj.ca.gov.

complaints by phone, e-mail, mail, online, through social media, via text, at other government agencies (e.g., public libraries), through the agency's internal affairs office, through a community review board, through the agency's Human Resources Department, and through a civilian police review commission, among others. Approximately 95% of agencies indicated that they accept complaints from anonymous and third party complainants, and 92% indicated that they accept complaints from complainants with limited literacy.

In addition to responding to questions regarding whether the agency has a policy, agencies were asked to provide copies of their corresponding civilian complaint policies. In reviewing these submissions, it was determined that 78% of these policies were developed by Lexipol, a private company that provides law enforcement agency policy and training manuals and documents that reflect federal and state statutes, case law, regulation, and best practices.⁴⁷

Not all of the policies provided included the same version of the Lexipol policy; this is likely explained by how recently the agency had updated its policy. Given that so many agencies use Lexipol, the RIPA Board may look to work with Lexipol in the coming years to systematically implement policy improvements, and effectively impact a broad range of Lexipol client agencies.

In response to whether their agency has any mechanisms to evaluate adherence to and effective implementation of these policies, many agencies cited supervisory review, internal affairs review, and a regular internal audit or review of the policy.

Based on an overview of the 85 civilian complaint forms included in the survey responses, 83 forms (99%) featured a section in which the complainant can write a narrative of the incident or allegation; 15 forms (18%) asked specifically if the allegation deals with racial or identity profiling; 13 forms (15%) listed the types of profiling a complainant might allege, such as gender, religion, or race; and four forms (5%) asked a question about bias or discrimination more broadly (see *Figure 5*). None of the attached forms provide a definition of bias, discrimination, or racial and identity profiling. 53 forms (63%) included language informing the civilian of his/her right to file a complaint and many featured this same stock language:

"You have the right to make a complaint against a police officer for any improper conduct. California Law requires this agency to have a procedure to investigate citizen's complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an office behaved improperly. Citizen complaints and any reports or findings related to complaints must be retained by this agency for at least five years. Individuals who knowingly make malicious, false allegations against an employee may subject themselves to legal action."

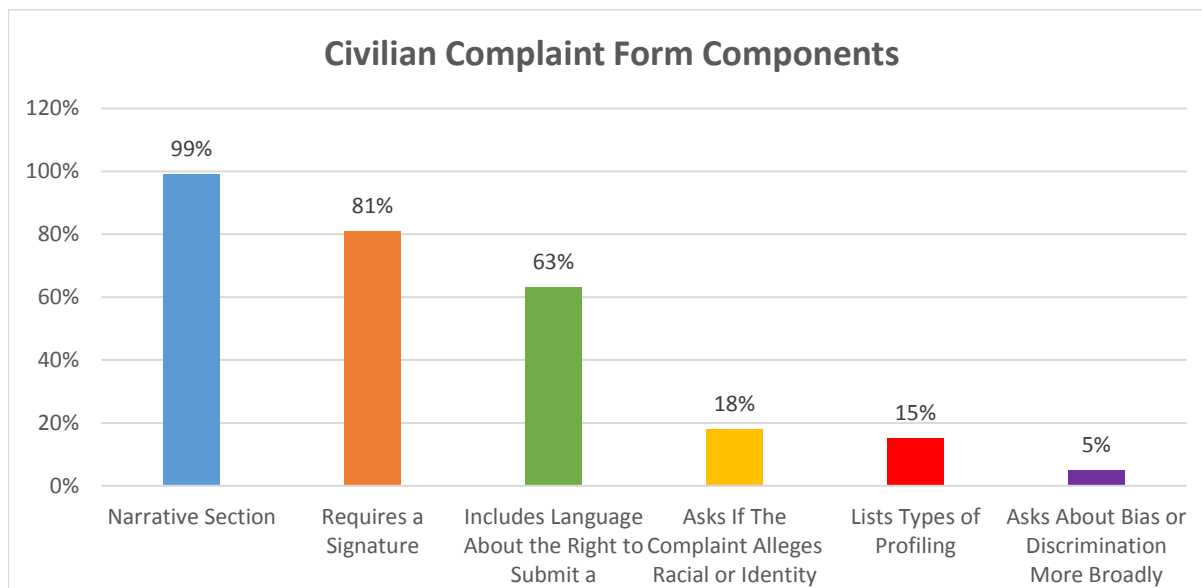
While approximately 95% of agencies reported that they accept anonymous complaints, 81% of the forms provided include a line for the complainant's signature, typically to confirm that they have read and understand the statement copied above. To the extent that an agency

⁴⁷ For more information on Lexipol, please see <http://www.lexipol.com/>.

requires a complainant sign the form, this would undermine a stated policy that a complainant can make a complaint anonymously.

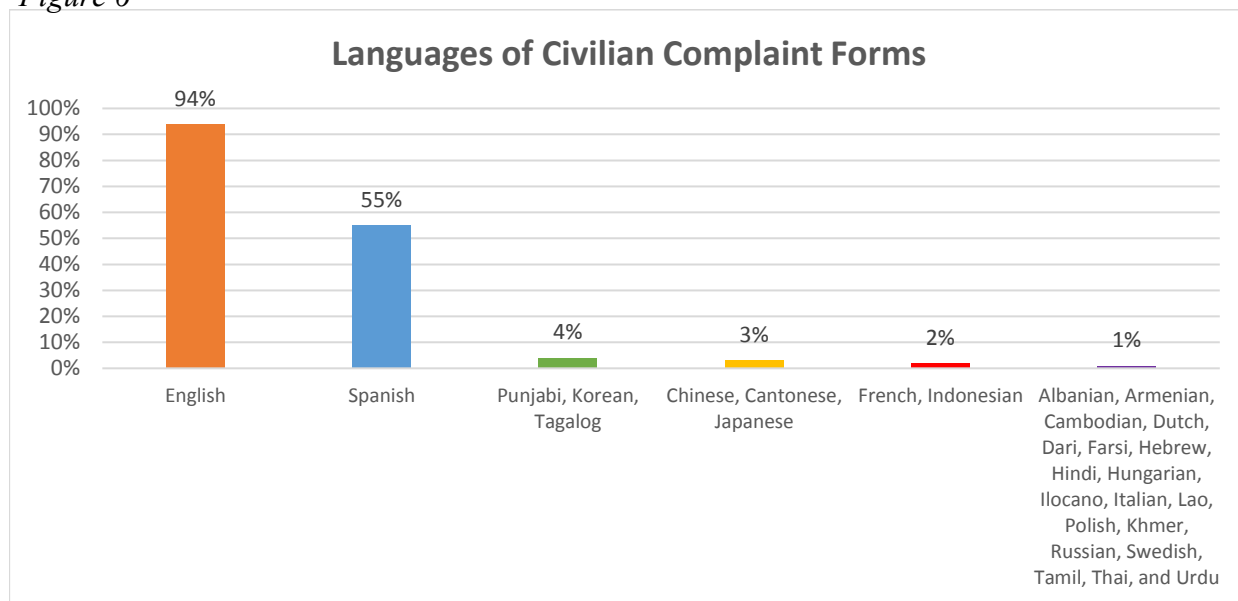
Additionally, one form asked the complainant if they would accept being audio recorded and another asked if they would be willing to participate in a polygraph test.

Figure 5



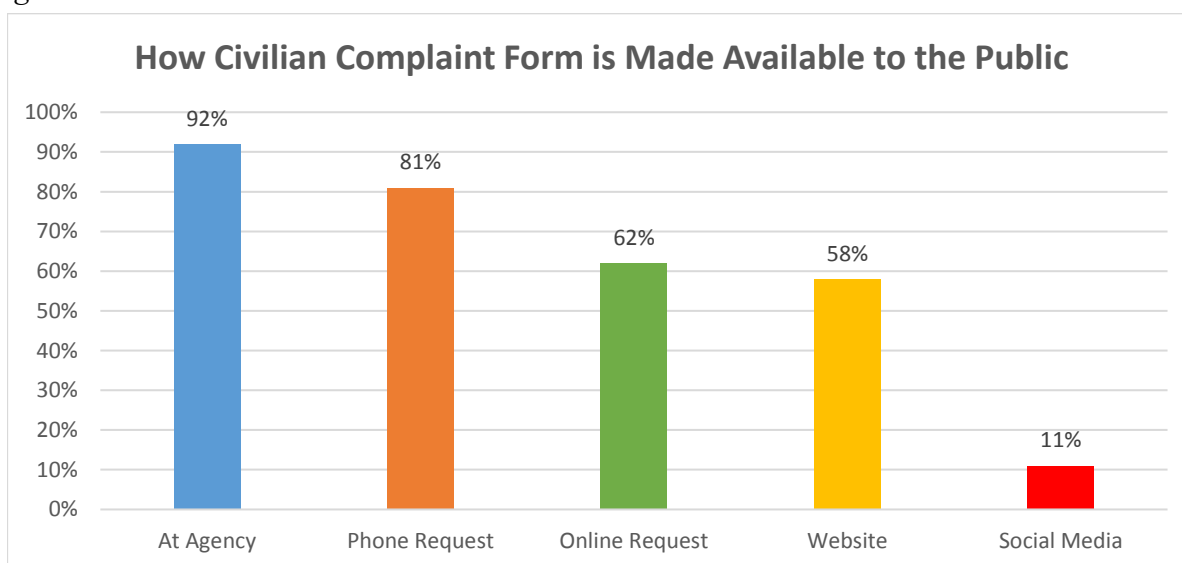
91 agencies (97%) stated that they would accept complaints from those with limited English proficiency, many citing the use of an external translation service or the use of an on-staff translator. Of the agencies that indicated that they use civilian complaint forms, 54 (56%) said the form is also available in Spanish. Other languages in which agencies reported their form is available include, in order of frequency: Punjabi, Korean, Tagalog, Chinese, Cantonese, Japanese, French, Indonesia, Albanian, Armenian, Cambodian, Dutch, Dari, Farsi, Hebrew, Hindi, Hungarian, Ilocano, Italian, Lao, Polish, Khmer, Russian, Swedish, Tamil, Thai, and Urdu (see *Figure 6*).

Figure 6



When asked how the form is made available to the public, 105 of the responding agencies (92%) said it is available physically at the agency, 92 (81%) said it is available via phone request, 71 (62%) said it is available via online request, 66 (58%) said it was available on the agency's website, and 12 (11%) said it is available via social media (see *Figure 7*).⁴⁸ Some agencies said that the complaint form can also be obtained via e-mail, fax, through a request made to a civilian review board, or physically at city hall, public libraries, City Clerk's office, or an agency's Human Resources Department.

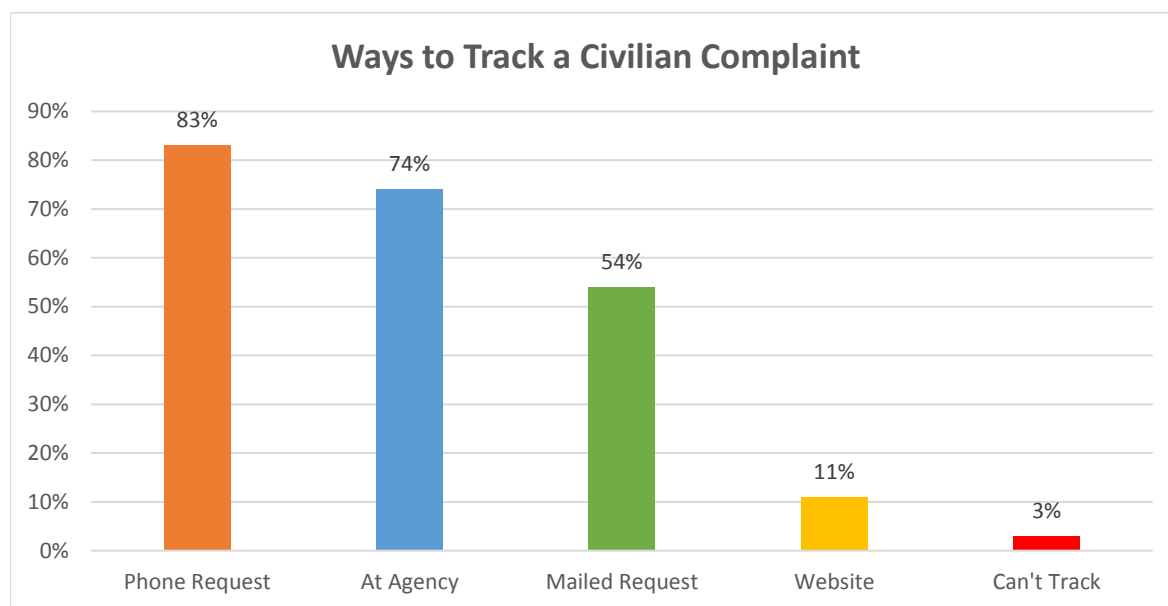
Figure 7



⁴⁸ Agencies can indicate multiple ways through which the civilian complaint form is made available to the public.

When asked how a complainant can track the status of his or her complaint, 95 (83%) of the responding agencies said that a complaint can be tracked via a phone update, 84 (74%) said a complaint can be tracked by physically visiting the agency, 62 (54%) said that a complaint can be tracked via a mailed update, 13 (11%) said that a complaint could be tracked on the agency's website, and three (3%) said that complaints cannot be tracked at all (see *Figure 8*). A few agencies added that the complaint can also be tracked via e-mail.

Figure 8



General Recommendations

The RIPA Board sets forth the following recommendations to law enforcement agencies (LEAs) with respect to civilian complaint policies and procedures. These recommendations are by no means exhaustive, but rather reflect some best practices. To the extent that agencies have existing policies/practices beyond those outlined below, the RIPA Board encourages agencies to continue using those practices.

Recommendations to Increase Accessibility to Complaints

Accessibility is a core tenet of an effective civilian complaint procedure. If civilians do not know about or cannot easily access civilian complaints, the numbers of complaints filed with an agency will naturally be lower and risk becoming unrepresentative of broader concerns, including grievances regarding racial or identity profiling.

As such, the RIPA Board recommends that law enforcement agencies conduct concerted outreach to inform their communities about complaint procedures. Law enforcement agencies could partner with community-based organizations to widely disseminate civilian complaint forms. One advantage of partnering with community-based organizations, particularly those that serve marginalized communities, is that law enforcement agencies can help ensure that civilian

complaint forms are distributed more broadly to reach isolated sectors of the population. Additionally, if law enforcement agencies have a designated outreach staff member or complaint investigator, this individual could be sent to locations around the community to help individuals file complaints off-site.

It can be a difficult, intimidating, or frightening experience for any person to file a complaint, especially for immigrants, youth or other vulnerable populations, but law enforcement agencies can potentially help ease this trepidation. The RIPA Board recommends that civilian complaint forms and procedures be made available at a variety of locations. If forms are only provided in-person at police departments, civilians may be deterred from submitting complaints. Officers and other agency staff should also be trained to answer questions about complaint processes and to do so in a neutral manner.

In Cincinnati, Ohio, for example, officers are required to carry informational brochures and complaint forms in their vehicles while on duty.⁴⁹ If a civilian objects to an officer's conduct, the officer can inform the civilian of his or her right to file a complaint.⁵⁰ Similarly, in New Jersey, state troopers are required to "carry fact sheets and complaint forms in their vehicles at all times while on duty" and shall "inform civilians who object to trooper's conduct that civilians have a right to make a complaint."^{51, 52}

While the baseline survey revealed that some agencies allow civilians to submit complaints at multiple locations and offer a variety of ways by which a civilian can make a complaint, it would be beneficial if all agencies are equally proactive in reaching out to the public. The RIPA Board recommends that law enforcement agencies use multiple methods to reach the greatest number of community members and allow complaints to be filed via phone, mail, email, fax, through an agency's website and at the agency, as well as neutral locations, such as public libraries or community social service agencies.

Recommendations Around Translation and Interpretation Services

One way to promote accessibility of civilian complaint forms is to have them available in multiple languages. In fact, federal and state law require federally and state assisted law enforcement agencies to provide meaningful access to Limited English Proficient (LEP) individuals. Under federal law, to determine the extent of its obligation to provide services to the LEP population, the Federal Coordination and Compliance Section recommends that law enforcement agencies engage in a four-factor analysis: (1) the number or proportion of LEP persons encountered in the LEA's jurisdiction/precinct etc., including any seasonal, tourism, or other variations in the LEP population; (2) the frequency of contact with LEP individuals; (3) the nature and importance of various types of encounters the LEA has with LEP persons; and (4) the resources available to the law enforcement agency and the costs associated with providing the

⁴⁹ Walker & Archibold, *The New World of Police Accountability* (2014) Sage Publications, Inc., p.110.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *United States of America v. State of New Jersey and Division of State Police of the New Jersey Department of Law and Public Safety* (2004) Civil Action No. 99-5970 (MLC).

language services.⁵³ California state law also requires local agencies that receive state funding to provide language access services to LEP populations.^{54, 55}

Although not exhaustive, the RIPA Board's baseline survey revealed that while the majority of agencies made its civilian complaint form available in at least one language other than English, not all agencies took the same measures to reach all members of their community. Another factor to consider is that many different languages have various dialects that significantly impact an individual's ability to understand a language. To ensure meaningful language access, the RIPA Board recommends that agencies consider providing interpreters throughout the complaint process, if feasible, to all LEP individuals, whether or not they come from a substantial language group, and to be mindful in finding appropriate interpreters for indigenous-language speaking Californians when necessary.

The RIPA Board's baseline survey revealed a variety of approaches to translating civilian complaints, ranging from having no established way to translate complaints to contracting with outside translation services or using multi-lingual agents on staff to assist in translation processes. One way to ensure effective communication between law enforcement and the community is for law enforcement to ask local community-based organizations to help them create a database of qualified interpreters for speakers of any language, including sign language.

Recommendations Regarding Complaint Procedures and Investigations

Law enforcement legitimacy, meaning that people feel law enforcement is entitled to exercise its authority, is based on people's evaluations of the fairness of the procedures law

I'm tired of standing around; I'm tired of tweeting. I'm tired of seeing it online. There are more people that should be here that are not...I just want to have a voice for my people. For the people that don't want to speak up. That this is a serious problem.

-Justin Creo, Member of the Public

enforcement uses in doing so.⁵⁶ Additionally, greater legitimacy increases public cooperation with law enforcement and compliance with the law.⁵⁷ Fair and thorough investigations of complaints are likely to build legitimacy among communities – which can only enhance the effectiveness of law enforcement and experience on the job. In order to ensure this confidence, there are a number of steps that law enforcement agencies can take to strengthen their investigations and continue to build trust with their communities. First, in addition to being a best

⁵³ Limited English Proficiency, Sample for Discussion Purposes Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency (2002).

⁵⁴ Gov. Code § 11135, subd. (a).

⁵⁵ Cal. Gov. Code § 7290.

⁵⁶ Sunshine & Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing* (2003) *Law & Society Review*, 37.

⁵⁷ *Ibid.*

practice,^{58, 59} California law enforcement agencies are required to have, in writing, a procedure to investigate complaints by members of the public and to make this written description of the procedure available to the public.⁶⁰

The RIPA Board recommends that agencies have an investigation policy and procedure manual specifically for civilian complaints.⁶¹ In doing so, LEAs should consider comprehensive training for investigators of complaints, and have delineated policies for investigation, including, for example, policies on how to locate and interview witnesses, prevent against asking leading questions, and judge witness credibility.⁶² Without such codified policies, procedures and training, there may be great variability in how investigations are conducted. The San Jose Independent Police Auditor, for example, developed standard policies to create a certain measure of uniformity in interviews.⁶³ Some agencies nationwide and in the state of California also utilize civilian investigators to investigate complaints, or give some degree of control to civilians in complaint procedures.⁶⁴

Additionally, the RIPA Board recommends that LEAs designate specific time frames within which to complete any investigations. It is not only a good practice to ensure that complaints are resolved expeditiously, but also comports with the requirements of California law regarding disciplinary actions against peace officers, which requires that any such disciplinary action be brought within one year of the incident that is the basis for the discipline.⁶⁵ If there are delays in completing an investigation, the Board recommends that the agency notify the complainants of such. The Board further recommends that law enforcement agencies arrange for interviews at neutral locations where possible to ensure witness and complainant cooperation, participation, and comfort in order to avoid causing discomfort to any civilians who may be fearful of visiting a police department or precinct, as noted above.

Recommendation for Future Data Collection Related to Civilian Complaints

Although AB 953 updated the civilian complaint data collection requirements, the original statute requiring the reporting of civilian complaints dates back to 1981. Further changes to the data collection of civilian complaints may be necessary in the future to unlock the full potential of collecting this type of data.

⁵⁸ United States Department of Justice, Community Relations Service, Principles of Good Policing: Avoiding Violence Between Police and Citizens (2003) p. 31.
<https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.pdf>;

⁵⁹ United States Department of Justice, Community Relations Service, Police Agency Handling of Complaints: A Model Police Statement by the Police Executive Research Forum, Police Management Today (Sept., 2003), pp. 88–98.

⁶⁰ Pen. Code § 832.5, subds. (a) and (1).

⁶¹ Walker & Archibold, The New World of Police Accountability (2014) Sage Publications Inc., p.127.

⁶² *Id.*, 126.

⁶³ Guerrero-Daley, End of Year Report (1995) Office of the Independent Police Auditor City of San Jose, pp. 21-22.

⁶⁴ McGregor, Politics, Police Accountability, and Public Health: Civilian Review in Newark, New Jersey (2016) J. Urban Health, 93, 1, pp. 141 - 153.

⁶⁵ Gov. Code 3300-3311 § 3303.

One possibility is that data reporting could be altered to address the issue of complaints reaching disposition in different years than the year in which they are first reported. As the data is currently collected, complaints that reach a disposition (sustained, exonerated, not sustained, unfounded) during a reporting year are not always complaints that were originally reported during that reporting year. For example, a complaint from an agency may be reported as “pending” for the 2016 reporting year because the investigation was still ongoing, but then reported as “not sustained” for the 2017 reporting year because the complaint reached this disposition in 2017. Under the current data collection, this complaint, which stemmed from an incident that occurred in the prior year, would appear the same as a complaint that reached a disposition in the same year it was reported, conflating the complaint rates and dispositions between multiple years.

Being able to differentiate complaints that stem from the reporting year from complaints that stem from previous years is preferable because these data will likely be presented with year-specific contextual and comparison data. Therefore, it may be useful to collect the data in a way that separates dispositions into two categories; number of complaints reported during the current reporting year, and number of complaints reported during a previous reporting year.

Vision for Future Reports

In the coming years, the RIPA Board looks forward to working with law enforcement agencies, community members, and other stakeholders to ensure that all California law enforcement agencies have formalized, accessible, and thorough civilian complaint policies. For example, the RIPA Board hopes to work with law enforcement agencies across the state to develop and adopt model citizen complaint forms and standard investigation practices. Future reports will also focus on how complaints are handled, beyond the preliminary stages discussed above.

State and Local Racial and Identity Profiling Policies and Accountability

Overview of State and Local Racial and Identity Profiling Policies

AB 953 also directs the RIPA Board to investigate and analyze state and local law enforcement agencies’ racial and identity profiling policies and practices across California, and make public its findings and recommendations on an annual basis. A significant part of the RIPA Board’s mission is to improve law enforcement contacts with civilian populations. Examining law enforcement policies currently in place is critical to understanding the expectations, training, and accountability that might impact profiling across the state.

For this first report, through the RIPA Board's survey, the Board sought to gather baseline information about agencies' current policies concerning racial and identity profiling. In the coming year, the Board will examine those policies to identify trends, best practices and gaps, and will make recommendations for model policies that will aim to prevent and address profiling. Policies set standards, drive training, and are the metric against which performance is measured. Sound policy that incorporates the prohibition against unlawful profiling is essential.

This first report can be the foundation, the context, the launching point, the acknowledgement of all we have been hearing from the community about the urgency of now... the surveys will show that we are listening, we are responsive, and we are ready to move forward.

- RIPA Board Member Andrea Guerrero

The RIPA Board's review of policies across the state presents an opportunity to work with stakeholders, including law enforcement agencies and the public, to identify what policies work well and what could be improved. This review and the resulting recommendations, can lead to best practices in policy development across the state. To undertake the review, the RIPA Board has begun with a baseline survey of policies that is described below.

Survey to Law Enforcement Regarding Policies and Practices Related to Racial and Identity Profiling

The RIPA Board's survey distributed to California law enforcement agencies in October 2017, in addition to asking questions regarding agencies' complaint procedures, also inquired about agencies' current policies and practices relevant to racial and identity profiling, and efforts to enhance law enforcement-community relations and reduce bias in policing. The portion of the survey directed at policies asked 25 specific questions to gather baseline information on the policies, trainings, and initiatives agencies currently have in place and to understand what mechanisms agencies use to evaluate adherence to and effective implementation of these policies and programs.

In total, 114 of the 425 agencies included in the survey provided responses, including seven of the 8 agencies employing more than 999 non-custodial peace officers; six of the 16 agencies employing between 334 and 999 non-custodial peace officers; and 101 agencies with fewer than 334 non-custodial peace officers. For more detailed information about the creation of the survey tool, please reference the Civilian Complaints section.

The agency responses were compiled and reviewed and no stark contrasts were observed between the answers provided by agencies of different sizes. Below is a summary of the responses received. To view the agency-specific responses to a selection of the questions, organized from largest agency to smallest agency, please refer to *Appendix E*.⁶⁶ As noted in the appendix, it is important to highlight that it was not required that agencies answer all questions in the survey. If an agency did not respond to a question, it does not necessarily indicate that the

⁶⁶ Full agency responses are available upon request at AB953@doj.ca.gov.

agency does not have said policy, training, or practice. *Appendix E* illustrates where the agency indicated that they *do* or *do not* have that policy, training, or practice.

Survey Results Regarding Policies and Trainings Related to Racial and Identity Profiling or Bias

Of the 114 responding agencies, 106 agencies (93%) indicated that they have a specific policy concerning racial and/or identity profiling. Survey respondents were also asked to provide copies of their corresponding policies.

In reviewing these submissions, it was determined, similar to the results for civilian complaint policies, that a large majority (90%) of the agencies surveyed are using policies developed by the company Lexipol.⁶⁷ Not all of the policies included the same version of the Lexipol policy, which is likely explained by how recently the agency updated its policy. As discussed previously, however, the prevalence of Lexipol policies across California law enforcement agencies may present a unique opportunity for the RIPA Board to provide Lexipol with suggestions for potential areas of improvement in the coming years.

When asked if they have any mechanisms to evaluate adherence to and effective implementation of this policy, several agencies cited supervisory review, review of body-worn camera (BWC) footage, inclusion of a civilian complaint procedure, and regular policy review and updates. A few agencies cited the existence of a civilian review commission and the collection of demographic data.

When asked about what training the agency uses regarding racial and/or identity profiling, 108 of the responding agencies (95%) said they use POST's Racial Profiling Training. Ten respondents (9%) cited using their own training, including contracting with *Fair & Impartial Policing*.⁶⁸ In certain cases, agencies reported that they use both POST's training and their own training. Of the responding agencies, the trainings were provided to all sworn personnel on a regular basis (either annually or every five years) as well as on an as-needed basis. When asked if agencies had any mechanisms to evaluate adherence to and effective implementation of this training, several agencies cited internal tracking or training management systems as well as review of BWC footage and general supervisory review.

To ensure that the Board gathered all available information about what agencies are doing to reduce profiling, the survey asked about other specific policies, trainings, practices or initiatives of the agency that may cover bias and discrimination outside of a specific policy on racial and/or identity profiling.

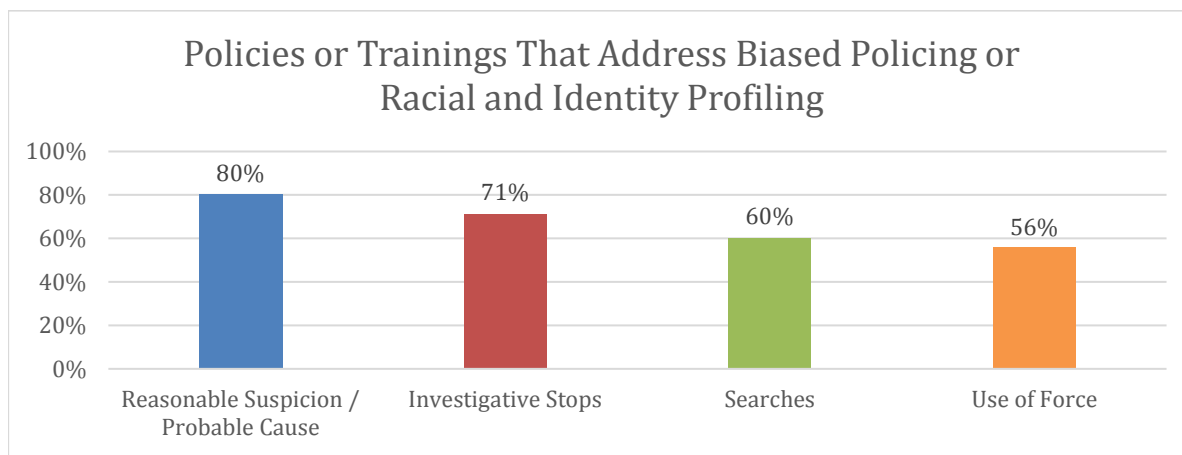
Among responding agencies, 91 agencies (80%) address biased policing or racial and identity profiling in their policy or training on reasonable suspicion or probable cause, 81 agencies (71%) address the topic in their policy or training on initiating investigative stops, 68

⁶⁷ For more information on Lexipol, please see <http://www.lexipol.com/>.

⁶⁸ For more information on *Fair & Impartial Policing*, please see <http://www.fairimpartialpolicing.com/>.

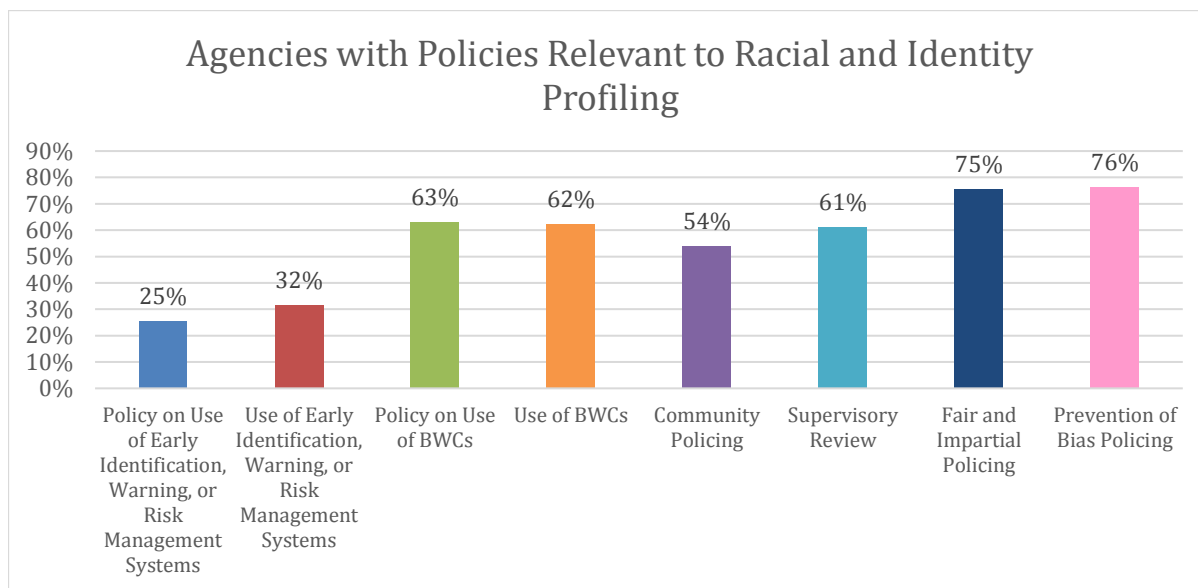
agencies (60%) address the topic in their policy or training on searches, and 64 agencies (56%) address the topic in their policy or training on use of force (see *Figure 9*).

Figure 9



When asked about specific policies or practices relevant to racial and identity profiling the agency has in place, 86 of the responding agencies (75%) have a policy or training on fair and impartial policing, 87 agencies (76%) have a policy or training on the prevention of biased policing, 61 agencies (54%) have a policy or training for community policing, and 70 agencies (61%) have a policy for supervisory review of allegations related to biased policing (see *Figure 9*). 71 of the responding agencies (62%) indicated that they actively use BWCs. Of the responding agencies, 29 agencies (25%) have a policy or training on the use of early identification or warning, or risk management systems, while 36 agencies (32%) indicated that they actively use early identification or warning, or risk management systems (see *Figure 10*).

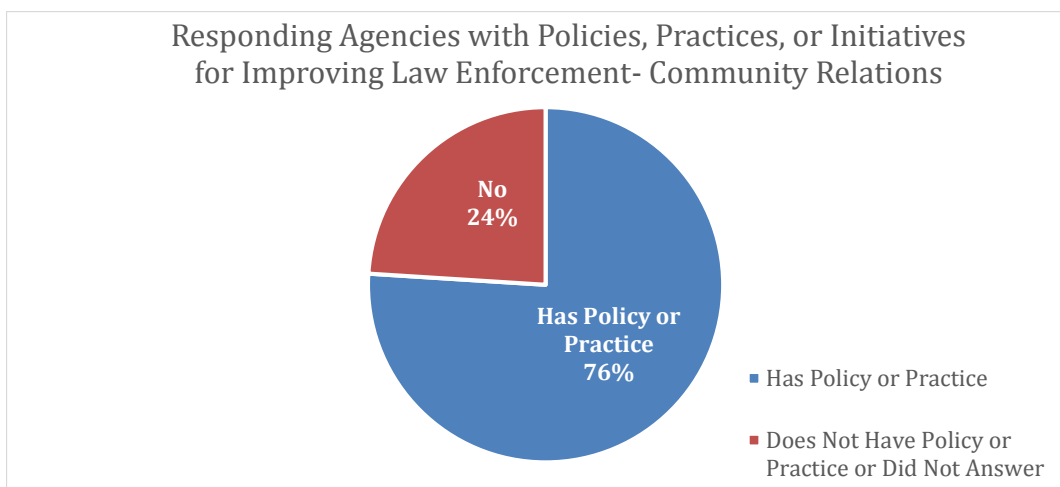
Figure 10



When asked if they had any mechanisms to evaluate adherence to and effective implementation of these policies or trainings, several agencies cited supervisory review, review of BWC footage, internal investigations, engagement with POST, engagement in the civilian complaint procedure, and a regular evaluation or audit of policies. A few agencies cited the collection of demographic data and the use of BlueTeam, a program of IAPro⁶⁹ that enables agencies to track information on incidents like use of force, complaints, and pursuits.⁷⁰

As a way to dive deeper into the question about policies on community policing, the survey asked agencies if they have any specific policies, practices, or initiatives aimed at improving law enforcement-community relations. 84 of the responding agencies (76%) reported they do (see *Figure 11*). Agencies cited use of social media, town hall meetings, engagement with youth and school programs, advisory councils, and open data initiatives, i.e., making data available to the public for purposes of transparency and accountability. The respondents also provided examples of specific initiatives such as Coffee with a Cop, various holiday events, National Night Out, and Neighborhood Watch or Foot Patrol, among others. When asked if they have any mechanisms to evaluate adherence to and effective implementation of these policies or initiatives, many agencies cited community feedback, internal review, supervisory review, and public surveys.

Figure 11



Included in other potentially relevant trainings were questions about the existence and use of cultural diversity training and ethics and professionalism training. Of the responding agencies, 62 of them (54%) said they have specific cultural diversity training and many cited a similar training in the police academy as well as engagement in outside trainings on the topic such as a POST-certified training with the Museum of Tolerance.⁷¹ As for ethics and professionalism

⁶⁹ IAPro is a professional standards software company for law enforcement agencies; for more information on IAPro, see: <http://www.iapro.com/>.

⁷⁰ For additional information on BlueTeam, please see www.iapro.com/products/blueteam/.

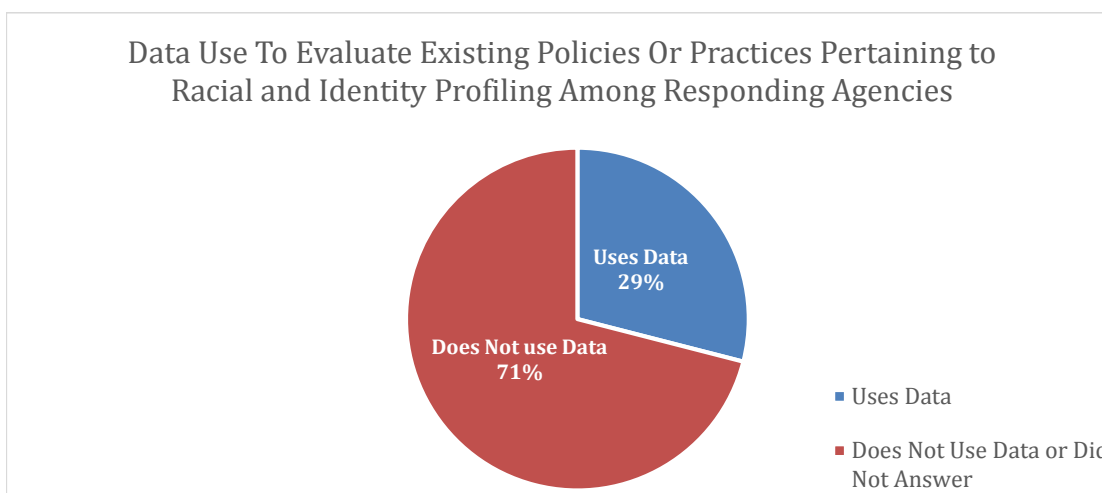
⁷¹ For additional information on the POST-certified training at the Museum of Tolerance, please see http://www.museumoftolerance.com/site/c.tmL6KfNVLtH/b.5335861/k.DA90/POST_Certified_Training_at_the_Museum_of_Tolerance.htm.

training, 112 of the responding agencies (97%) indicated that they have such a training and many cited the California Law Enforcement Codes of Ethics and Peace Officer Oath of Office.

To assist in gauging how well these policies and trainings are implemented, the survey asked agencies if they use data or computer programs such as IAPro to evaluate existing policies and practices. Of the responding agencies, 79 of them (71%) said that they do *not* use data to assist in the evaluation of policies or practices, while 33 agencies (29%) indicated that they do. Of these agencies, 26 (81%) noted that they use a computer program such as IAPro (see *Figure 12*).

Because a core component of AB 953's data collection is the use of data to better understand law enforcement-community interactions and thereby reveal where changes to agency policy/practice are necessary, the fact that such a low percentage of responding agencies (29%) reported they currently use data to evaluate policies and practices indicates a clear area for improvement.

Figure 12



General Recommendations and Next Steps

A more thorough examination of existing agency policies is necessary before a deeper analysis and understanding of the quality of current policies can be achieved. The initial survey of agencies provides a baseline of information that suggests what policies relevant to racial and identity profiling are in place now and what further exploration is needed.

In future reports, the Board will look to comprehensively analyze agency policies and procedures, recognizing (as illustrated by the questions posed in the baseline survey) that efforts to promote unbiased policing are not limited to self-contained policies on the prohibition of racial or identity profiling. Rather, to understand how an agency is working to prevent bias and profiling, the RIPA Board will examine various policies relevant to the prevention of profiling (e.g., data collection and analysis, use of body-worn cameras, use of early warning systems, etc.),

and the degree to which the principles of equitable treatment and unbiased policing are integrated throughout an agency's policies more broadly.

We need this board to come up with policies that will be clear and reveal...disparities or racial profiling and to come up with accountability...from the top down to the bottom.

-Pastor Cornelius Bowser,
Charity Apostolic Church of
San Diego

Additionally, because having superior policies in place is just the first step toward improving police practices, the Board also plans to identify best practices and methods of ensuring effective policy implementation. Moreover, the Board may explore the feasibility of developing a methodology for measuring agency performance in administering and adhering to its racial and identity profiling policies and procedures.

In the coming years, the RIPA Board will continue to work with the Commission on Peace Officer Standards and Training (POST), law enforcement agencies, and other

stakeholders to develop model policies around issues involving racial and identity profiling. Given that the survey results indicated that the vast majority of responding agencies already use POST's trainings and contract with vendors to create policies, the Board will look to leverage the influence of these entities to systematically and effectively implement policy improvements. As the Board continues to work with California's law enforcement agencies in the coming years, it also looks forward to expanding its outreach efforts to meaningfully engage with all agencies that are subject to stop data collection and reporting to ensure the Board has a clear understanding of various agency policies throughout the state.

POST Training & Recruitment

In addition to focusing on agency policies and procedures relevant to racial and identity profiling, the RIPA Board is also charged with working on training pertinent to these same issues. As part of AB 953's requirements, the RIPA Board is responsible for analyzing the training(s) that POST has developed and designated to meet the requirements for the racial and cultural differences training outlined in Penal Code section 13519.4, and discussed in detail below. The RIPA Board is excited to continue its collaboration with POST to fulfill these important statutory mandates. This section of the report will focus on analyzing and offering recommendations for the expanded training that officers must take every five years, after having completed the basic training in the academy.

About the Commission on Peace Officer Standards and Training (POST)

POST is a state agency established to provide minimum testing, hiring, and training standards for peace officers in California.⁷² While participation in POST is voluntary, the vast

⁷² Pen. Code §§ 13500-13553.

majority – more than 600 California law enforcement agencies – participate in the POST program, and are therefore eligible to receive the services that POST offers. Across California, there are 39 POST-certified basic law enforcement training academies that present the Regular Basic Course training to officers and are responsible for providing more than the minimum 664 required hours of training.

Because the academies are located throughout the state, each academy – while covering the minimum training standards – is distinct, with instructors at each academy given the discretion to deliver the content to fit their needs locally. For example, a student in the basic academy at the College of Siskiyous will invariably have a different learning experience than a student attending the Los Angeles County Sheriff’s Academy due to different environmental and community needs. Similarly, while the minimum number of training hours for the basic academy is 664, the average number of training hours among the 39 academies is over 850 hours, and some offer more than 1300 hours.

POST's Racial and Cultural Differences Training

AB 953 updated Penal Code section 13519.4 by making various changes to law enforcement training requirements related to racial and cultural differences. Among these changes, the law now specifies that POST must consult with the Board in developing its training, and requires that the RIPA Board include in its annual report an analysis of the training under this section. The racial and cultural differences training includes several requirements. In summary:

- “The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, non-combative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.”⁷³
- The training must consist of, at least, a course of basic training⁷⁴ and expanded training;⁷⁵ once the basic training is complete, officers must complete a refresher course (expanded training) every five years.⁷⁶
- The law also specifies that the training curriculum must be evidence-based and examine patterns, practices, and protocols that make up racial or identity profiling, including implicit bias, and prescribe evidenced-based patterns, practices, and protocols that prevent racial or identity profiling.⁷⁷ The course of instruction must also contain significant consideration of topics, including:
 - Identifying racial, identity and cultural differences; discussing the negative impact of intentional and implicit biases, prejudices and stereotyping on effective law enforcement; and examining the history

⁷³ Pen. Code § 13519.4, subd. (a).

⁷⁴ Pen. Code § 13519.4, subd. (b).

⁷⁵ Pen. Code § 13519.5, subd. (g).

⁷⁶ Pen. Code § 13519.4, subd. (i).

⁷⁷ Pen. Code § 13519.4, subd. (h).

of the civil and human rights movements and how historical perceptions of discriminatory enforcement practices have harmed police-community relations (full list outlined in table below).⁷⁸

“Learning Domain 42 - Cultural Diversity/Discrimination”⁷⁹ is the current POST-certified training authorized to meet the course of basic training under this section. “Bias-Based Policing: Remaining Fair and Impartial” is a video training program that allows officers to remotely receive the expanded training. Officers may choose to attend one of several classroom-based courses offered statewide throughout the year. In addition to these courses, the Bias Based policing video training program is one of the POST-certified trainings currently authorized to meet the expanded training/refresher course mandate. However, POST is in the process of developing a training to replace the “Bias-Based Policing” training, and is also in the beginning stages of developing another course to satisfy the expanded training requirement in this section. In order to provide a framework for general principles and recommendations to inform the new refresher courses that POST will create over the next couple of years, this year’s report will focus its analysis on the current expanded training/refresher course, “Bias-Based Policing: Remaining Fair and Impartial.”

Bias-Based Policing: Remaining Fair and Impartial

The “Bias-Based Policing” training is a two-hour video with an accompanying trainer facilitation guide and student study guide. The training video consists of three components. It begins with an overview in which multiple individuals, mainly members of law enforcement, discuss the topic of bias. The overview is followed by the presentation of four scenarios illustrating interactions between police officers and members of the community.

The first scenario is intended to address “legal considerations” like the Fourth and Fourteenth Amendments to the United States Constitution, and depicts two officers who pull over a Hispanic male for running a stop sign; after his license and registration check out, one of the officers says he has a “feeling” and wants to search the driver. The second scenario is intended to address “biases” and shows a non-injury accident in which a white female driver shows bias toward an Asian female driver. The third scenario discusses “decision-making” and illustrates two officers who receive a call concerning two Middle Eastern men sitting on a park bench near a power plant wearing traditional robes and drinking coffee. The fourth scenario is focused on “the community” and shows two officers stopping a teenage African American male who is running and stopped because one of the officers thinks he looks suspicious; in the middle of the interaction, community members approach the officers to inquire about why the teenager has been stopped.

After each scenario is depicted, the video pans to a classroom in which a facilitated conversation about the scenario takes place. The training video concludes with a conversation

⁷⁸ Pen. Code § 13519.4, subs. (h) & (1)-(6).

⁷⁹ For more information, see: <https://www.post.ca.gov/regular-basic-course-training-specifications.aspx>.

among community members who highlight examples of strategies that they feel are working to improve law enforcement community relations in their localities.

The analysis of this training is based on the following factors: 1) an evaluation of the extent to which the curriculum covered in the training meets the requirements outlined in Penal Code section 13519.4; 2) a review of the content for clarity and completeness; and 3) an evaluation of the method of delivery.

Extent to Which Curriculum Meets the Requirements in Penal Code section 13519.4

In the opening to the “Bias-Based Policing” training video, it is stated that this training is designed to meet the “Racial Profiling” training mandate of Penal Code section 13519.4. This introduction is somewhat of a misnomer, however, because the training mandated by Section 13519.4 must be more thorough than addressing racial profiling alone. Rather, the law requires an in-depth discussion of the role of history and its impact on law enforcement-community relations, the concepts of bias and racial and identity profiling, and evidence-based solutions. To that end, the “Bias-Based Policing” training includes significant discussion on the role of bias in policing, including scenarios that illustrate an officer’s own bias and scenarios that depict bias by proxy – meaning how an officer may encounter or be impacted by the bias of others.

In the four scenarios, the training video provides examples of several different types of bias, including bias against African American, Hispanic, Asian, and Muslim communities. The scenarios also explore the bias of an officer, the bias of a known member of the public, and that of a caller who may or may not be known to the officers. In the scenario in which two officers receive a call about two Middle Eastern men sitting in a park, for example, the video seeks to demonstrate that the officers have been called to the scene because of the bias of a community member who found two Middle Eastern men close to a power plant concerning, despite the fact that the men were merely sitting on a bench drinking coffee and the caller provided no specific information to suggest suspicious activity. The conversation subsequently featured in the classroom segment of the video asks participants to consider how they would address this call.

Although the training discusses bias in several different ways throughout, it is the view of the RIPA Board that the training would be more effective if the concept of bias itself were better defined and more thoroughly explored. For example, this training should examine the science behind implicit bias – including reference to evidence-based research on bias – and address the negative impacts of bias on effective law enforcement.

By touching on bias towards various communities, and using common societal stereotypes, the training alludes to the role of society in the development of implicit bias. The Board believes that if there were more discussion of where biases come from, and in particular, the historical factors that might make up our biases, it would be more effective. In addition, the video could explore the historical context for how discriminatory enforcement practices have harmed police-community relations. Discussion of the role of the history of the civil and human rights movements, for example, will help ensure that the course requirements are met.

Notably, the training video endeavors to illustrate peer-to-peer conversations – for example, in the scenario in which one officer wants to search the car of the driver because he has a “feeling,” his partner points out to him that he may be exhibiting bias. Recognizing that this is one of the most important and difficult conversations an officer can have, the RIPA Board recommends that there should be additional emphasis on how to identify bias as well as further direction and guidance on how to effectively have this type of conversation. Moreover, it is important that any future training videos more clearly address the specific obligations of peace officers in preventing, reporting, and responding to discriminatory practices by fellow officers, to better meet the requirements in the law.

In an attempt to offer strategies and solutions to prevent and address biased policing, the video includes a panel discussion on ways community members and a member of law enforcement have worked to improve law enforcement-community relations in their communities. However, the Board believes that a deeper discussion that includes tools and tactics for how police can facilitate positive encounters and build legitimacy within communities, would greatly enhance this training. Research demonstrates that positive experiences with people from diverse groups reduce bias towards those groups.⁸⁰ Procedural justice training focuses on treating all community members fairly and with respect, and includes four tenets – voice, neutrality, respect and trustworthiness. Insights like these are key in effectively preventing bias in policing, and should be part of any training designed to meet the requirements of this training.

Review of the Content for Clarity and Completeness

In terms of content, the Board believes that this training could be improved with more clarity in some areas. For example, the opening to the current training video starts off with the statement, “Everyone has biases,” but the training does not clarify what bias is, which could serve to normalize bias rather than highlighting why it can be a problem in law enforcement. In fact, some statements made by the various law enforcement officials and other experts featured in the video are contradictory and create confusion. Bias, profiling, and racism are terms used by the experts but not defined, so an officer might be led to believe that these concepts are interchangeable.

Any future training should ensure that implicit bias is clearly differentiated from explicit bias, which is closer to what most people think of as racism. While understanding that everyone has biases, it would be remiss to imply that biased thoughts are perfectly acceptable, but simply cannot be acted upon. The key here is that biases can influence our actions and decisions below our conscious awareness – despite intentions or desire to be fair – but there are also several actions that can be taken to override these biases and the impact they might have. The purpose of this training and any similar training is for officers to understand that they have implicit biases, and learn to reflect, recognize and assess them, thereby minimizing the influence of bias in their

⁸⁰ Pettigrew, Future Directions for Intergroup Contact Theory and Research (2008) *International Journal of Intercultural Relations*, 32, p. 187-199.

decision-making. Clarifying this information in the beginning of the training is essential to ensure that officers understand and are able to effectively engage with this material.

Evaluation of the Method of Delivery

As discussed previously, “Bias-Based Policing: Remaining Fair and Impartial,” is a 2-hour training video accompanied by a facilitation guide and student study guide. The video can be used in two ways: 1) as a facilitated group course, where an instructor or supervisor is present to facilitate the course; or 2) as an informational/individual training when an officer is viewing the video alone or without a supervisor or instructor present to facilitate. The facilitation guide “...is intended to assist in the delivery of the video material in an interactive and thought-provoking manner.” It provides suggestions to help facilitate most sections of the video. The guide also notes that the video is designed to give the facilitator different viewing options, so that it may be used and watched in its entirety or broken up into shorter sections.

Currently this training is provided mainly as one where officers watch a video of others participating in a training, as opposed to participating first hand in the discussions presented in the video. The obvious drawback in the format of this training, however, is that these video conversations do not allow the officers watching the video to ask or answer questions and engage in dialogue themselves.

In an in-person classroom setting, officers can participate in meaningful discourse and are able to learn from one another’s experiences, reflect on their own actions, and consider how they might recognize and manage their biases moving forward. There is much to gain from face-to-face interactive training. Similarly, learning how to have peer-to-peer conversations when one officer is concerned about the decisions or actions a fellow officer is about to make, is in the midst of making, or has just made potentially based on bias, is more effective with in-person exploration and specifically tailored training.

Finally, the Board recommends that the questions posed to trainees, both in the video and in the student study guide, should elicit in-depth and thought-provoking answers; the currently included true/false questions do not and cannot accomplish this goal. Questions to accompany the identified learning objectives should promote critical thinking, analysis, and reflection.

Principled Policing Training: Implicit Bias and Procedural Justice

POST does, however, have an existing training that more completely meets the training mandate under AB 953. The “Principled Policing Training: Procedural Justice and Implicit Bias”⁸¹ is the first POST-certified course on procedural justice and implicit bias. The training was developed through a partnership between POST, the California Department of Justice, Stanford SPARQ, the Oakland and Stockton Police Departments, and the community organization California Partnership for Safer Communities. The “Principled Policing” course was first launched in November 2015.

⁸¹ For more information see: https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/principled-policing-white-paper.pdf.

“Principled Policing” is an 8-hour in-person training that consists of five modules, plus an introduction, and a conclusion. The five modules include: 1) Interactive Nature of Legitimacy, Procedural Justice, Implicit Bias, and Goals in Policing; 2) Expectations and Legitimacy; 3) Procedural Justice; 4) Historical and Generational Effects of Policing; and 5) Implicit Bias. It is analyzed below along the same dimensions used to previously examine the “Bias-Based Policing” training: the extent to which the curriculum meets the requirements of Penal Code section 13519.4; clarity and completeness of content; and method of delivery.

We should revisit what has already been done. If you want to know what community wants in terms of building trust, we want a partner in helping to bring about training that has been vetted.

-Kayln Dean, PICO California

As provided in the *Table 4* below, “Principled Policing” meets the vast majority of the Penal Code section 13519.4 requirements. In this training, there is extensive content and discussion to illustrate the historical and generational effects of policing, highlight the experiences of policing among certain communities, and understand how perceptions have harmed police-community relations.

Concepts are also more clearly defined and comprehensively explored, including the differentiation of stereotypes, prejudices, and implicit bias. Further, the training uses an abundance of evidence-based research to help participants fully understand what implicit bias is, where biases come from, and how bias can profoundly influence our perceptions and behaviors. Similar to the “Bias-Based Policing” training, one’s own biases as well as the biases of others are explored.

Perhaps most importantly, “Principled Policing” does not focus solely on identifying the problem, but also addresses evidence-based strategies for preventing bias and profiling. Referencing scientific studies to support each strategy or protocol, this training outlines several approaches to mitigate the influence of bias, including among others: creating policies to reduce time pressures among officers, encouraging accountability, and striving for diversity. There is also a full module dedicated to procedural justice, so that participants are able to connect the dots to see how applying the principles of procedural justice increases police legitimacy, meaning the public’s view that the police are entitled to exercise authority.

Racial or identity profiling, including the prohibition against profiling, is not specifically discussed in either the “Bias-Based Policing” or “Principled Policing” training. Similarly, while both trainings touch on the need to support and hold other officers accountable, neither training addresses the specific obligations or strategies peace officers have in preventing, reporting, and responding to discriminatory practices by fellow officers; both of these trainings should be updated to comply with these statutory requirements.

The method of delivery used in the “Principled Policing” course is also conducive to meaningful engagement with this material. As an in-person classroom training with ample time allotted for participation and dialogue, “Principled Policing” provides a critical opportunity for

honest conversation among participants, including sharing experiences, exploring concepts, and engaging in group exercises. Another benefit to the structure of the course, is that it is created to be tailored by the community, and in fact community members often participate in some or all of the training together with members of law enforcement, thereby providing an opportunity to build relationships.

Table 4

Requirements of the Curriculum under Penal Code section 13519.4	Bias-Based Policing: Remaining Fair & Impartial	Principled Policing: Implicit Bias & Procedural Justice
Evidence-based and includes and examines evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias.	✘	✓
Prescribe evidenced-based patterns, practices, and protocols that prevent racial or identity profiling.	✘	✓
Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.	✓	✓
Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.	✘	✓
The history and role of the civil and human rights movement and struggles and their impact on law enforcement.	✘	✓
Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.	✘	✘
Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.	✓	✓
The prohibition against racial or identity profiling in subdivision (f).	✘	✘

Recommendations

In light of the analyses provided above, the RIPA Board offers the following recommendations to POST to improve the trainings that are offered to meet the mandate for the expanded/refresher course on racial and cultural differences:

1. Authorize the “Principled Policing” course to meet the mandate for the “expanded training/refresher course” under Section 13519.4. Concurrent with this authorization, update the training to include the two requisite components that it currently lacks: 1) discussion of the specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers; and 2) discussion of California’s prohibition against racial or identity profiling. Make community participation in the delivery of the course a standard practice.
2. Continue to work with the RIPA Board to replace the “Bias-Based Policing” training based on the guidelines outlined below.
3. Follow these guidelines for any new training designed to meet this mandate:
 - Address the full scope of course requirements delineated in Penal Code section 13519.4;
 - Recognize that terms such as "bias" and "race" and the like can produce feelings that may interfere with one’s ability to receive and process information. This can be exacerbated, for example, by long-standing fraught police-community relationship of long standing (e.g., police/African Americans) or by more recent tense events involving particular groups (e.g., Muslims). It is therefore crucial that a great deal of thought go into designing such training so as to address any possible feelings of denial and defensiveness;
 - Involve community members in the development of the training, and make community participation in the delivery of the course a standard practice;
 - Consider the course delivery method in order to ensure that meaningful dialogue and reflection are facilitated;
 - Include learning objectives that require application, analysis, synthesis, and evaluation of concepts;
 - Include a pre- and post-course survey to systematically gauge and evaluate participant perceptions and knowledge about the topics covered both before and after participating in the course.

Vision for Future Reports

In the coming years, the RIPA Board, similar to its work on policies relevant to racial and identity profiling, will look to more comprehensively analyze POST’s trainings relating to bias and profiling. Recognizing that efforts to promote unbiased policing are not limited to self-contained trainings, it will be important to analyze a broader set of trainings, and to examine the degree to which principles of equitable treatment and unbiased policing are woven across various trainings, (e.g., trainings on use of force and searches and seizures).

The RIPA Board will also work with POST to begin to implement an evidence-based approach to its trainings. Presently, course evaluations at POST are mostly limited to participant satisfaction surveys, and evaluations do not yet exist to evaluate the effectiveness of trainings. As California law enforcement agencies become more data-driven organizations, it will be essential

for POST to also undertake empirical studies to examine how well its trainings are meeting the stated objectives.

We have to address recruitment of people to become officers... We have to strive for excellence and that excellence for law enforcement has to begin when they walk through the door to become peace officers. You have to establish criteria that empower people to perform excellently.

– RIPA Board Member Honorable Alice Lytle

Finally, the RIPA Board recognizes that effective policing requires not only the right training, but the right recruitment. Given POST’s substantial role in peace officer recruitment in California, the RIPA Board also looks forward to working with POST in the coming years on officer recruitment to ensure excellence and diversity in California law enforcement.

How to Leverage Data for Change

With the passage of AB 953, law enforcement agencies have an opportunity to transform themselves into data-driven organizations that operate on evidence-based models. As one team of researchers who use large datasets to examine the role of race and identity in policing explained:

Police departments have access to exponentially increasing amounts of information, and methods of processing and analyzing vast sets of data grow ever more sophisticated with dizzying speed. Big data is coming to policing.⁸²

These researchers highlight how a data-driven approach can strengthen police accountability, specifically in guarding against racial discrimination, and can improve police practices. Professor Goel of Stanford University and colleagues describe how it is difficult to detect racial discrimination in policing because it is hard to come by proof of it under the law; for example, because a legally permissible, non-race based reason can usually be offered as justification for the stop or subsequent action and few officers would admit to, or feel that they have engaged in, the animus that would normally serve as proof of discriminatory intent under the law. Data may be the solution: “One way around these problems of proof is to rely on statistical analysis of large numbers of stops.”⁸³

For their part, those in law enforcement may feel like the targets of increased scrutiny. Many of the public comments sent by law enforcement agencies to the Department during the

⁸² Goel, Perelman, Shroff, & Sklansky, (2017). Combatting Police Discrimination in the Age of Big Data. *New Criminal L.R.*, in *International and Interdisciplinary Journal*, 20, 2, pp. 181-232.

⁸³ *Id.* p. 185.

AB 953 regulatory process expressed their fear that the data collection is really a way for external forces to gather “gotcha data.” The RIPA Board hopes to change this narrative. Instead of viewing data collection as a strict mechanism of oversight thrust upon law enforcement from the outside, the Board hopes that this process can be seen as the beginning of a diverse partnership and collaboration of stakeholders coming together to objectively measure and examine the impact of policing activity on various groups throughout society. All stakeholders must understand that some statistical findings relating to a specific officer, to an agency, or both, may be unfavorable, yet revealing those findings is the first step in addressing any disparities that may be brought to light, as well as the first step in envisioning and working toward a future in which those disparities ultimately do not exist.

Another concern expressed by the law enforcement agencies submitting comments during the AB 953 rulemaking process was that it would take officers an excessive amount of time to complete the necessary forms to record the data required by the stop data regulations. However, the findings from a pilot test conducted by the Department showed that it took officers a median time of less than 2.5 minutes to record all of the mandated information, including two open explanatory fields. Moreover, the time spent collecting data is potentially rewarded many times over in the form of rich insights into the effectiveness of various policing activities as seen after analysis of this data. Like reviewing game-day tapes to become a better athlete, those in law enforcement stand to benefit greatly from more closely tracking, reviewing, and learning from their own activities.

By continually collecting high-quality data, law enforcement agencies can identify the root causes of any problems in their communities and also begin to develop effective solutions to these problems. As previously mentioned, this approach has been taken in Oakland, California. The City of Oakland worked with a team of Stanford University researchers to examine relations between the Oakland Police Department (OPD) and the Oakland community and, based on the data

that was collected and analyzed, developed evidence-based remedies for any racial disparities that might be uncovered. The OPD gave researchers a great deal of access to data, including stop data and the footage from officers’ body-worn cameras, as well as access to physically observe and examine departmental procedures, policies, and practices up-close. An in-depth, multi-year examination of the OPD culminated in the researchers making a set of 50 specific and actionable recommendations for how law enforcement agencies can improve police-community relations.⁸⁴ The majority of the recommendations centered around collecting, analyzing, using, and sharing high-quality data as a way to gather feedback about what is or is not working, and why, rather than viewing that data as evidence that could be used against law enforcement.

The data can be used to inform best practices, to create and evaluate trainings, and develop specific strategies to address racial disparities. This is all in an effort to improve trust, to increase transparency, and to improve police-community relations.

- RIPA Board Member Dr. Jennifer Eberhardt

⁸⁴ Eberhardt, *Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif.* (2016) Stanford SPARQ, pp. 40.

Importantly, the findings from an analysis of OPD’s stop data have been put to work to make real change. For example, the report, “*Data for Change*,” revealed significant racial disparities in handcuffing.⁸⁵ Even when excluding stops that resulted in arrests, researchers found that African American men were handcuffed in one out of every four stops, as compared to one in every 15 stops for White men. Even after controlling for neighborhood crime rates, demographics, and many other factors, the analyses showed that OPD officers handcuffed significantly more African Americans than Whites.

We need to value the information that we have and make sure that there are meaningful changes that will come about because of the data that is collected.

-Sameena Usman, Council on Islamic Relations

The data also demonstrated that this African American-White handcuffing gap was especially pronounced for vehicle stops and stops made because of traffic violations. Frequent handcuffing of African Americans appeared widespread among officers: during a 13-month time period, only 26% had handcuffed a White person, whereas 72% handcuffed an African American person (excluding arrests). In the wake of the report’s release, the OPD reexamined its handcuffing policy, which revealed that racial disparities in handcuffing are tied to the

automatic searches of people on probation and parole; the vast majority of those subjected to these searches are African American. Based on this evidence of severe handcuffing disparities, the OPD determined that, for its needs, it would implement a new policy that probation/parole status does not necessarily mandate handcuffing—a policy specifically aimed at closing the race gap in handcuffing. Preliminary data evaluating the new policy suggests this policy change has been effective in closing the gap.

Another finding resulting from the OPD stop data analysis was that less-experienced officers showed more severe racial disparities in their stops. To this end, the OPD has set out to innovate officer training to improve police-community relations and reduce the degree of disparities. For instance, the OPD has embraced procedural justice training, which itself is evidence-based and revolves around research that shows that it is not just the outcome of a police interaction that matters, but the process.⁸⁶ As mentioned briefly in the POST training section of this report, the four tenets of procedural justice are 1) giving voice to people so they can tell their side of the story, 2) neutrality, 3) treating people with respect, and 4) trustworthiness and explaining the process to people.

Continuing their partnership with the Stanford team, OPD command staff is currently working closely with researchers to create a new training aimed at sharing the insights gained from a decades-rich science of culture to empower OPD officers to positively impact the culture within their own agency.

⁸⁵ Hetey, Monin, Maitreyi, & Eberhardt, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (2016) Stanford SPARQ.

⁸⁶ Tyler, & Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and the Courts* (2002) Russell Sage Foundation.

Conclusion

This year's inaugural report of the RIPA Board reflects the beginning of the Board's work to fulfill the mandate ascribed to it by the California State Legislature. The RIPA Board appreciates the magnitude of its charge, and looks to the future with cause for hope. California communities, law enforcement and the public alike, are ready to take a meaningful look at these issues and to collectively develop solutions to cultivate trust and strengthen law enforcement-community relations.

Board Goals for Future Reports

The aim of this 2018 report is to lay the groundwork and establish a framework for how to use the implementation of AB 953 to examine issues of race and identity in policing, build trust, and improve police-community relations. The goal has been to highlight some of what the Board can hope to accomplish once law enforcement agencies begin collecting stop data on a uniform basis. More specifically, the data that is to be collected can be used to inform best-practices for law enforcement, create and evaluate peace officer trainings, and design and implement specific strategies to ultimately determine if and to what extent racial and identity profiling may be occurring and eliminate it.

In the coming years, the RIPA Board looks forward to collaborating with law enforcement agencies, community members, and other stakeholders on a range of activities intended to prevent racial and identity profiling. Such activities include, for example, work to improve civilian complaint policies and procedures and work to develop and adopt model citizen complaint forms. Additionally, the RIPA Board also plans to identify best practices and methods of ensuring effective policy implementation surrounding racial and identity profiling.

The RIPA Board will also continue to build upon its partnership with POST to develop new trainings to fulfill the racial and cultural differences training requirements, and to more completely analyze a broader scope of POST-certified trainings that relate to bias and profiling. And, the RIPA Board recognizes that effective policing requires not only the best policies and trainings, but also successful recruitment that prioritizes excellence and reflects the diversity of California's communities. To this end, in future years the RIPA Board looks forward to working with POST, California law enforcement agencies, and community members to enhance law enforcement recruitment, promotion and accountability systems.

Goals for the 2019 Report

For next year's report, the Board hopes to continue to lay the groundwork for how to put the data to use and best leverage it to empirically assess the effect of a law enforcement agency's own policies, practices, and procedures and to inform new strategies going forward. Over the course of the next few years, the Board will continue to work toward the following:

1. Stop Data Report Repository

The Board hopes to develop a Stop Data Report Repository that will be a curated collection of existing stop data reports from diverse law enforcement agencies across the country with a particular focus on California agencies. The original reports will each be available online in their entirety for interested parties to access and read and will also be accompanied by short, balanced, and reader-friendly summaries. The goal is to have search menus that will allow users from diverse disciplines and perspectives to easily navigate and quickly locate information that may be particularly relevant to them.

2. Training and Solutions Repository

The Board hopes to develop a Training and Solutions Repository that will gather and present information about peace officer trainings and other solutions happening around the state which focus on race and racial profiling and the use and application of insights gained from stop data. This repository can help law enforcement agencies identify potential solutions they might want to try. It can also help community leaders and members of the public stay informed about what strategies a broader range of agencies have tried and, thus, what is possible. For researchers and journalists, the repository can serve as a comprehensive database or catalog of solutions and strategies that have been tested and shown to mitigate the role of race and identity in policing.

3. Electronic Tutorial for Law Enforcement on How to Write Stop Data Reports and Use Data to Establish Meaningful Dialogue with Communities

The Board hopes to develop an electronic, web-based tutorial that will be directed toward law enforcement agencies and stakeholders within law enforcement. The goal would be to educate law enforcement about how to interpret the results of stop data analyses and also discuss what stop data can legitimately reveal and what it cannot given its limitations. The tutorial may also include a short guide for decoding common statistical techniques that are used to analyze and contextualize stop data. Greater familiarity with statistics can aid people in more fully trusting and understanding the results of evidence-based research. The tutorial could also offer some step-by-step advice for law enforcement agencies as to how to prepare their own stop data reports. Beyond interpreting the data, this tutorial might also focus on how agencies can use the data to open meaningful dialogue with the communities they serve about their enforcement actions. In short, the goal of the tutorial is to empower practitioners to begin to embrace, use, and understand the power of a data-driven approach.

4. Electronic Tutorial for the Public on How to Read Stop Data Reports

The Board would like to open a dialogue focused on creating a tutorial that will be geared toward the public to help engage them in how to think about and use the data that will be collected under AB 953. It will define and explain commonly used terms. The proposed focus of the tutorial would aim to teach the public how to be critical consumers of data and what constitutes solid evidence. Additionally, the tutorial could encourage the public

to look to data for more than “proof” or documentation of problems, but also to look to data for insights about what solutions might be effective.

5. Electronic Tutorial for the Media on How to Write About Stop Data Reports

The Board may want to consider creating an additional tutorial that would be geared toward the media and would provide guidance on responsible and accurate coverage of the reports, data, and findings. Understandably, many members of the media are not well-versed in the nuances of statistics and how to interpret findings. As such, important nuances of the findings can be glossed over or lost in translation in ways that can cause findings to be described inaccurately or conclusions to be overstated. Seemingly small decisions about language choice or what results to highlight or leave out in coverage can sometimes inadvertently make law enforcement agencies feel attacked or researchers feel their work has been misrepresented. This tutorial would aim to help journalists become more familiar with common research methodology related to the analysis of stop data and how to represent it faithfully. Alternatively, the Board may want to explore the possibility of combining this tutorial with the tutorial discussed above regarding education of the public in order to have one comprehensive tutorial. There could be a benefit to educating the public not only about how to understand stop data, but how the media should portray law enforcement interactions and vice versa.

6. Researcher-Practitioner Guide

The Board may also be able to create a guide that would offer tips for how to build strong partnerships between researchers and practitioners in law enforcement. For instance, on their part, researchers would ideally be willing to embed themselves within law enforcement agencies to learn about the relevant issues *in context*. Similarly, on their part, law enforcement would ideally work closely with researchers to inform them of their needs and the specific concerns they want addressed. In addition, this guide could offer practical strategies for how both researchers and law enforcement can better communicate to community stakeholders about the results and progress being made through these partnerships.

7. Implementation Showcase

Finally, an Implementation Showcase could be created that would highlight law enforcement agencies from across the State of California that have put stop data report findings to use to reduce disparities. The Board hopes to work with stakeholders to create rich text and illustrations and produce videos to tell the agencies’ stories to the public and others within law enforcement with the goal of spurring innovation and additional application of any stop data analyses. The goal is to illustrate that the findings of stop data analyses can be leveraged to make real change.

As Attorney General Becerra told the RIPA Board at its September meeting, “I will say to you, having grown up as a young man and having been stopped myself, and having visited our

men and women in uniform who have to do very tough assignments, having sat down with family members of individuals who have lost their lives...this is too important not to get it right.” Through the work of the RIPA Board together with stakeholders throughout the state, California has a tremendous opportunity to set an example for the country.

Appendix A

Template for the Enacted Racial and Identity Profiling Act Stop Data Regulations

Additional data values for the stop of a student in a K-12 public school are listed in red.

1. **Originating Agency Identifier** (prepopulated field)
2. **Date, Time, and Duration of Stop**
 Date: (e.g., 01/01/19)
 Start Time (approx.): (e.g. 1530)
 Duration of Stop (approx.): (e.g. 30 min.)
3. **Location**
 - Report one (listed in order of preference): block number and street name; closest intersection; highway and closest highway exit. If none of these are available, the officer may report a road marker, landmark, or other description, except cannot report street address if location is a residence.
 - City: _____
 - Check here to indicate stop is of a student at K-12 public school: _____
 - Name of -12 Public School _____
4. **Perceived Race or Ethnicity of Person Stopped** (select all that apply)
 - Asian
 - Black/African American
 - Hispanic/Latino(a)
 - Middle Eastern or South Asian
 - Native American
 - Pacific Islander
 - White
5. **Perceived Gender of Person Stopped** (may select one from options 1-4 AND option 5, if applicable, or just option 5)
 1. Male
 2. Female
 3. Transgender man/boy
 4. Transgender woman/girl
 5. Gender nonconforming
6. **Person Stopped Perceived to be LGBT (Yes/No)** (“Yes” must be selected if “Transgender” was selected for “Perceived Gender”)
7. **Perceived Age of Person Stopped** (input the perceived, approximate age)
8. **Person Stopped Has Limited or No English Fluency (Yes/No)**

9. Perceived or Known Disability of Person Stopped (select all that apply)

- Deafness or difficulty hearing
- Speech impairment or limited use of language
- Blind or limited vision
- Mental health condition
- Intellectual or developmental disability, including dementia
- Disability related to hyperactivity or impulsive behavior
- Other disability
- None

10. Reason for Stop (select one - the primary reason for the stop only)

- Traffic violation
 - Specific code (CJIS offense table; select drop down) and
 - Type of violation (select one)
 - Moving violation
 - Equipment violation
 - Non-moving violation, including registration violation
- Reasonable suspicion that person was engaged in criminal activity
 - Specific Code (drop down; select primary if known) and
 - Basis (select all applicable)
 - Officer witnessed commission of a crime
 - Matched suspect description
 - Witness or victim identification of suspect at the scene
 - Carrying suspicious object
 - Actions indicative of casing a victim or location
 - Suspected of acting as a lookout
 - Actions indicative of a drug transaction
 - Actions indicative of engaging in a violent crime
 - Other reasonable suspicion of a crime
- Known to be on parole/probation/PRCS/mandatory supervision
- Knowledge of outstanding arrest warrant/wanted person
- Investigation to determine whether person was truant
- Consensual encounter resulting in search
- Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 (select specific Educ. Code section & subdivision)
- Determine whether student violated school policy

A brief explanation is required regarding the reason for the stop and must provide additional detail beyond the general data values selected (250-character maximum).

11. Stop Made in Response to a Call for Service (Yes/No) (Select “Yes” only if stop was made in response to call for service, radio call, or dispatch)

12A. Actions Taken by Officer(s) During Stop (select all that apply)

- Person removed from vehicle by order
- Person removed from vehicle by physical contact
- Field sobriety test conducted
- Curbside detention
- Handcuffed or flex cuffed
- Patrol car detention
- Canine removed from vehicle or used to search
- Firearm pointed at person
- Firearm discharged or used
- Electronic control device used
- Impact projectile discharged or used (e.g. blunt impact projectile, rubber bullets or bean bags)
- Canine bit or held person
- Baton or other impact weapon used
- Chemical spray used (e.g. pepper spray, mace, tear gas, or other chemical irritants)
- Other physical or vehicle contact
- Person photographed
- Asked for consent to search person
 - Consent given
 - Consent not given
- Search of person was conducted
- Asked for consent to search property
 - Consent given
 - Consent not given
- Search of property was conducted
- Property was seized
- Vehicle impound
- Admission or written statement obtained from student
- None

12B. Basis for Search (if search of person/property/both was conducted; select all that apply)

- Consent given
- Officer safety/safety of others
- Search warrant
- Condition of parole/probation/PRCS/mandatory supervision
- Suspected weapons
- Visible contraband
- Odor of contraband
- Canine detection
- Evidence of crime
- Incident to arrest
- Exigent circumstances/emergency
- Vehicle inventory (for search of property only)
- Suspected violation of school policy

A brief explanation is required regarding the basis for the search and must provide additional detail beyond the general data values selected (250-character maximum). This field is not required if basis for search is “condition of parole/probation/PRCS/mandatory supervision.”

12C. Contraband or Evidence Discovered, if any (during search/in plain view; select all that apply)

- None
- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Other contraband or evidence

12D. Basis for Property Seizure (if property was seized; select all that apply)

- Safekeeping as allowed by law/statute
- Contraband
- Evidence
- Impound of vehicle
- Abandoned property
- Suspected violation of school policy

Type of Property Seized (select all that apply)

- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Vehicle
- Other contraband or evidence

13. Result of Stop (select all that apply)

- No action
- Warning (verbal or written): Code/ordinance cited (drop down)
- Citation for infraction: Code/ordinance cited (drop down)
- In-field cite and release: Code/ordinance cited (drop down)
- Custodial arrest pursuant to outstanding warrant
- Custodial arrest without warrant: Code/ordinance cited (drop down)

- Field Interview Card completed
- Noncriminal transport or caretaking transport (including transport by officer, transport by ambulance, or transport by another agency)
- Contacted parent/legal guardian or other person responsible for the minor
- Psychiatric hold (Welfare & Inst. Code, §§ 5150, 5585.20.)
- Referred to U.S. Department of Homeland Security (e.g., ICE, CBP)
- Referral to school administrator
- Referral to school counselor or other support staff

14. Officer's Identification (I.D.) Number (prepopulated field)

15. Officer's Years of Experience (total number of years worked as a peace officer)

16. Type of Assignment of Officer (select one)

- Patrol, traffic enforcement, field operations
- Gang enforcement
- Compliance check (e.g. parole/PRCS/probation/mandatory supervision)
- Special events (e.g. sports, concerts, protests)
- Roadblock or DUI sobriety checkpoint
- Narcotics/vice
- Task force
- K-12 public school, including school resource officer or school police officer
- Investigative/detective
- Other (manually specify type of assignment)

Appendix B

Possible Methodologies for the Analysis of Stop Data

With the Stop Data Regulations finalized, the RIPA Board is working to develop a comprehensive plan for stop data analysis which will be included in the Board's 2020 report. For this year's report, even without actual stop data, the RIPA Board can begin to provide insight regarding the varying approaches being considered regarding how to best analyze this data. The RIPA Board therefore welcomes commentary from academics, law enforcement and the community.

The RIPA Board's goal is to provide a comprehensive analysis, recognizing that it will not be feasible to complete all possible analyses internally. The RIPA Board, with the support of the Department of Justice, will analyze the data to answer some important questions, and as the data become available to law enforcement, the research and academic community, as well as the general public, the Board encourages all stakeholders to review the data.

Ways in Which to Analyze Stop Data

The Board's general plan considers two approaches for analyzing the stop data collected as part of AB 953. The first approach examines *pre-stop* disparities. In this approach, the Board will ask general questions about the equity and reasonableness of the number of stops made of members of each of the racial and identity subgroups. In general, are the proportions of people stopped from various groups (e.g., race, age, gender, disability status) different?

In the second approach, the Board plans to empirically analyze disparities and trends in *post-stop* actions. In this section, the Board is interested in whether or not the post-stop actions differ significantly between subgroups beyond that expected due to chance. As a part of this analysis, the Board will likely use multivariate statistics to examine each of the actions collected as part of this statute.

For example, the Board plans will examine whether there are significant differences in the individuals who are handcuffed, but not cited. Another example is to examine whether there are significant differences in individuals who are searched, but from whom no property is seized. Due to the breadth of stop information that will be available for analysis, there will be many prospective research questions that the Board may ask and address, especially using this second approach.

How to Determine the "Denominator"

A necessary step in using the "pre-stop" approach is to assign a denominator. The denominator issue has been a common topic of discussion in existing research, as determining an appropriate denominator is no small feat. An appropriate denominator is a reasonable baseline number that can be used as a method of comparing the numbers collected as part of this data collection effort.

The data collected by AB 953 will consist of counts of how many times law enforcement officers make a stop, take certain actions during those stops, such as using handcuffs or conducting a search, and what the outcome of each stop was (e.g., a citation was issued or an arrest was made). The law provides researchers with the ability to examine this data broken down by the race, age, gender, LGBT status, English language fluency, and disability of the community member stopped in an effort to track stops and determine whether racial and identity profiling plays a role in these stops.

The initial analyses might show, for example, that 45% of stops in a particular jurisdiction are of African Americans or 60% of those stopped who are perceived by the officer as LGBT are subjected to curbside detention. The Board cannot begin to interpret or make sense of that information until it has something to which to compare the number, or some larger context in which to consider it. Put another way, all else being equal, at what rate would one *expect* African Americans in a particular jurisdiction to be stopped or members of the LGBT community to be the subjects of curbside detention?

In order to gauge whether or not there are systematic differences in stops and the outcomes of stops for different groups, those analyzing the data must first take into account factors that could legitimately explain and justify any apparent differences that may be observed. That is the only way to determine whether law enforcement officers' decisions to make stops and to take certain actions during those stops show disparate treatment or have a disparate impact on people of color and other groups in the community.

To make these determinations, research staff at the Department of Justice will work with the Board to further refine this approach and will likely look to utilize data that is already collected from open data sources. Similarly, staff will work with the Board to determine which of the many comparison approaches is most appropriate. In prior research, as discussed in greater detail below, different types of comparison analysis have been conducted, including benchmarking, establishing thresholds, and utilizing the “veil of darkness” method.

Possible Benchmarks by Which to Compare the Data Collected

Returning to the example of a jurisdiction in which 45% of all stops made are of African Americans, that number may sound high. The magnitude cannot be fully interpreted, however, until that figure is compared to a familiar point of reference, known as a *benchmark*.⁸⁷

Population Demographics as a Potential Benchmark

If it is known that African Americans make up 15% of the local population in a particular jurisdiction, then this figure may be contextualized to get a sense that a 45% stop rate is high relative to the population of African Americans living in the area.

⁸⁷ For an in-depth discussion of benchmarks and the selection of benchmarks, see Hetey, Monin, Maitreyi, & Eberhardt, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (2016) Stanford SPARQ pp. 14-19.)

Indeed, *population demographics* are a widely used set of benchmarks because “*Whom the police stop is necessarily limited to the universe of people the police could stop.*”⁸⁸ Typically, researchers acquire census data about the share of the total population that falls into different demographic categories. By relying on information at the level of census tract—a geographical subdivision used by the Census Bureau that approximates a neighborhood with typically between 1,000 and 8,000 inhabitants—researchers and analysts can do finer grained analyses and take into account how demographic factors vary within a city or larger jurisdiction.

These granular analyses prevent collapsing across and obscuring important local differences that may exist. The racial demographics of an area tend to be a main focus, but other demographic categories are relevant because they may similarly change the likelihood at which people are at risk of being stopped or subjected to additional actions during a stop, and also because the prohibition on profiling applies broadly to several demographic characteristics. For example, younger people are more likely than older people to be stopped by the police. Unemployed people might be stopped more if they are out during the day when many people are at work.

While the use of population demographics has many benefits, the approach also has limitations. The major limitation is that the demographics of residents may not accurately reflect the demographics of those who are actually likely to be stopped. For instance, a particular census tract might be 50% African American, but a significant portion of those residents might be children or the elderly, who are statistically less likely to be stopped than 18- to 30-year-olds.

Another limitation of population demographics is that people are not always stopped where they live because they routinely leave home to go to work, school, or to socialize with friends.⁸⁹ Finally, census data might not accurately count certain groups. For example, census data may systematically undercount undocumented residents and migrant workers, an issue that has been noted as a significant problem when trying to obtain accurate information about the local population of Latino residents.⁹⁰

Crime Rate as a Potential Benchmark

⁸⁸ Hetey, Monin, Maitreyi, & Eberhardt, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014* (2016) Stanford SPARQ pp. 32.)

⁸⁹ Ridgeway, *Cincinnati Police Department Traffic Stops: Applying RAND’s Framework to Analyze Racial Disparities* (2009) RAND Corporation.

⁹⁰ Lovrich et al., *Report to the Washington State Patrol Relating to: National Highway Traffic Safety Administration (NHTSA) Grant- Funded Study on Racial Profiling Phenomena in Washington State OGRD # 107828. Results of the Monitoring of WSP Traffic Stops For Biased Policing: Analysis of WSP Stop, Citation, Search and Use of Force Data and Results of the Use of Observational Studies for Denominator Assessment.* (2007).

Crime rate is another commonly used benchmark. Researchers tend to include the rates of violent crime, property crime, or both.^{91, 92, 93, 94} Crime rate is relevant because to the extent self-initiated police stops are part of a larger enforcement strategy to prevent crime, it can be expected that the distribution of stops throughout a jurisdiction will mirror the distribution of crime.

Some make the argument that officers are simply “going where the crime is.” If self-initiated stops and other policing activities are concentrated in high-crime areas that also happen to be predominately African American,⁹⁵ then it makes sense that African Americans will indirectly be stopped more because they are physically present in areas with a larger proportion of stop activity.

Simply being in a high-crime area, however, does not provide justification for making a stop. Presence in a high-crime area does not on its own predict the likelihood that a person is involved in criminal activity.⁹⁶ It also might violate someone’s constitutional rights to stop people based solely on the fact that they are in a high-crime area.⁹⁷

Using the Data Itself to Create Internal Benchmarks

Instead of obtaining external data (e.g., census data), a different approach some researchers have taken is to construct internal benchmarks from within the stop data itself. For example, in an analysis of Cincinnati Police Department traffic stops conducted on behalf of the RAND Corporation, analysts created a benchmark for each officer.⁹⁸ Specifically, analysts selected an officer and then identified similar stops made by other officers at the same time and in the same neighborhoods and compared the racial distributions of the officer’s stops to those of the comparison officers. Because the officers were all on similar patrols at the same times, theoretically the distributions of those stopped should be the same.⁹⁹

While there are benefits to constructing internal benchmarks because they can simultaneously hold many factors constant, there are still issues to keep in mind. For example,

⁹¹ Alpert, Becker, Gustafson, Meister, Smith, & Strombom, Pedestrian and Motor Vehicle Stop Data Analysis Report, Prepared for City of Los Angeles (2016) Analysis Group, Inc.

⁹² Nutter & Ramsey, Making Philadelphia a Safer City: 2011 Progress Report on the Crime Fighting Strategy and Five-Year Plan (2011) Philadelphia Police Department.

⁹³ Ayres & Borowsky, A Study of Racially Disparate Outcomes in the Los Angeles Police Department (2008) Prepared for the ACLU of Southern California.

⁹⁴ Hetey, Monin, Maitreyi, & Eberhardt, Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014. (2016) Stanford SPARQ.

⁹⁵ Research shows an association of high crime and segregation and poverty in African American communities. Racial segregation concentrates poverty, which, in turn, concentrates crime and violence, (e.g., Massey, Getting Away with Murder: Segregation and Violent Crime in Urban America. (1995) U.Penn. L.Rev., 143, 5, pp.1203-1232.

⁹⁶ Kochel, Constructing Hot Spots Policing: Unexamined Consequences for Disadvantaged Populations and for Police Legitimacy. (2010) Criminal Justice Policy Review, 22, 3.

⁹⁷ *Brown v. Texas* (1979) 443 U.S. 47.

⁹⁸ Ridgeway, Cincinnati Police Department Traffic Stops: Applying RAND’s Framework to Analyze Racial Disparities (2009) RAND Corporation.

⁹⁹ *Ibid*, p. 23.

when it comes to an analysis of stop data, different officers may in fact be on different assignments, especially in smaller police forces with limited personnel.

The method of creating internal officer benchmarks relies on analysts having access to accurate data about what assignment each officer was working during any given stop that was made. Information about officers' assignments will be collected under AB 953, which means that the Department may be able to analyze the data in this way.

The Veil of Darkness Hypothesis as an Alternative to Benchmarks

The veil of darkness hypothesis has been applied to test for racial bias in policing decisions.¹⁰⁰ With this method the racial breakdown of stops made during the day is compared to the racial breakdown of stops made at night.

This technique could also be applied to other demographic and identity characteristics besides race. The basic logic behind the veil of darkness hypothesis is as follows: If a law enforcement agency were targeting African American drivers, evidence of profiling should be most apparent during daylight when the race of a driver is presumably most visible. If race cannot be seen at night, then police officers are simply less able to profile at night.

A simple application of the veil of darkness hypothesis compares the percentage of African American drivers stopped during the day to the percentage of African American drivers stopped at night, which some researchers have done, although usually alongside other benchmarks and control variables.^{101, 102} Other factors are also likely to vary as a function of time of day (e.g., driving behavior, traffic, crime rates) and so a stricter version of the approach uses Daylight Saving Time as a natural experiment.¹⁰³ The proportion of stops by race on one Monday – when it is light out at 6:30 PM – could be compared to the proportion of stops by race on the following Monday – when it is dark out at 6:30 PM (because clocks have been set back one hour). Everything else has been held constant, except for the lighting and therefore the presumed visibility of race.

The benefit of this approach is a carefully controlled natural experiment. The limitation, however, is that this approach significantly reduces the number of data points by only examining stops made during inter-twilight hours. With less data, there may be reduced statistical power, which may prevent analysts from detecting evidence of racial bias that meets the threshold of statistical significance. Such a limitation may or may not be acceptable to stakeholders wishing to use the results of an analysis to inform policy recommendations.

¹⁰⁰ Grogger, & Ridgeway, Testing for Racial Profiling in Traffic Stops from Behind a Veil of Darkness (2006) RAND Corporation.

¹⁰¹ Alpert, Becker, Gustafson, Meister, Smith, & Strombom, Pedestrian and Motor Vehicle Stop Data Analysis Report, Prepared for City of Los Angeles (2016) Analysis Group, Inc.

¹⁰² Hetey, Monin, Maitreyi, & Eberhardt, Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014 (2016).

¹⁰³ Ridgeway, Cincinnati Police Department Traffic Stops: Applying RAND's Framework to Analyze Racial Disparities (2009) RAND Corporation.

The focus on time of day tends to work better for vehicle stops than pedestrian stops, because the officer is more likely to be physically close to the pedestrian being stopped – presumably making race more apparent. Another limitation is the extent to which the visibility of race is truly tied to the time of day. On city streets, as opposed to dimly lit freeway, streetlights may allow an officer to easily see the race of a driver at night. Likewise, many vehicles have tinted windows and windshields that make it impossible to see the race of a driver, even during broad daylight.

Moreover, the make and model of the car itself, or any number of other factors (e.g., demographic characteristics of the location) may serve as a proxy for the race of the driver. Officers may be making decisions about whether to stop a driver based on these other factors which may in fact be or are believed to be correlated with driver demographics.

Using Hypothesis Testing to Analyze Stop Data

In conducting future analysis of post-stop actions, to understand whether those post-stop actions differ significantly between different subgroups beyond what is expected due to chance, hypothesis testing could be employed to examine whether there are disparities in the type of actions taken after the stop is made. The data collected may be utilized as statistical controls where reasonable.

Significance testing would allow us to determine whether the data suggest that any observed differences are sufficiently meaningful. These types of tests rely on probability and sampling to draw inferences and conclusions. Using these analyses, the researcher creates a research hypothesis and a null hypothesis. The research hypothesis is the hypothesis that a difference between observations will be detected; by contrast, the null hypothesis is an opposing statement that no difference will be detected. The analytics are then based on calculating the probability of observing the effect, assuming that the null hypothesis is true.

Stated differently, how likely is one to observe these findings, if there is truly no difference between the two groups? These types of analytics would allow us to statistically test for differences between groups and for us to determine whether the differences are meaningful in a sound methodological approach.

Summary of Analytical Approaches

In summary, there is a range of potential benchmarks to use, each of which comes with its own sets of benefits and limitations. There is no established procedure for how best to select benchmarks or for how to handle benchmarks in an analysis once they have been selected. The issue can be contentious, and including different control and contextual variables can contribute to analysts reaching different conclusions based on an analysis of the same data.¹⁰⁴

¹⁰⁴ For example, in analyzing stop data collected by the Los Angeles Police Department (LAPD), the Analysis Group, Inc. concluded that: “Although some divisions/bureaus [of the LAPD] have statistically significant racial disparities for some outcomes, when evaluated across all outcomes, there is no consistent, pervasive pattern of race effects across divisions or races” (Alpert, Becker, Gustafson, Meister, Smith, & Strombom, Pedestrian and

As such, it is important for different stakeholders to come to the table and figure out together the best set of benchmarks to use in analyzing the data. One recommendation is to adopt a diverse group of benchmarks instead of relying on only one small set. For example, it is widely agreed upon population demographics and crime rates are important control variables, and perhaps both classes of variables should be used in analyzing the stop data.

Over the course of the next year, the Board will have an opportunity to adopt benchmarks and make decisions on how it wants to analyze the data before California's largest law enforcement agencies start reporting that data to the Department in April 2019.

Motor Vehicle Stop Data Analysis Report, Prepared for City of Los Angeles (2016) Analysis Group, Inc., p. 20).

In a reanalysis of the same LAPD stop data prepared for the ACLU of Southern California, researchers Ian Ayres, a Professor at Yale Law School, and Jonathan Borowsky took issue with the previous analysis and argued that the Analysis Group included too many benchmarks and control variables in their analyses, which might inappropriately explain away racial disparities (Ayres & Borowsky, A Study of Racially Disparate Outcomes in the Los Angeles Police Department (2008) Prepared for the ACLU of Southern California.) Based on their re-analysis, Ayres and Borowsky concluded that "African Americans and Hispanics are over-stopped, over-frisked, over-searched, and over-arrested" (*Ibid*, p. i). For an in-depth discussion of the controversy surrounding benchmarks, see (Hetey, Monin, Maitreyi, & Eberhardt, Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, Calif., 2013-2014. (2016) Stanford SPARQ, pp. 45-48.)

Appendix C

California's Racial and Identity Profiling Advisory (RIPA) Board Survey of LEAs

California's Racial and Identity Profiling Advisory (RIPA) Board, established pursuant to AB 953, the Racial and Identity Profiling Act of 2015, is comprised of law enforcement officials, faith and community leaders, and academics. The RIPA Board is requesting the assistance of law enforcement by asking you to participate in a short survey; this survey is supported by the representatives of the Cal Chiefs, California State Sheriffs, and CHP.

Each year the RIPA Board is required to produce an annual report, which includes a review and analysis of the racial and identity profiling policies, practices, and trainings of California's law enforcement agencies. The RIPA Board is conducting this survey to gather information on the work of your agency to enhance law enforcement-community relations, reduce bias, and promote fair and impartial policing.

Please complete the survey to the best of your ability, and submit your responses by **Friday, October 13, COB**. If you have any questions, need assistance regarding the survey, or would like additional time to complete the survey, please contact Department of Justice staff at AB953@doj.ca.gov

By participating in this survey, your agencies will be assisting the RIPA Board in its statutory duty to work with law enforcement to review and analyze racial and identity profiling policies, practices and trainings. The information that you provide will be considered a public record because you are sharing this information with the RIPA Board, and it will also be subject to disclosure under the California Public Records Act.

Thank you in advance for your participation.

*Sincerely,
California's Racial and Identity Profiling Advisory Board*

QUESTIONS RE: STATE AND LOCAL POLICIES AND TRAINING

1. **Does your agency have a specific policy concerning racial and/or identity profiling?**

Yes No

If yes, -

- a. **Please provide the policy below, or provide a link to the policy or attach it here. If unable to provide the policy, please describe it:**

- b. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of this policy? If so, please describe below:**

2. **Does your agency have its own racial and/or identity profiling training, or do you use the Commission on POST's training?**

Own POST's

If *own*, -

- a. **Please provide the training curriculum below, or provide a link to the training or attach it here. If unable to provide the training, please describe it.**

- b. **To whom is the training provided and how frequently?**

- c. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of this training? If so, please describe below:**

3. **Does your agency conduct any cultural diversity training?**

Yes No

If yes, -

- a. **Please provide the training curriculum below, or provide a link to the training or attach it here. If unable to provide the training, please describe it.**

- a. **To whom is the training provided and how frequently?**

4. **Does your agency address biased policing or racial and/or identity profiling in its policies or training in the following areas:**

- Reasonable suspicion/probable cause
- Initiating investigative stops
- Searches
- Use of Force

For any of the answers selected, -

- a. **Please provide the relevant policies or training below, or provide a link to the policies or training or attach them here. If unable to do so, please describe them:**

- d. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of the policies or trainings? If so, please describe below:**

5. **Does your agency have any policies regarding ethics or professionalism?**

Yes No

If yes, -

- a. **Please provide the policy below, or provide a link to the policy or attach it here.**

- b. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of this policy? If so, please describe below.**

6. **Does your agency have any of the below policies or practices relevant to racial and/or identity profiling?**

- Policies encouraging fair and impartial policing
- Policies on the prevention of biased policing
- Policies on community policing
- Use Body Worn Cameras (BWCs)
- Policy on the use of Body Worn Cameras (BWCs)
- Use Early Identification or Warning or Risk Management Systems
- Policies on the use of Early Identification or Warning or Risk Management Systems
- Policies on supervisory review of allegations related to biased policing
- Other relevant policies

Follow up question to any of the selections -

- a. **Please provide the policy (or policies) below, or provide a link to the policy (or policies) or attach it here. If unable to provide the policy or policies, please describe them.**

- b. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of these policies? If so, please describe below.**

7. **Does your agency use any data to assist in the evaluation of existing policies or practices relevant to racial and/or identity profiling?**

Yes No

If yes, -

- a. **Do you use a computer program (e.g. IAPro) to track this data?**

Yes No

- b. **Please provide a copy or link to any relevant guidance, regarding how data is used in the evaluation. If unable to provide the guidance, please describe it.**

8. **Do you have any specific policies, practices, or initiatives that have been particularly effective in improving law enforcement-community relations?**

Yes No

If yes, -

- c. **Please provide the policies, practices, or initiatives below, or provide a link to them or attach them here. If unable to do so, please describe them.**

- b. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of these policies, practices, or initiatives? If so, please describe below.**

QUESTIONS RE: CITIZEN (CIVILIAN) COMPLAINTS -

1. **How does your agency receive citizen/civilian complaints? (*select all that apply*)**
- a. Complaint Form
 - b. Intake by officer or staff
 - c. Other

For all selections made -

- i. **Please provide your complaint policy that details how a member of the public may make a complaint, or provide a link to the policy or attach it here. If unable to provide the policy, please describe the process for making a complaint.**

- ii. **Does your agency have any mechanisms to evaluate adherence to and effective implementation of this policy? If so, please describe below.**

If they check that they have a complaint form-

- i. **Please provide your citizen/civilian complaint form below, or provide a link to the form or attach it here.**

- ii. **In what languages is the form available?**

- iii. **How is the form made available to the public?**

- Online link located on your agency's website
 Your agency's social media site(s)
 Physical copy located at your agency
 Mailed physical copy upon online request
 Mailed physical copy upon phone request
 Can be found from a simple Google search
 Other

If other, -

- i. Please describe how the form is made available to the public below.

- ii. In what languages is the link available in? *(To be answered if the complaint form is available online)*

4. **When was the last time your agency's complaint form was updated?**

2. **What is your agency's policy on...**

a. **accepting anonymous complaints?**

Please provide the policy below, or provide a link to the policy or attach it here. If unable to provide the policy, please describe it.

b. **accepting 3rd party complaints?**

Please provide the policy below, or provide a link to the policy or attach it here. If unable to provide the policy, please describe it.

c. **accepting complaints from individuals with limited English proficiency?**

Please provide the policy below, or provide a link to the policy or attach it here. If unable to provide the policy, please describe it.

d. **accepting complaints from individuals with limited literacy?**

Please provide the policy below, or provide a link to the policy or attach it here. If unable to provide the policy, please describe it.

3. **How does your agency translate complaints that the public makes in languages other than English?** Please describe the translation process below.

4. **How does your agency document allegations of racial and/or identity profiling?**
Please describe the process below.

5. **How can a complainant track the status of his or her complaint?**

- Request an update online through your agency's website
- Request an update physically at your agency
- Request an update on the phone
- Request a mailed update
- Complainants are not able to track the status of their complaints
- Other

If other, -

- i. Please detail how the complainant can track the status of his or her complaint below:

6. **What citizen/civilian complaint data do you have available beyond the data that your agency reports to DOJ?** Please describe the data below:

7. **How many calls for service did your agency respond to in 2016?** Please provide your answer below.

Appendix D

Civilian Complaints Survey Results Summary¹⁰⁵

Name of Agency	Received Civilian Complaints by...		Civilian Complaint Form Made Available to the Public Via...				Accepts Complaints From a Complainant That Is...				Complainant Can Track the Status of His or Her Complaint by Requesting An Update ...			
	Complaint form	Intake by officer or staff	Online link	Physical Copy - Agency	Physical Copy - Online Request	Physical Copy - Phone Request	Anonymous	3 rd Party	Limited English Proficiency	Limited Literacy	On Website	At Agency	By Phone	By Mail
CHP (Tier 1)	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	
Los Angeles County SD (Tier 1)	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	
Los Angeles PD (Tier 1)	✓	✓	✓	✓	✓	✓					✓	✓		
San Bernardino County SD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓					
San Diego County SD (Tier 1)	✓	✓		✓	✓	✓	✓	✓	✓					
San Diego PD (Tier 1)	✓	✓	✓	✓			✓	✓	✓		✓	✓	✓	
San Francisco PD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Long Beach PD (Tier 2)	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Oakland PD (Tier 2)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Orange County SD (Tier 2)	✓	✓	✓	✓	✓		✓	✓	✓					
San Jose PD (Tier 2)	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	
Anaheim PD (Tier 3)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Stockton PD (Tier 3)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	

¹⁰⁵ Note that, the “X’s” in the table indicate where an agency specifically responded that they do *not* have that policy, training, or procedure. It was not required that agencies answer all questions in the survey, therefore, if an agency did not respond in the affirmative or negative, the response in the table was left blank. A blank space does not necessarily indicate that the agency does not have that policy or procedure.

Name of Agency	Received Civilian Complaints by...		Civilian Complaint Form Made Available to the Public Via...				Accepts Complaints From a Complainant That Is...				Complainant Can Track the Status of His or Her Complaint by Requesting An Update ...			
	Complaint form	Intake by officer or staff	Online link	Physical Copy - Agency	Physical Copy - Online Request	Physical Copy - Phone Request	Anonymous	3 rd Party	Limited English Proficiency	Limited Literacy	On Website	At Agency	By Phone	By Mail
Atascadero PD (Tier 4)	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓		
Atherton PD (Tier 4)	✓		✓				✓	✓	✓	✓	✓	✓	✓	✓
Azusa PD (Tier 4)	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓		
Bear Valley PD (Tier 4)	✓	✓		✓		✓	✓	✓			✓	✓	✓	✓
Brisbane PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Cal State University, Fresno PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓						
Cal State University Los Angeles PD (Tier 4)	✓		✓	✓			✓	✓	✓		✓	✓	✓	✓
Campbell PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Carlsbad PD (Tier 4)	✓	✓		✓			✓	✓	✓		✓	✓	✓	✓
Central Marin Police Authority (Tier 4)	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓
Chula Vista PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cloverdale PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓
Colton PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Colusa PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Corona PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓		
Coronado PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
Costa Mesa PD (Tier 4)	✓	✓		✓		✓	✓	✓	✓			✓		
Covina PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Culver City PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Daly City PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
Desert Hot Springs PD (Tier 4)	✓	✓		✓		✓		✓	✓			✓		

Name of Agency	Received Civilian Complaints by...		Civilian Complaint Form Made Available to the Public Via...				Accepts Complaints From a Complainant That Is...				Complainant Can Track the Status of His or Her Complaint by Requesting An Update ...			
	Complaint form	Intake by officer or staff	Online link	Physical Copy - Agency	Physical Copy - Online Request	Physical Copy - Phone Request	Anonymous	3 rd Party	Limited English Proficiency	Limited Literacy	On Website	At Agency	By Phone	By Mail
Dinuba PD (Tier 4)	✓						✓	✓	✓			✓		✓
Downey PD (Tier 4)	✓		✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
El Dorado County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
El Monte PD (Tier 4)	✓	✓	✓	✓			✓	✓	✓	✓			✓	
El Segundo PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓			✓		
Emeryville PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓	✓
Escalon PD (Tier 4)	✓	✓	✓	✓		✓	✓	✓	✓			✓	✓	
Ferndale PD (Tier 4)	✓	✓		✓			✓	✓	✓	✓		✓	✓	✓
Fremont PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓	✓
Gardena PD (Tier 4)	✓	✓		✓			✓	✓	✓	✓			✓	
Gilroy PD (Tier 4)	✓		✓	✓		✓	✓	✓						
Grover Beach PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
Healdsburg PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	
Hermosa Beach PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓				✓	
Hillsborough PD (Tier 4)	✓	✓		✓								✓	✓	
Huntington Beach PD (Tier 4)														
Huron PD (Tier 4)	✓			✓			✓	✓	✓	✓		✓	✓	✓
Inyo County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Irwindale PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓	✓
Jackson PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
Kings County SO (Tier 4)	✓	✓		✓		✓	✓	✓	✓			✓	✓	✓

Name of Agency	Received Civilian Complaints by...		Civilian Complaint Form Made Available to the Public Via...				Accepts Complaints From a Complainant That Is...				Complainant Can Track the Status of His or Her Complaint by Requesting An Update ...			
	Complaint form	Intake by officer or staff	Online link	Physical Copy - Agency	Physical Copy - Online Request	Physical Copy - Phone Request	Anonymous	3 rd Party	Limited English Proficiency	Limited Literacy	On Website	At Agency	By Phone	By Mail
La Palma PD (Tier 4)	✓	✓		✓	✓	✓								
Lake County SO (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	
Lincoln PD (Tier 4)	✓	✓	✓	✓			✓	✓	✓		✓	✓		
Livermore PD (Tier 4)	✓	✓		✓			✓	✓	✓		✓	✓	✓	
Livingston PD (Tier 4)	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓		
Los Gatos Monte Sereno PD (Tier 4)	✓	✓	✓	✓							✓	✓		
Manhattan Beach PD (Tier 4)	✓		✓	✓		✓	✓	✓	✓			✓		
Menlo Park PD (Tier 4)	✓	✓		✓	✓	✓					✓	✓	✓	
Modesto PD (Tier 4)	✓	✓		✓		✓						✓		
Monrovia PD (Tier 4)														
Montclair PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Monterey Park PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	
Morgan Hill PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
Mountain View PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
Murrieta PD (Tier 4)											✓	✓	✓	
National City PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Newport Beach PD (Tier 4)	✓	✓		✓		✓					✓	✓		
Oroville PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pacific Grove PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Pacifica PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓		

Name of Agency	Received Civilian Complaints by...		Civilian Complaint Form Made Available to the Public Via...				Accepts Complaints From a Complainant That Is...				Complainant Can Track the Status of His or Her Complaint by Requesting An Update ...			
	Complaint form	Intake by officer or staff	Online link	Physical Copy - Agency	Physical Copy - Online Request	Physical Copy - Phone Request	Anonymous	3 rd Party	Limited English Proficiency	Limited Literacy	On Website	At Agency	By Phone	By Mail
Paradise PD (Tier 4)	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	
Pasadena PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Placentia PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Placer County SO (Tier 4)	✓	✓	✓	✓		✓								
Port Hueneme PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓			✓		
Redding PD (Tier 4)	✓		✓	✓	✓	✓	✓					✓	✓	
Ridgecrest PD (Tier 4)	✓	✓		✓			✓	✓	✓		✓	✓		
Ripon PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Roseville PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Salinas PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓					
San Benito County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓				✓		
San Joaquin County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
San Leandro PD (Tier 4)	✓	✓	✓	✓	✓	✓							✓	
San Marino PD (Tier 4)	✓	✓		✓	✓	✓	✓				✓	✓	✓	
San Rafael PD (Tier 4)	✓	✓	✓	✓		✓	✓	✓	✓			✓	✓	
Sanger PD (Tier 4)	✓			✓		✓	✓		✓		✓	✓		
Santa Barbara SO (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	
Sebastopol PD (Tier 4)	✓	✓	✓	✓		✓	✓				✓	✓	✓	
Selma PD (Tier 4)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓		
Sierra Madre PD (Tier 4)	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	
Soledad PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	

Appendix E

State & Local Racial and Identity Profiling Policies and Accountability Survey Results¹⁰⁶

Name of Agency	Addresses biased policing or racial/identity profiling in its policies or training on...					Has policies, practices, or initiatives on...								Uses...		
	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
CHP (Tier 1)	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Los Angeles County SD (Tier 1)	✓	✓	✓	✓	✓	✓		✓					✓			✗
Los Angeles PD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
San Bernardino County SD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓
San Diego County SD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓			✗
San Diego PD (Tier 1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
San Francisco PD (Tier 1)	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

¹⁰⁶ Note that, the “X’s” in the table indicate where an agency specifically responded that they do *not* have that policy, training, or procedure. It was not required that agencies answer all questions in the survey, therefore, if an agency did not respond in the affirmative or negative, the response in the table was left blank. A blank space does not necessarily indicate that the agency does not have that policy or procedure.

Name of Agency	Addresses biased policing or racial/identity profiling in its policies or training on...					Has policies, practices, or initiatives on...								Uses...		
	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
Long Beach PD (Tier 2)	X					✓				✓						X
Oakland PD (Tier 2)	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Orange County SD (Tier 2)	✓		✓			✓	✓	✓		✓		✓		✓		X
San Jose PD (Tier 2)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓
Anaheim PD (Tier 3)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X
Stockton PD (Tier 3)	X	✓	✓	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓
Atascadero PD (Tier 4)	✓			✓	✓	✓	✓	✓		✓			X	✓		X
Atherton PD (Tier 4)	✓	✓				✓	✓	✓		✓			X	✓		X
Azusa PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓		X
Bear Valley PD (Tier 4)	X					✓				✓			X	✓		X
Brisbane PD (Tier 4)	✓					✓	✓	✓	✓	✓			✓	✓		X
Cal State University, Fresno PD (Tier 4)	✓					✓							X			X
Cal State LA PD (Tier 4)	✓	✓				✓	✓	✓	✓		✓		✓		✓	✓
Campbell PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓

Name of Agency	Addresses biased policing or racial/identity profiling in its policies or training on...					Has policies, practices, or initiatives on...								Uses...		
	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
Carlsbad PD (Tier 4)	✓	✓				✓	✓	✓	✓	✓		✓	✓	✓		✗
Central Marin Police Authority (Tier 4)	✓					✓				✓		✓	✓	✓		✗
Chula Vista PD (Tier 4)	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Cloverdale PD (Tier 4)	✓					✓	✓	✓	✓	✓		✓	✗	✓	✓	✓
Colton PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Colusa PD (Tier 4)	✓					✓						✓	✓			✗
Corona PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✗
Coronado PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✗
Costa Mesa PD (Tier 4)	✓	✓	✓			✓							✗			✗
Covina PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓				✓				✗
Culver City PD (Tier 4)	✓					✓		✓	✓	✓		✓	✗	✓		✗
Daly City PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓		✓	✓
Desert Hot Springs PD (Tier 4)	✓	✓				✓		✓				✓	✗	✓		✗
Dinuba PD	✗	✓	✓	✓		✓			✓			✓				✗

Name of Agency	Addresses biased policing or racial/identity profiling in its policies or training on...					Has policies, practices, or initiatives on...								Uses...		
	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
(Tier 4) Downey PD	✓		✓			✓	✓	✓		✓			✗	✓		✗
(Tier 4) El Dorado County SO	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓		✓	✓
(Tier 4) El Monte PD	✓	✓	✓	✓	✓	✓	✓	✓				✓				✗
(Tier 4) El Segundo PD	✓					✓	✓		✓			✓		✓		✗
(Tier 4) Emeryville PD	✓					✓	✓	✓		✓		✓		✓		✗
(Tier 4) Escalon PD	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓		✓
(Tier 4) Ferndale PD	✓	✓	✓	✓	✓	✓			✓	✓		✓		✓		✗
(Tier 4) Fremont PD	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✗
(Tier 4) Gardena PD	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓
(Tier 4) Gilroy PD	✓	✓				✓				✓			✗			✗
(Tier 4) Grover Beach PD	✓		✓			✓	✓	✓	✓		✓	✓		✓		✗
(Tier 4) Healdsburg PD	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓		✗
(Tier 4) Hermosa Beach PD	✓	✓	✓	✓		✓	✓	✓			✓	✓			✓	✓
(Tier 4) Hillsborough PD	✓		✓	✓		✓	✓	✓					✗	✓		✗

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Huntington Beach PD (Tier 4)	✓	✓	✓		✓	✓				✓	✓	✓		✓	✓	✗
Huron PD (Tier 4)	✗					✗							✗			✗
Inyo County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✗	✓		✗
Irwindale PD (Tier 4)	✓	✓	✓			✓	✓	✓	✓			✓	✓			✗
Jackson PD (Tier 4)	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✗
Kings County SO (Tier 4)	✓	✓	✓			✓	✓	✓	✓				✗			✓
La Palma PD (Tier 4)	✓	✓	✓			✓	✓	✓	✓			✓	✓			✗
Lake County SO (Tier 4)	✓	✓				✓	✓	✓	✓	✓		✓	✓	✓		✗
Lincoln PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓		✗
Livermore PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓
Livingston PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓		✗
Los Gatos Monte Sereno PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✗	✓		✗

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	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
Paradise PD (Tier 4)	✓	✓	✓			✓		✓		✓			✓	✓		✗
Pasadena PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Placencia PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✗
Placer County SO (Tier 4)	✓	✓	✓		✓	✓	✓	✓				✓				✓
Port Hueneme PD (Tier 4)	✓					✓				✓	✓		✓	✓	✓	✗
Redding PD (Tier 4)	✓	✓	✓	✓	✓	✓							✗			✗
Ridgecrest PD (Tier 4)	✓	✓				✓	✓	✓	✓				✓			✗
Ripon PD (Tier 4)	✓	✓				✓	✓	✓	✓	✓		✓	✓	✓		✓
Roseville PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓		✓
Salinas PD (Tier 4)	✓				✓	✓			✓	✓			✓	✓		✗
San Benito County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓				✓	✗			✗
San Joaquin County SO (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓
San Leandro PD	✓	✓	✓	✓	✓	✓	✓			✓			✓	✓		✗

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	Has A Specific Policy Concerning Racial And/Or Identity Profiling	Reason-able Suspicion/ Probable Cause	Initiating Investigative Stops	Searches	Use Of Force	Ethics Or Professionalism	Encouraging Fair And Impartial Policing	Prevention Of Biased Policing	Community Policing	Use Of Body Worn Cameras	Use Of Early Identification Or Warning Or Risk Management Systems	Supervisory Review	Improving Law Enforcement-Community Relations	Body Worn Cameras	Early Identification Or Warning Or Risk Management Systems	Data To Assist In The Evaluation Of Existing Policies Or Practices
(Tier 4) San Marino PD	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✗			✗	
(Tier 4) San Rafael PD	✓	✓	✓	✓	✓	✓		✓		✓		✗	✓		✗	
(Tier 4) Sanger PD	✓	✓				✓		✓			✓	✓			✗	
(Tier 4) Santa Barbara SO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✗	
(Tier 4) Sebastopol PD	✓					✓			✓		✓	✗	✓		✗	
(Tier 4) Selma PD	✓	✓	✓			✓						✓			✗	
(Tier 4) Sierra Madre PD	✗	✓	✓	✓	✓	✓	✓	✓	✓			✓			✗	
(Tier 4) Soledad PD	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✗	✓		✗	
(Tier 4) Stallion Springs PD	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	
(Tier 4) Susanville PD	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	
(Tier 4) Sutter County SO	✗	✓	✓	✓	✓	✓						✗			✗	
(Tier 4) Torrance PD	✓					✓	✓		✓			✓			✗	
(Tier 4) Tulelake PD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✗	✓			

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Tuolumne County SO (Tier 4)	✓	✓	✓	✓	✓	✓		✓				✓				✗
Turlock PD (Tier 4)	✓	✓	✓			✓		✓		✓	✓	✓		✓		✗
UCLA PD (Tier 4)	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
UC Berkeley PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✗		✓		✗
UC Riverside PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓				✗
UC Santa Barbara PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓				✗
UC Santa Cruz PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Ventura PD (Tier 4)	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✗
Visalia PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Weed PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Whittier PD (Tier 4)	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✗
Winters PD (Tier 4)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Woodlake PD (Tier 4)	✓	✓				✓	✓				✓	✗				✗