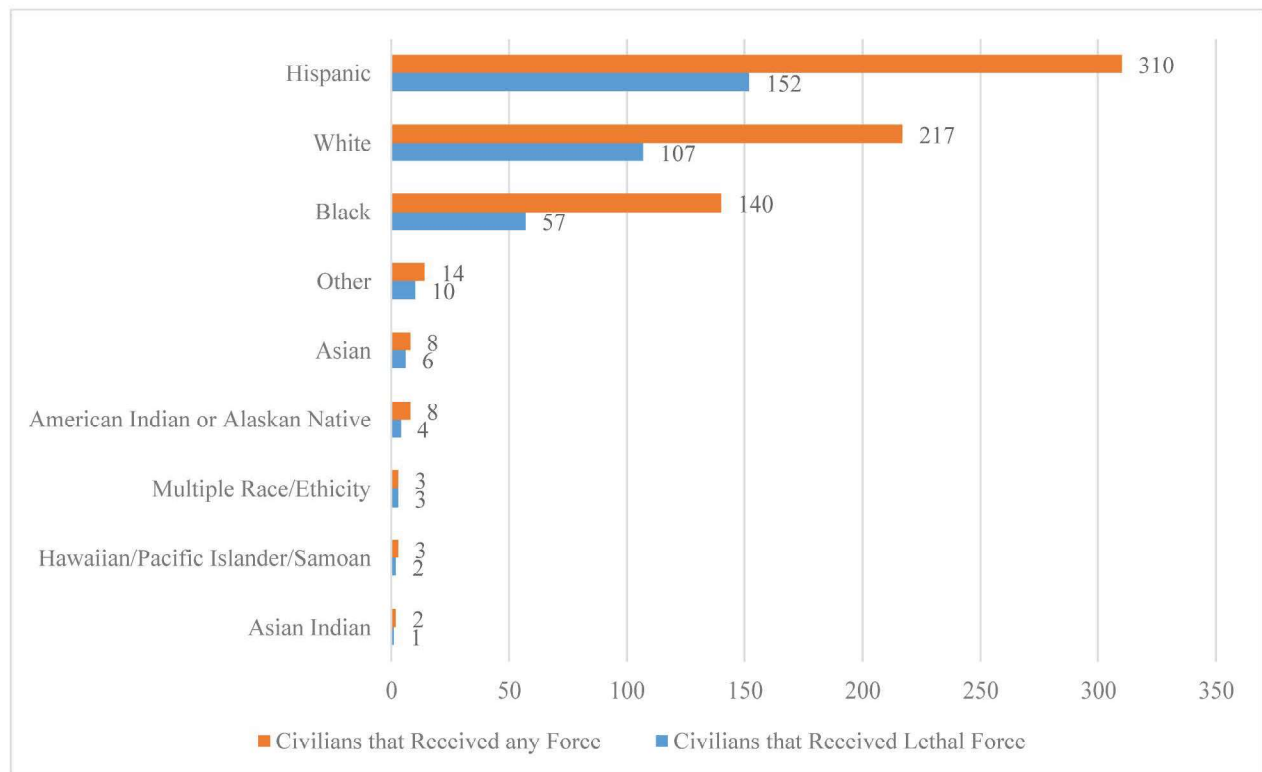


civilians had lethal force²⁰¹ used on a higher proportion of their members (6 out of 8 individuals) than other racial and ethnic groups. Less lethal force was used on 100 percent of Asian Indian civilians, although there were only two members of this ethnicity group in the 2017 data. Readers are cautioned that, because the total number of Asian and Asian Indian civilians in the data set is very low, it is difficult to draw inferences or conclusions about use of force and these groups. For this reason, we also report on groups with larger numbers in the data set. Of the three racial groups that compose most of the civilians in the dataset, white civilians had the highest proportion of lethal force ($n = 107$, 49.3%) used on them, Hispanic civilians had the highest less lethal force ($n = 114$, 36.8%), and black civilians had the highest proportion of physical force ($n = 66$, 47.1%). All races and ethnicities had a low number of their members have a threat of a firearm reported to have be used on them (see Table 6 of Appendix E). Figure 5 displays the number of civilians from each race/ethnicity group that had lethal force used on them and also how many civilians from each group had force of any type (including lethal force) used on them.²⁰²

Figure 5: Civilians Receiving Lethal Force and All Force Types by Civilian Race or Ethnicity



²⁰¹ The Key Terms box on this page displays how the use of force types in URSUS were grouped into the categories discussed in this chapter.

²⁰² Civilians in the dataset that had no force used on them are not represented in Figure 5.

Civilian Gender

More than ninety percent ($n = 679$, 91.6%) of civilians in the URSUS data were male, while the remaining 53 civilians (7.2%) were female (see Table 4 of Appendix E). Female and male civilians were within two percent of each other in the proportion of cases that had less lethal force used on them and were within one percent of each other in the proportion of cases where the threat of a firearm was employed on them. Larger differences in the distribution of force type are observed between these two groups when lethal and physical force are used (see Table 7 of Appendix E). The proportion of male civilians ($n = 327$) that had lethal force used on them was more than 1.5 times the proportion of female civilians ($n = 15$) that had this force type used on them, 49.9 and 30.6 percent respectively. Meanwhile, the proportion of female civilians that received physical force ($n = 30$, 61.2%) was more than 1.5 times the proportion of male civilians receiving the same type of force ($n = 251$, 38.3%).

Gender was not reported for the eight (1.1%) civilians that fled and evaded capture. In 2017, there was only one AB 71-reportable incident involving a transgender person. This person had physical and less lethal force used on them. However, the force types from a single case are not likely to generalize to the population as a whole.

Civilian Age

URSUS captures civilian age as a range, rather than as a distinct number. The age of civilians involved in the URSUS use of force incidents ranged from people aged 10-17 at the lower end, to a person aged 76-80 at the higher end (see Table 3 of Appendix E). Nearly ninety percent (89.2%) of the civilians were fifty years old or below. The age group with the highest number of civilians that were involved in use of force incidents was the twenty-one to thirty years old group ($n = 262$, 35.4%). Twenty civilians (2.7%) were minors aged 10-17 at the time of their respective incidents.

The civilian age groups that had the highest proportion of their members receive each type of force was as follows: 10-17 ($n = 12$, 66.7%) for lethal force, 51-60 ($n = 29$, 50%) for less lethal force, above 60 ($n = 7$, 53.8%) for physical force, and 18-20 ($n = 2$, 3.8%) for threats of a firearm (see Table 9 of Appendix E). However, each of these groups only accounts for a small portion, less than three percent, of the civilians involved in the use of force incidents. Of the age groups that accounted for at least ten percent of the civilians in the 2017 data, 41-50, received the highest proportion of lethal ($n = 58$, 50.9%) and less lethal ($n = 42$, 36.8%) force, civilians aged 31-40 the highest proportion of physical force ($n = 85$, 42.7%), and civilians between 21-30 received the highest proportion of threats of a firearm ($n = 3$, 1.2%).

Perceived Mental Disability Status

Due to important distinctions from other identity groups in the way this data element is captured, the Board recommends that readers reference the Known Limitations section of this chapter in order to understand the way that civilians were classified for the perceived mental disability status variable. In 2017, law enforcement perceived eighty-four (11.3%) civilians involved in the reported use of force incidents to exhibit signs indicating that they had a mental disability (see

Table 5 of Appendix E). A higher proportion of civilians perceived to have a mental disability received force across all categories than other civilians (see Table 8 of Appendix E).

II. REVIEW OF RESEARCH ON THE EFFICACY OF USE OF FORCE POLICIES IN DECREASING DEADLY AND LESS LETHAL INCIDENTS

Research evaluating the relationship between administrative policy and use of force incidents in various police departments suggests that contemporary use of force policies that contain concrete instructions and limits on when certain types of force should be used correspond with a decrease in deadly and less lethal force incidents. While these studies cannot prove that the change in policy solely *caused* any fluctuation in rates of deadly and less lethal use of force incidents, several did find that the two changes were correlated.

An early study on this topic analyzed data from the New York City Police Department in 1979 found that police shootings steadily decreased after the department implemented a policy regulating shooting discretion in 1972.²⁰³ Importantly, the study did not observe an increase in officer injury or death in conjunction with new policy changes.²⁰⁴ Similar analysis of the Philadelphia Police Department's administrative policy on the use of deadly force completed in 2000 found that on-duty police shootings decreased after the department implemented restrictions that limited an officer's discretion to use deadly force in 1980.²⁰⁵ This new policy re-introduced deadly force restrictions that were in place within the department from June 1973 to December 1974. Specifically, the policy implemented in 1980 directed officers to use deadly force only in circumstances where necessary to protect human life, when no other alternative exists, to detain fleeing felons known to be in possession of a deadly weapon that they either threatened to use or have used, or to detain fleeing felons who have committed forcible felonies.²⁰⁶

Another recent analysis of the relationship between police agency policies and rates of officer-involved gun deaths found that agencies that require officers to report when an officer drew a firearm had, on average, lower rates of officer involved shooting deaths when compared to agencies that did not have this requirement.²⁰⁷

Sam Sinyangwe, a data scientist who focuses his analysis on police best practices, presented, at the June 2018 RIPA Board meeting, his findings on the relationship between use of force policies and observed lethal use of force. force.²⁰⁸ In his review of 91 of the largest municipal police departments in the country, he relayed the following:

²⁰³ Fyfe, *Administrative Interventions on Police Shooting Discretion: An Empirical Examination* (1979) 7 J. Brim. Just. 309, reprinted in *Readings on Police Use of Deadly Force*, p. 277-279.

²⁰⁴ *Id.*, p. 279.

²⁰⁵ White, *Assessing the Impact of Administrative Policy on Use of Deadly Force By On- and Off-Duty Police* (2000) Evaluation Review 24, 3, p. 307-314.

²⁰⁶ *Id.*, p. 307-314.

²⁰⁷ Jennings and Rubado, *Preventing the Use of Deadly Force: The Relationship between Police Agency Policies and Rates of Officer-Involved Gun Deaths* (2017), pp. 217-226.

²⁰⁸ Sam Sinyangwe presented to the Board in June of 2018. For additional information on this presentation, please see <https://oag.ca.gov/ab953/Board>

- Restrictive use of force policies were associated with fewer officer involved deaths
- Police departments with more restrictive use of force policies had fewer officer involved deaths per population²⁰⁹
- Police departments with more restrictive use of force policies had fewer officer involved deaths per 100,000 arrests.²¹⁰
- Officers in departments with more restrictive use of force policies were less likely to die in the line of duty
- Officers in departments with more restrictive use of force policies were less likely to be assaulted in the line of duty
- Officers in departments with more restrictive use of force policies were approximately as likely to sustain an injury during an assault.

A more recent 2017 assessment of the Seattle Police Department by the Seattle Police Monitor revealed a nearly 11 percent decrease in use of force incidents after the department implemented a policy with clear directives and prohibitions on certain types of force used.²¹¹ For example, updated policy directs officers to use force that is proportional to the level of resistance provided by the citizen and to de-escalate situations whenever safe to do so.²¹² This study, however, did not observe an increase in officer injury after their agency implemented new use of force policies.²¹³

Studies regarding the efficacy of these more contemporary and limited use of force policies, such as the ones identified above, are an important yardstick to measure whether these contemporary policies have their intended outcome—to reduce the number of force incidents without an increase to civilian and officer injury or death. For example, the Seattle Police Monitor regularly releases reports that include longitudinal quantitative and qualitative data analysis of police practices to evaluate the effectiveness of policy changes.

Accordingly, it is essential for law enforcement agencies to continue to self-evaluate and measure the effectiveness of their use of force policies. To accomplish this, agencies may consider partnering with research organizations or academic institutions to evaluate outcomes if and when agencies implement more restrictive use of force policies. This continued analysis may result in ongoing revisions to policies, more training, improvements to organizational culture, or other important interventions.

In future reports, as the Board begins to evaluate stop data reports, the Board may offer best practices recommendations related to police stops and use of force.

²⁰⁹ Relevant for departments that had four or more of the eight restrictive use of force policies.

²¹⁰ Relevant for departments that had six of the eight use of force policies under review.

²¹¹ Seattle Police Monitor, Ninth Systemic Assessment: Use of Force (2017), p. 30.

²¹² *Id.* p. 13-16

²¹³ *Id.* p. 55-56.

CONCLUSION

The Board has come a long way since its inception over the past two and a half years, but there is still a great deal of work that lays ahead. As you can see from this report, the Board members are dedicated to identifying and addressing racial and identity profiling in California. The Board will continue to work on creating actionable solutions to mitigate the harmful ramifications that racial and identity profiling has upon our communities including law enforcement. The Board is hopeful that through persistent collaboration, open and respectful dialogue, and continued engagement with law enforcement and the community, strides will be made toward the identification and elimination of racial and identity profiling in California. The Board will continue to use the responsibilities bestowed upon it by the California Legislature to continually build improved relationships and mutual trust and respect between law enforcement agencies and the communities they serve.

APPENDIX A: RELEVANT LEGISLATION ENACTED IN 2018

In 2018, the State of California proposed and enacted several landmark pieces of legislation related to police accountability. Below is a summary of several relevant bills, which were enacted in 2018, and which are effective January 1, 2019.

SB 978²¹⁴

This legislation requires law enforcement agencies to post their policies and procedures online.

SB 1421²¹⁵

This legislation modifies California's police confidentiality laws to allow public access to records relating to firearms discharges or other serious uses of force and sustained on the job sexual assault and dishonesty by officers. Records that must be released include investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; materials compiled and presented for review to the district attorney or to any entity charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the. Released records must be redacted to remove personal data and to preserve the anonymity of complainants and witnesses. Agencies may withhold records that are the subject of an active criminal or administrative investigation.

AB 748²¹⁶

This legislation establishes a standard for the release of body-worn camera footage of officer-involved shootings and other critical incidents by balancing privacy interests with the public's interest in the footage. With exceptions for protecting privacy and the integrity of pending investigations, the bill requires agencies to release footage within 45 days of an officer-involved shooting or use of force that results in death or great bodily injury.

SB 923²¹⁷

This legislation requires all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses to ensure reliable and accurate suspect identifications. The bill establishes minimum required standards for conducting lineups, including recording the identification procedures.

²¹⁴ Sen. Bill No. 978 (2017-2018 Reg. Sess.) § 1-2.

²¹⁵ Sen. Bill No. 1421 (2017-2018 Reg. Sess.) § 1-5.

²¹⁶ Assem. Bill No. 748 (2017-2018 Reg. Sess.) § 1-2.

²¹⁷ Sen. Bill No. 923 (2017-2018 Reg. Sess.) § 1-3.

This legislation, which adds Section 625.4 to the Welfare and Institutions Code, places limits on the collection and use of voluntary DNA reference samples from minors. Among other things, the law requires written consent by the minor and approval by the minor's parent or legal guardian. In addition, any agency that obtains a voluntary DNA reference sample directly from a minor shall determine within two years whether the minor remains a suspect in a criminal investigation. If the sample collected does not implicate the minor within two years, the agency is required to expunge the sample from any databases or data banks in which they have been entered. An agency shall make reasonable efforts to expunge such samples if requested by the minor, unless the sample has implicated the minor in a criminal investigation. A voluntary DNA reference sample taken from a minor shall not be searched, analyzed, or compared to other DNA samples or profiles to investigate crimes other than the investigation for which the sample was taken, unless permitted by a court order. The law provides for penalties, including attorney's fees and costs, if an agency is found by clear and convincing evidence to have maintained a practice of collecting voluntary DNA reference samples directly from a minor in violation of this section. This law is limited to the voluntary collection of DNA samples from a minor, and does not affect other laws that permit the collection or use of DNA other circumstances.

²¹⁸ Assem. Bill No. 1584 (2017-2018 Reg. Sess.) § 1.

APPENDIX B: COMPILED BEST PRACTICE RECOMMENDATIONS

Racial and Identity Profiling Policies

1. Agencies Should Have a Clear Policy Devoted to the Prevention of Racial and Identity Profiling

Foundational to any bias-free policing policy should be the inclusion of a clear written policy and procedure regarding an agency's commitment to identifying and eliminating racial and identity profiling if and where it exists. Agencies should consider partnering with various stakeholders and representatives of the community in developing this policy. Some of the principles that agencies may wish to include in the policy are below.

- Agencies should create a separate policy dedicated to bias-free policing that expressly prohibits racial and identity profiling. The policy should explicitly and strongly express the agency's core values and expectations when it comes to bias-free policing.
- Sworn and non-sworn personnel should be directed to interact with all members of the public in a professional, impartial, fair, respectful, and nondiscriminatory manner.
- All persons (i.e., both members of the public and agency personnel) should be treated equally without regard to protected characteristics. California state civil rights laws should be used as a guide for the characteristics that should be included within the policy. These characteristics include, but are not limited to, race, color, ancestry, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental disability, and physical disability.
- Officers should be prohibited from using proxies for protected characteristics, including language ability, geographic location, mode of transportation or manner of dress, among others.
- The policy should clearly articulate when the consideration of race/ ethnicity, disability and other protected characteristics is inappropriate in carrying out duties and when it is legitimate policing to consider them, e.g., when a specific suspect description includes race or other protected characteristics.

2. Policies Covering the Prevention of Racial and Identity Profiling Should Be Easily Accessible and Well-Integrated into the Agency's Culture

- The policy should be accessible in many formats such as online, in person at the agency, at other governmental and non-governmental locations, and from an officer or employee, if requested.
- Agencies should develop and use a language assistance plan and policy that includes protocols for interpretation (including Braille and American Sign Language) that is tailored to particular settings (e.g., interviews in jails or where person is otherwise in custody, interactions at police stations, interactions with officers at stops, etc.).
- Bias-free policing principles should be integrated into management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

- The policy should include cross references to other relevant policies from the agency (such as civilian complaints, stops, use of force, training, etc.) and, where possible, provide links to the text of those policies.

3. Policies Covering the Prevention of Racial and Identity Profiling Should Have Concrete Definitions to Ensure Its Principles Are Consistently Applied

- The policy should include a robust list of definitions of key terms, protected classes and characteristics, including but not limited to:
 - racial or identity profiling
 - bias-free policing
 - race
 - color
 - ethnicity
 - national origin
 - ancestry
 - age
 - religion
 - gender identity or expression
 - sexual orientation
 - mental disability
 - physical disability
- “Racial or identity profiling” should be defined in accordance with California Penal Code 13519.4, subdivision (e), as follows:
 - *“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 non-consensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.”*

4. Policies Covering the Prevention of Racial and Identity Profiling Should Include a Component on the Limited Circumstances in Which Characteristics of an Individual may be Considered

The policy should state that:

- Officers may take into account protected characteristics of an individual in establishing reasonable suspicion or probable cause, only when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident.
- Officers must be able to articulate specific facts that support their use of personal characteristics in establishing reasonable suspicion or probable cause.
- Officers may consider relevant personal characteristics of an individual when determining whether to identify services designed for individuals with those characteristics (e.g., behavioral crisis, homelessness, drug use, etc.).

5. Policies Covering the Prevention of Racial and Identity Profiling Should Include a Component on Communication with the Community

The policy should state that:

- All employees should treat all members of the public with courtesy, professionalism, and respect. Employees should not use harassing, intimidating, derogatory, or prejudiced language particularly when related to an individual's actual or perceived protected characteristics.
- Officers should listen to the member of the public's questions or concerns without interruption and then directly address the questions the person may have regarding the stop, including an explanation of options for traffic citation disposition if relevant.
- When conducting stops, officers should introduce themselves to the person being stopped and provide an explanation for the stop as soon as soon as reasonable and practicable (ideally before asking the driver for his or her license and registration).

6. Policies Covering the Prevention of Racial and Identity Profiling Should Include a Component on Training

- All agency personnel, including dispatchers and non-sworn personnel, should be educated on biases, both implicit and overt, and expected to manage them.
- All officers should be provided with training that is adequate in quality, quantity, scope, and type on investigatory stops, searches, and arrests.
- The training should be created in consultation with law enforcement experts and stakeholders, provided on a regular basis, and consistently evaluated and updated.

7. Policies Covering the Prevention of Racial and Identity Profiling Should Include a Component on Data Collection and Analysis

- Agencies should consider analyzing the data they have collected, including data collected and reported to the Department regarding stops and civilian complaints.
- Data should be reviewed to identify exceptional and deficient conduct, trends, unexplained disparities, compliance with policy, and training needs and opportunities.
- Data should be reviewed when relevant for investigating complaints of bias.

8. Policies Covering the Prevention of Racial and Identity Profiling Should Include a Component That Requires Accountability and Adherence to the Policy

- All agency personnel, including dispatchers and non-sworn personnel, are responsible for knowing and complying with the policy. Employees who engage in, ignore, or condone bias-based policing should be subject to discipline.
- The policy should include information on the procedure for making a complaint and handling a bias-based policing allegation.
- Officers must report instances of biased policing that they witness or are otherwise aware of. The policy should emphasize that all employees share the responsibility of preventing bias-based policing in the agency.
- The policy should prohibit retaliation against any person, law enforcement or civilian, who alleges biased policing.

Supervisory Review

Supervising, directing, overseeing, and reviewing the daily activities of police officers, is essential in ensuring that the tenets of bias-free policing are integrated fully into the law enforcement agency and its culture. Below are some recommended best practices for inclusion in policies regarding supervisory review, as well as some systems and technologies that can serve as necessary tools in the supervision and accountability process:

Supervisors should:

- Establish and enforce the expectation that officers will police in a manner that is consistent with the U.S. and California Constitutions and federal and state laws, as well as internal policies.
- Provide leadership, counseling, direction, and support to officers as needed.
- Lead efforts to engage individuals and groups and ensure that officers are working actively to engage the community and increase public trust.
- Review documentation, including video from body-worn cameras as appropriate, of investigatory stops, detentions, searches, and arrests for completeness, accuracy, and adherence to law and department policy.
- Take corrective action, require training, or refer for discipline where appropriate.
- Identify training and professional development needs and opportunities.
- Highlight areas where officers are engaging appropriately and effectively and use those examples during roll call and other training opportunities.

Consider the use of early identification, warning, or risk management systems to contribute to effective and efficient supervisory review.

Civilian Complaint Policies and Procedures

1. Agencies Should Have Civilian Complaint Policies and Procedures That Contain Basic Principles

- Agencies should have an accessible, fair, and transparent complaint process. The process should be set forth in writing and made widely and permanently available within the agency and to the public. All complaints should be accepted, whether in person, in writing, over the telephone, anonymously, or on behalf of another individual.
- Agencies should develop an easily understandable and usable complaint form that individuals may use when filing a complaint regarding alleged personnel misconduct. This form should be available online as well as in writing at a variety of governmental and community-centered locations and should be made available in multiple languages. The form should not contain any language that could reasonably be construed as discouraging the filing of a complaint.
- Agencies should document and investigate all complaints of alleged personnel misconduct, in a thorough, unbiased, timely manner, and as practicable. The standards for review should be clearly delineated in policies, trainings, and procedures featuring detailed examples to ensure proper application.
- All complainants, subject personnel, and witnesses should be treated objectively and fairly.
- The complaint policy should encourage individuals to come forward rather than discourage or intimidate complainants. Retaliation against any person who reports alleged misconduct or cooperates with an investigation should be expressly prohibited.

- All sworn and non-sworn law enforcement employees should be sufficiently trained on the complaint policy, procedure, and requirements.

2. Policies on Civilian Complaints Should Be Easily Accessible and Well Communicated to the Community

- Complaint procedures and forms should be made available in multiple languages and at a location within the agency's office that is easily accessible to the public. In addition, the procedures and complaint forms should be available online and in writing at a variety of governmental and community-centered public locations.
- Agency personnel should have complaint forms in their patrol vehicles so that complaints can be addressed immediately in the field. Agencies may consider distributing business cards with the personnel's name, rank, and contact information to assist the public in lodging complaints. They may also consider requiring supervisors to respond to the field to take complaints.
- The agency should contact the complainant as soon as possible with a verification that the complaint has been received and that it is being reviewed.
- Reports of complaint statistics should be made available to the public on a regular basis.

3. Any Policy on Civilian Complaints Should Contain Details on the Intake, Filing, and Tracking Process

- Agencies should establish written policies and procedures for accepting, processing and investigating complaints, ensuring fairness to the subject personnel and complainants.
- All complaints and their dispositions should be appropriately documented and tracked, preferably electronically.
- All agency personnel, including dispatcher and non-sworn personnel, should be trained to properly handle complaint intake, including how to provide complaint material and information, the consequences for failing to properly take complaints, and strategies for turning the complaint process into positive police-civilian interaction.
- An agency's complaint procedures should be explained to the complainant and the complainant should be advised where and with whom the complaint may be filed.
- All complaints should be given a unique number for tracking purposes.

4. Policies on Civilian Complaints Should Contain Details on the Investigation Process

- Agencies should clearly detail the investigation procedure for complaints to ensure all complaints are appropriately and objectively reviewed.
- Any investigation should be completed by someone of higher rank than the person who is the subject of the investigation.
- All investigations should adhere to written timelines from the date the complaint was filed.
- Agencies should promptly identify, collect, and consider all relevant evidence, including audio or video recordings. Agencies should not seek personal information that is not necessary to process the complaint, and which may discourage submission (e.g., social security number, driver's license information, etc.).

- Agencies should take all reasonable steps to locate and interview all witnesses, including civilian witnesses. Interviews should be conducted in a timely, respectful, and unbiased manner. All agent and witness statements should be objectively evaluated.
- If the complainant cannot identify the subject officer's name, all reasonable efforts to identify the officer should be made.
- Agencies should accept all complaints regardless of when the alleged incident occurred. Depending upon the age and severity of the allegations, the agency may or may not need to take action, but should at minimum accept the complaint and conduct an initial review.
- Agencies should adhere to a stated time limit on how quickly the investigation process is commenced after receiving a complaint and deadlines to ensure timely resolution.
- Agencies should clearly define investigation disposition categories and make this information available to the public.
- The agency should regularly assess the effectiveness of the complaint process and determine if there is a need for a re-evaluation of existing policies, procedures, or trainings.
- Agencies should consider the appropriateness of independent oversight models such as a civilian review Board or independent auditor.
- Agencies should document all investigation findings and keep all complaints available for internal analysis and audits for at least five years.
- Agencies should consider conducting regular, targeted, and random integrity audits.

Racial and Identity Profiling Training

1. Trainings on Racial and Identity Profiling Should Incorporate Basic Principles

The training should:

- Begin with providing all trainees with relevant definitions and scientific research, including a sufficient understanding and definitions of implicit and explicit bias and stereotyping. The training should also emphasize that a great deal of human behavior and brain processing occurs without conscious perception and that all members of society frequently act on their biases. The training should present scientific peer-reviewed research on bias and how it can influence on behavior.
- Be developed in partnership with academic institutions or consultants with the requisite expertise to assist in developing and implementing trainings. These institutions or consultants should have documented experience conducting such racial and identity profiling trainings for institutional actors (and, ideally, helping design successful interventions).
- Provide all agency employees with the knowledge and skills to identify bias and minimize its impact upon law enforcement activities and interactions with members of the public.
- Reflect the agency's commitment to procedural justice, bias-free policing, and community policing.
- Instill in all officers the expectation they will police diligently and have an understanding of and commitment to the rights of all individuals they encounter. This includes reinforcing that protecting civil rights is a central part of the police mission and is essential to effective policing. All employees should be made aware of the requirements of the United States and California Constitutions and relevant federal, state, and local laws related to equal protection and unlawful discrimination.
- Provide all trainees with a sufficient understanding and definition of implicit and explicit bias and stereotyping emphasizing that all members of society frequently act on their biases. The training should present scientific peer-reviewed research on bias and its influence on behavior.
- Provide officers with information regarding the existence of and how to access all health and wellness programs, physical fitness programs, stress management tools, confidential crisis counseling, or other support services available to address the heavy burdens placed on today's police officers. Research suggests that stress and having to make quick decisions under pressure can often lead to people relying on stereotypes. In addition, training should discuss methods, strategies, and techniques to reduce a reliance on unguided discretion in making stops.
- Utilize adult learning approaches, including experimental learning and realistic scenario-based training to provide officers with opportunities to develop skills in realistic settings; this includes learning by doing, and refining their understanding of policies, expectations, or concepts by applying them to the types of situations they may come across in their day-to-day work.
- Include an assessment of whether officers comprehend the material taught.

- Complete and consistent training records for all trainings should be maintained for all agency employees. Agency-wide training analysis should be regularly completed and trainings should be consistently reviewed and updated.
- Agencies should consider integrating a feedback loop or “check-ins” among trainees in between trainings to allow officers to reflect on and apply what they learned in the trainings to their daily lives.

2. Training on Racial and Identity Profiling Should Be Well Organized and Delivered Regularly

- Training should be relatively short and frequently provided (for example, agencies should consider offering a series of two-hour trainings several times a year rather than an eight-hour training every four or five years).
- Training should include members of the community who are knowledgeable about various communities and local issues, including representatives knowledgeable on issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and disability.
- Consider expanding training options to include courses on topics such as power imbalance, statistics, and methods for effective supervision.
- Trainings should be evaluated for their impact on police-community relations.

3. Training on Racial and Identity Profiling Should Address Communication and Community Relationships

The training should:

- Address the benefits of and means to achieve effective community engagement, including how to establish formal partnerships and actively engage community organizations and diverse groups within the community to form positive relationships. This could include examples of successful partnerships and engagement.
- Cover cultural competency, cultural awareness, and sensitivity, including the impact of historical trauma on police-community interactions and locally relevant incidents and history.
- Include effective communications skills, including how to recognize and overcome communication obstacles.

4. Training on Racial and Identity Profiling Should Include the Tenets of Procedural Justice

The training should:

- Emphasize the core tenets of procedural justice (an approach to policing that emphasizes the importance of treating everyone equally and with respect).
 - Community members should be given a voice and be allowed to tell their story and respectfully interact.
 - The law must be applied equally to all members of the community.
 - Officers must show respect and demonstrate trustworthiness.
- Emphasize the importance of how people are treated during the course of an interaction as well as the outcome of that interaction.

- Cover various threats to procedural justice, including officer stress, time pressure, and poor health, as well as poor historical relations between police and communities.
- Cover various procedural, behavioral, and psychological strategies to reduce threats to procedural justice and improve police-community relations.
- Feature police and community perspectives.

5. Training on Racial and Identity Profiling Should Cover Implicit Bias

The training should:

- Define implicit bias as “thoughts or feelings about people that we are unaware of and can influence our own and others’ actions.”
- Define stereotyping.
- Discuss how bias manifests in everyone, even well-intentioned people.
- Discuss varied sources of implicit bias.
- Present a series of empirical studies on bias in an easily understandable manner.
- Discuss how bias might manifest in work and decision-making.
- Highlight positive strategies for mitigating bias and improving police-community relations.
- Include experiential learning techniques to apply the training to real-life scenarios.
- Discuss how to identify officers who may be manifesting bias and how to respond. Include self-evaluation strategies for identifying bias in oneself.
- Discuss how to talk openly about bias with individuals and groups.

APPENDIX C: RIPA TEMPLATE BASED ON THE FINAL 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 (check here if Yes ____)

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 D: METHODS OF SUBMITTING STOP DATA TO THE DEPARTMENT

1. The Department's Web-Based Application

The Department developed a web-based application that agencies can use to collect and submit stop data using a computer, smart phone, tablet, or mobile data terminals (MDTs) in patrol cars. The Department developed this web-based application, in part, to ensure that smaller agencies without adequate resources would not be unduly burdened by the new stop data requirements and would be able to fully comply. With this application, officers can either input information about a stop immediately after the stop takes place or once they return to the station.

Of the Wave 1 agencies, as of November 1, 2018, the San Francisco Police Department is using the Department-hosted web application. The Fresno Police Department and the San Jose Police Department, which will begin collecting stop data on January 1, 2019 as part of Wave 2, also plan to use the Department-hosted web application.

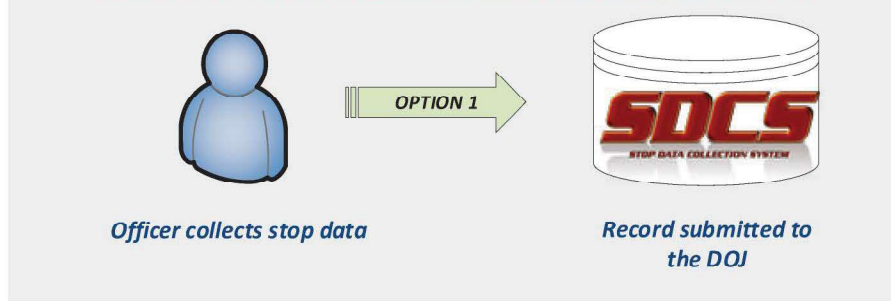
The Department-hosted web application has several features that ensure the quality of the data, while making it efficient to use. To support the varying work environments and constant demands on officers, the system will save data as it is entered on the officer's device. For example, if an officer must respond to an urgent call for service and is interrupted, the record will be stored with a status of "in-progress" and can be completed later during their shift. An online Dashboard summarizes the status of each officer's stop data records, and will flag any that are incomplete so that officers are prompted to complete them.

To ensure the uniformity of the data being collected, as information about a stop is being entered, any blank or invalid data fields will return immediate errors for the officer to correct. This mechanism prevents an officer from submitting incomplete or invalid entries. An officer will thus not be able to advance to the next page until he or she submits valid data, i.e., has selected one or more of the choices provided to respond to each data element and has not either left that element blank or submitted the wrong code for the element.

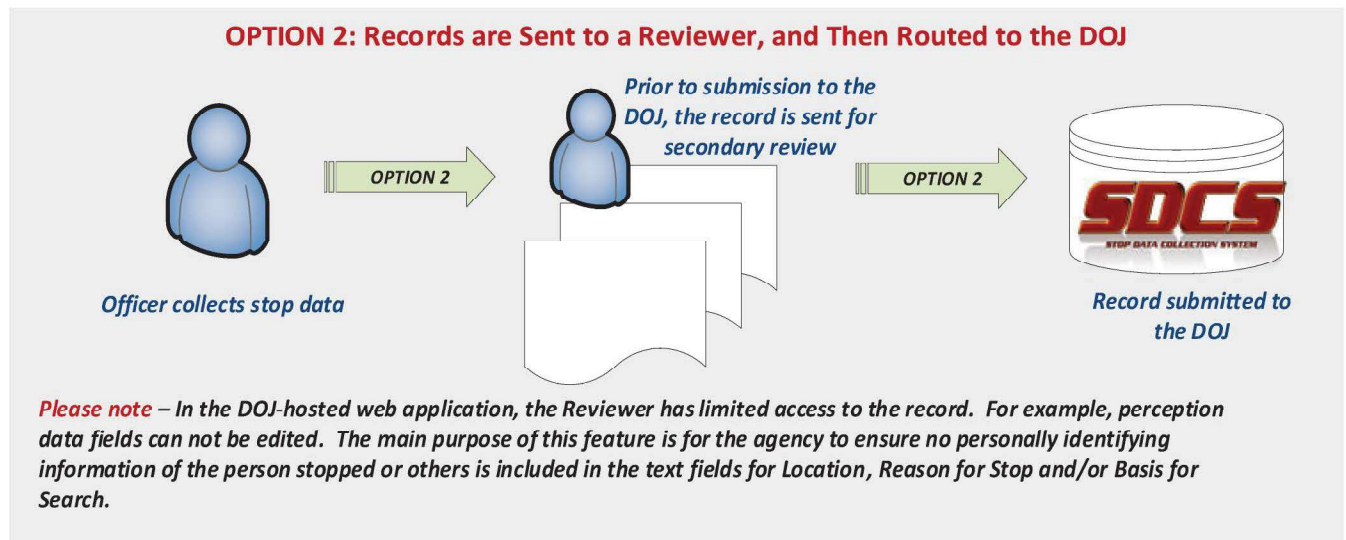
Agencies that use the Department's web-based application will select one of two workflows to submit their records:

- **Option 1:** Officer enters data, and submits the record immediately and directly to the Department by selecting "submit" on the application.
- **Option 2:** After the stop is entered by an officer, it is routed to a supervisor for review prior to submission to the Department.

OPTION 1: Officer Submits Records Directly to the DOJ



OPTION 2: Records are Sent to a Reviewer, and Then Routed to the DOJ



When an agency elects to use the review process (Option 2 shown above), designated administrators from the agency will review the record prior to submitting it to the Department. This helps ensure reported data is accurate, complete and does not contain any personally identifiable information of the person stopped, or other information exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d). However, some fields remain locked and are not editable, even during this administrative review. Specifically, the locked fields are:

- Agency ORI Number
- Officer's Identification Number
- Date of Stop
- Time of Stop
- Perceived Race or Ethnicity of Person Stopped
- Perceived Gender of Person Stopped
- Perceived Age of Person Stopped
- Person Stopped Perceived to be LGBT
- Perceived or Known Disability of Person Stopped
- Person Stopped Has Limited or No English Fluency

The initial data fields describing the stop (Agency ORI Number, Officer's Identification Number, Date of Stop and Time of Stop) are locked because subsequent edits could circumvent the validation that protects against duplicate records. All of the fields related to an officer's perception of the person stopped are also locked since those perceptions would be specific to the reporting officer and not something that a second party could later verify or correct.

The Department's web-based application stores all records indefinitely. If the reporting agency would like to access their records, reports are available on-line, and copies of the records can be downloaded.

2. Web Services

Another option for data collection and submission involves a "system-to-system web service."²¹⁹ Agencies that use this method will collect their data in a local system and then submit the data to the Department. The records will be stored locally, with a copy of records transmitted to the Department.

As of November 1, 2018, the following first wave agencies are using Web Services: California Highway Patrol, Los Angeles County Sheriff's Department, San Bernardino County Sheriff's Department, San Diego County Sheriff's Department, and San Diego Police Department.

3. Secured File Transfer Protocol (SFTP)

SFTP is similar to Web Services in that agencies collect the data in a local repository and then submit that data to the Department. Agencies that select SFTP are permitted to submit batch uploads of stop data, in a number of file formats, including Excel.²²⁰

As of November 1, 2018, the following first wave agencies are using SFTP: Los Angeles Police Department and Riverside County Sheriff's Department.

²¹⁹Cal. Code Regs., tit. 11, div. 1, ch. 19 § 999.228, subd. (b).

²²⁰Cal. Code Regs., tit. 11, div. 1, ch. 19 § 999.228, subd. (b).

APPENDIX E: URSUS USE OF FORCE TABLES

Table 1

Civilian Race/Ethnicity Distribution

Race/Ethnicity	<i>n</i>	Percent
American Indian or Alaskan Native	9	1.2
Asian	8	1.1
Asian Indian	2	0.3
Black	143	19.3
Hawaiian/Pacific Islander/Samoan	3	0.4
Hispanic	325	43.9
Other	16	2.2
White	224	30.2
Multiple Race/Ethnicity	3	0.4
Unknown	8	1.1
Total	741	100.0

Table 2

Deceased Civilians by Race/Ethnicity

Race/Ethnicity	Deceased Civilians
American Indian or Alaskan Native	2 (1.2%)
Asian	3 (1.7%)
Asian Indian	1 (0.6%)
Black	26 (15.1%)
Hawaiian/Pacific Islander/Samoan	1 (0.6%)
Hispanic	81 (47.1%)
Other	2 (1.2%)
White	55 (32.0%)
Multiple Race/Ethnicity	1 (0.6%)
Total	172 (100.0%)

Table 3
Civilian Age Distribution

Age Group	<i>n</i>	Percent
10-17	20	2.7
18-20	55	7.4
21-30	262	35.4
31-40	205	27.7
41-50	119	16.1
51-60	58	7.8
61 and over	14	1.9
Unknown	8	1.1
Total	741	100.0

Table 4
Civilian Gender Distribution

Gender	<i>n</i>	Percent
Female	53	7.2
Male	679	91.6
Transgender	1	0.1
Unknown	8	1.1
Total	741	100.0

Table 5
Civilian Perceived Mental Disability Distribution

Disability	<i>n</i>	Percent
No	649	87.6
Yes	85	11.5
Unknown	7	0.9
Total	741	100.0

Table 6*Type of Force Received by Civilian Race/Ethnicity*

Race or Ethnicity	Lethal	Less Lethal	Physical	Threat of Firearm	Group Total
American Indian or Alaskan Native	4 (50.0%)	2 (25.0%)	3 (37.5%)	0 (0.0%)	8
Asian	6 (75.0%)	0 (0.0%)	3 (37.5%)	0 (0.0%)	8
Asian Indian	1 (50.0%)	2 (100.0%)	0 (0.0%)	0 (0.0%)	2
Black	57 (40.7%)	45 (32.1%)	66 (47.1%)	3 (2.1%)	140
Hawaiian/Pacific Islander/Samoan	2 (66.7%)	1 (33.3%)	1 (33.3%)	0 (0.0%)	3
Hispanic	152 (49.0%)	114 (36.8%)	122 (39.4%)	4 (1.3%)	310
Other	10 (71.4%)	3 (21.4%)	4 (28.6%)	0 (0.0%)	14
White	107 (49.3%)	74 (34.1%)	83 (38.2%)	2 (0.9%)	217
Force Category Total	339	241	282	9	702

Percentages in parentheses refer to how many individuals received that use of force. A single individual can receive multiple uses of force. This table does not include cases where a civilian's race or ethnicity is unknown.

Table 7*Type of Force Received by Civilian Gender*

Gender	Lethal	Less Lethal	Physical	Threat of Firearm	Group Total
Female	15 (30.6%)	16 (32.7%)	30 (61.2%)	1 (2.0%)	49
Male	327 (49.9%)	225 (34.4%)	251 (38.3%)	8 (1.2%)	655
Transgender	0 (0.0%)	1 (100.0%)	1 (100.0%)	0 (0.0%)	1
Force Category Total	342	242	282	9	705

Percentages in parentheses refer to how many individuals received that use of force. A single individual can receive multiple uses of force. This table does not include cases where a civilian's gender is unknown.

Table 8*Type of Force Received by Whether Civilian was Perceived to have a Mental Disability*

Has Disability	Lethal	Less Lethal	Physical	Threat of Firearm	Group Total
No	301 (48.3%)	207 (33.2%)	248 (39.8%)	7 (1.1%)	623
Yes	42 (50.6%)	35 (42.2%)	34 (41.0%)	2 (2.4%)	83
Force Category Total	343	242	282	9	706

Percentages in parentheses refer to how many individuals received that use of force. A single individual can receive multiple uses of force. This table does not include cases where the officer perception of a civilian's mental disability status is unknown.

Table 9*Type of Force Received by Civilian Age*

Age Group	Lethal	Less Lethal	Physical	Threat of Firearm	Group Total
10-17	12 66.7%	1 5.6%	7 38.9%	0 0.0%	18
18-20	28 52.8%	16 30.2%	21 39.6%	2 3.8%	53
21-30	123 49.2%	79 31.6%	96 38.4%	3 1.2%	250
31-40	89 44.7%	71 35.7%	85 42.7%	2 1.0%	199
41-50	58 50.9%	42 36.8%	47 41.2%	1 0.9%	114
51-60	27 46.6%	29 50.0%	19 32.8%	1 1.7%	58
61 and over	5 38.5%	4 30.8%	7 53.8%	0 0.0%	13
Force Category Total	342	242	282	9	705

Percentages in parentheses refer to how many individuals received that use of force. A single individual can receive multiple uses of force. This table does not include cases where a civilian's age range is unknown.

Table 10*Civilian Injury Level Distribution*

Injury Level	<i>n</i>	Percent
Injury	51	6.9
Serious bodily injury	390	52.6
Death	172	23.2
Uninjured	120	16.2
Unknown	8	1.1
Total	741	100.0

Table 11*Civilian Custody Outcome Distribution*

Custody Outcome	<i>n</i>	Percent
Cited and released	21	2.8
Deceased	163	22.0
Fled	8	1.1
In custody (other)	472	63.7
In custody (W&I section 5150)	15	2.0
Suicide	6	0.8
None of these	56	7.6
Total	741	100.0

Table 12*Civilians who Assaulted Officers*

Assaulted Officer	<i>n</i>	Percent
No	225	30.4
Yes	516	69.6
Total	741	100.0