RACIAL AND IDENTITY PROFILING ADVISORY BOARD
2019 REPORT – BEST PRACTICES

In its 2018 report, the Board surveyed law enforcement agencies throughout the State of California regarding the policies, procedures, and trainings they utilize to address racial and identity profiling.[1] The results of that survey, which include information from only those agencies that submitted a response, highlighted that agencies approach this topic in a highly variable manner. To help address these differences, the Board has compiled and analyzed best practices drawn from a range of law enforcement, academic, governmental, and non-profit organizations with relevant expertise in addressing racial and identity profiling in policing. As a result, the Board is providing these best practices for law enforcement agencies to consider and implement, where appropriate, to help prevent and address profiling if and when it occurs in policing.

Specifically, the Board has highlighted some best practices for civilian complaint policies and procedures, bias-free policing policies, and trainings related to racial and identity profiling. It cannot be emphasized enough that these recommendations do not represent the full panoply of recommendations or best practices that an agency could and should consider adopting, rather, they aim to provide a foundation on which the Board hopes and plans to continue expanding upon in future reports. These best practices can be found throughout the body of the report as well as compiled in Appendix B for ease of reference.

The Board began its research into best practices by reviewing the governing law on the prohibitions related to racial and identity profiling. Penal Code section 13519.4, which RIPA amended, expressly states "racial 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."[2] The statute expressly prohibits racial and identity profiling, which is defined as "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."[3] Further, racial profiling is unlawful under federal and state constitutional law, violating the fundamental right of equal protection under the law guaranteed by the Fourteenth Amendment of the United States Constitution[4] and Article I, Section 7 of the California Constitution.[5] Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment of the United States Constitution.[6]

In conducting its literature review on best practices for bias-free policing and related policies, the Board focused on identifying consistent standards across a range of relevant law enforcement, academic, governmental, and non-profit organizations that have expertise in this area. Since 2009, the Civil Rights Division of the United States Department of Justice (U.S. DOJ) has conducted investigations or reached reform agreements with 15 police departments and sheriff's departments throughout the country (two of which are California agencies), aimed at improving bias-free policing policies in law enforcement agencies and implementing procedural justice reforms.[7] Many of these investigation reports and consent decrees contain similar policy

recommendations, several of which have also been advocated by human and civil rights organizations and researchers who have analyzed policies relating to racial and identity profiling. All of the best practice recommendations contained in this report represent an accumulation of best practices identified by the U.S. DOJ and information sourced from other relevant empirical research conducted by universally well-regarded organizations such as the Police Executive Research Forum (PERF),[8] the International Association of Chiefs of Police's (IACP),[9] the Vera Institute,[10] Fair and Impartial Policing,[11] Stanford Social Psychological Answers to Real World Questions (SPARQ),[12] and Center for Policing Equity (CPE),[13] among others.

The Board advises that these best practices are general recommendations, created with an eye towards achieving its goal of eliminating racial and identity profiling in policing, but are by no means exhaustive. Rather, these recommendations represent best practices that have appeared in numerous consent decrees and scholarly studies regarding policies on and related to bias-free policing. Each individual law enforcement agency should review its current policies, procedures, and trainings to determine which of the following recommendations fit best within its organization.

It is the Board's hope that these best practice resources will assist law enforcement agencies, policymakers, and community members in developing, assessing and implementing bias-free policing policies, procedures, and trainings. The Board understands that there must be sufficient funding in order to implement these recommendations, and further understands that the amount of funding and resources available to implement these recommendations varies depending on the agency; however, agencies are encouraged to seek out grants and funding that will ensure that the stop data collection is utilized to its fullest potential.

Even without additional resources, there are recommendations that can and should be adopted to enhance the services that law enforcement agencies provide to the community. The Board encourages cities, counties, and policymakers to work with law enforcement agencies under their purview to ensure they are allocated the necessary funding and resources to implement the best practices described in the report. The Board further recommends that the Legislature provide sufficient funding to POST to assure that all agencies receive recommended and necessary trainings, including training covering RIPA data collection and analysis, de-escalation, mental health, and addiction, among other relevant topics.

As the Board continues to carry out its mission, it applauds the efforts of law enforcement agencies and stakeholders to improve law enforcement-community relationships and take steps toward eliminating racial and identity profiling in California. The Board recognizes and understands that real progress cannot be effectuated without both law enforcement and community support. However, it is hopeful that real change can be achieved. California has been a leader on many fronts and this is yet another opportunity to demonstrate to the country that real progress is possible when people work together towards a shared goal, in this case, the elimination of racial and identity profiling in California.

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 listed 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.[14]
- 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.[15]
- 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.[16]
- Officers should be prohibited from using proxies for protected characteristics, including language ability, geographic location, mode of transportation, or manner of dress, among others.[17]
- 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).[18]

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 agency personnel, if requested.[19]
- 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.).[20]
- Bias-free policing principles should be integrated into management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.[21]
- 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.[22]

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: [23]
  - 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 the policy 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."* [24]

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.[25]
- Officers must be able to articulate specific facts that support their use of personal characteristics in establishing reasonable suspicion or probable cause.[26]
- 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.).[27]

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 personnel should treat all members of the public with courtesy, professionalism, and respect. Personnel should not use harassing, intimidating, derogatory, or prejudiced

language, particularly when related to an individual's actual or perceived protected characteristics.[28]

- Officers should listen to the member of the public's questions or concerns without interruption and directly address the questions the person may have regarding the stop, including an explanation of options for traffic citation disposition if relevant.[29]
- 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).[30]

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.[31]
- All officers should be provided with training that is adequate in quality, quantity, scope, and type on investigatory stops, searches, and arrests.[32]
- The training should be created in consultation with law enforcement experts and various stakeholders, provided on a regular basis, and consistently evaluated and updated.[33]

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.[34]
- Data should be reviewed to identify exceptional and deficient conduct, trends, unexplained disparities, compliance with policy, and training needs and opportunities.[35]
- Data should be reviewed when relevant for investigating complaints of bias.[36]

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. Personnel who engage in, ignore, or condone bias-based policing should be subject to discipline.[37]
- The policy should include information on the procedure for making a complaint against agency personnel and handling a bias-based policing allegation.[38]
- Officers must report instances of biased policing that they witness or are otherwise aware of. The policy should emphasize that all personnel share the responsibility of preventing bias-based policing in the agency.[39]
- The policy should prohibit retaliation against any person, law enforcement or civilian, who alleges biased policing.[40]

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.[41]
- Provide leadership, counseling, direction, and support to officers as needed.[42]
- Lead efforts to engage individuals and groups and ensure that officers are working actively to engage the community and increase public trust.[43]
- 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.[44]
- Take corrective action, require training, or refer for discipline where appropriate.[45]
- Identify training and professional development needs and opportunities.[46]
- Highlight areas where officers are engaging appropriately and effectively and use those examples during roll call and other training opportunities.[47]
- Consider the use of early identification, warning, or risk management systems to contribute to effective and efficient supervisory review.[48]

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.[49]
- All complaints should be accepted, whether in person, in writing, over the telephone, anonymously, or on behalf of another individual.[50]
- 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.[51]
- Agencies should document and investigate all complaints of alleged personnel misconduct, in a thorough, unbiased, timely manner. The standards for review should be clearly delineated in policies, trainings, and procedures featuring detailed examples to ensure proper application.[52]
- All complainants, subject personnel, and witnesses should be treated objectively and fairly.[53]
- 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.[54]
- All sworn and non-sworn law enforcement personnel should be sufficiently trained on the complaint policy, procedure, and requirements.[55]

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.[56] In addition, the procedures and complaint forms should be available online and in writing at a variety of governmental and community-centered public locations.[57]
- 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.[58]
- 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. [59]
- Reports of complaint statistics should be made available to the public on a regular basis.[60]

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. [61]
- All complaints and their dispositions should be appropriately documented and tracked, preferably electronically.[62]
- 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.[63]
- 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.[64]
- All complaints should be given a unique number for tracking purposes.[65]

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.[66]
- Any investigation should be completed by someone of higher rank than the person who is the subject of the investigation.[67]
- All investigations should adhere to written timelines from the date the complaint was filed.[68]
- Agencies should promptly identify, collect, and consider all relevant evidence, including audio or video recordings. [69]
- 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.).[70]

- 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.[71]
- If the complainant cannot identify the subject officer's name, all reasonable efforts to identify the officer should be made.[72]
- 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.[73]
- 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.[74]
- Agencies should clearly define investigation disposition categories and make this information available to the public.[75]
- 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.[76]
- Agencies should consider the appropriateness of independent oversight models such as a civilian review Board or independent auditor.[77]
- Agencies should document all investigation findings and keep all complaints available for internal analysis and audits for at least five years.[78]
- Agencies should consider conducting regular, targeted, and random integrity audits.[79]

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.[80]
- 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).[81]
- Provide all agency personnel with the knowledge and skills to identify bias and minimize its impact upon law enforcement activities and interactions with members of the public.[82]
- Reflect the agency's commitment to procedural justice, bias-free policing, and community policing.[83]
- 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 personnel 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.[84]

- 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.[85]
- 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.[86] In addition, training should discuss methods, strategies, and techniques to reduce a reliance on unguided discretion in making stops.[87]
- 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.[88]
- Include an assessment of whether officers comprehend the material taught.[89]
- Complete and consistent training records for all trainings should be maintained for all agency personnel. Agency-wide training analysis should be regularly completed and trainings should be consistently reviewed and updated.[90]
- 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.[91]

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).[92]
- 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.[93]
- Consider expanding training options to include courses on topics such as power imbalance, statistics, and methods for effective supervision.[94]
- Trainings should be evaluated for their impact on police-community relations.[95]

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.[96]
- Cover cultural competency, cultural awareness, and sensitivity, including the impact of historical trauma on police-community interactions and locally relevant incidents and history.[97]
- Include effective communications skills, including how to recognize and overcome communication obstacles.[98]

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).[99]
  - 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.[100]
- Cover various threats to procedural justice, including officer stress, time pressure, and poor health, as well as poor historical relations between police and communities.[101]
- Cover various procedural, behavioral, and psychological strategies to reduce threats to procedural justice and improve police-community relations.[102]
- Feature police and community perspectives.[103]

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."[104]
- Define stereotyping.[105]
- Discuss how bias manifests in everyone, even well-intentioned people.[106]
- Cover the varied sources of implicit bias.[107]
- Present a series of empirical studies on bias in an easily understandable manner.[108]
- Discuss how bias might manifest in work and decision-making.[109]
- Highlight positive strategies for mitigating bias and improving police-community relations.[110]
- Discuss how to identify officers who may be manifesting bias and how to respond. Include self-evaluation strategies for identifying bias in oneself.[111]
- Discuss how to talk openly about bias with individuals and groups.[112]
- Include experiential learning techniques to apply the training to real-life scenarios.[113]

[1] Racial and Identity Profiling Advisory Board. Racial and Identity Profiling Advisory Board Annual Report 2018. (2018). Available at https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf.

[2] Pen. Code, § 13519.4, subd. (d)(2).

[3] Pen. Code, § 13519.4, subd. (e).

[4] U.S. Const., 14th Amend.

[5] Cal. Const., art. I, § 7.

[6] U.S. Const., 4th Amend.

[7] U.S. Dept. of Justice Civ. Rights Div,. An Interactive Guide to the Civil Rights Division's Police Reforms (Jan 1, 2017), pp. 8.

[8] Police Executive Research Forum (PERF). Information available at https://www.policeforum.org/

[9] International Association of Chiefs of Police (IACP). Information available at https://www.theiacp.org/

[10] The Vera Institute of Justice. Information available at https://www.vera.org/

[11] Fair and Impartial Policing. Information available at https://fipolicing.com/

[12] Stanford Social Psychological Answers to Real World Questions (SPARQ). Information available at https://sparq.stanford.edu/

[13] Center for Policing Equity (CPE). Information available at http://policingequity.org/

[14] IACP Law Enforcement Policy Center, Unbiased Policing.; PERF, Operational Strategies to Build Police-Community Trust and Reduce Crime in Minority Communities (2018).; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[15] IACP Law Enforcement Policy Center, Standards of Conduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[16] IACP Law Enforcement Policy Center, Police-Citizen Contacts.; PERF, Strengthening Relationships Between Police and Immigration Communities in a Complex Political Environment (2018). *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Seattle* (2012) 12-CV-1282.

[17] IACP Law Enforcement Policy Center, Unbiased Policing.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[18] IACP Law Enforcement Policy Center, Unbiased Policing.; Pen. Code, § 13519.4, subd. (e); PERF, Constitutional Policing as A Cornerstone of Community Policing (2015).; U.S. *v. City of Cleveland* (2015).

[19] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[20] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[21] IACP Law Enforcement Policy Center, Unbiased Policing.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.

[22] *U.S. v. City of Seattle* (2012) 12-CV-1282.

[23] Pen. Code, § 13519.4, subd. (e); The protected classes and characteristics identified here are derived from various California civil rights laws. These include the Unruh Civil Rights Act, Civil Code section 51 et seq., the Ralph Act, Civil Code section 51.7, the California Fair Employment and Housing Act, Government Code section 12920 et seq., Penal Code section 13519.4, and Government Code sections 12525.5 and 11135, among others.

[24] Again, the list of protected characteristics included in this provision should serve as the floor not the ceiling, and agencies should always feel free to include additional protected or personal characteristics to include.

[25] IACP Law Enforcement Policy Center, Unbiased Policing.; PERF, Operational Strategies to Build Police-Community Trust and Reduce Crime in Minority Communities (2018).; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.; Pen. Code, § 13519.4, subd. (e).

[26] IACP Law Enforcement Policy Center, Executing Search Warrants.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[27] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[28] IACP Law Enforcement Policy Center, Police-Citizen Contacts.; PERF, Promising Practices for Using Community Policing to Prevent Violent Extremism (2016).; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[29] IACP Law Enforcement Policy Center, Police-Citizen Contacts.; PERF, Advice from Police Chiefs and Community Leaders On Building Trust (2016).; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[30] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[31] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[32] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[33] PERF, Promising Practices for Using Community Policing to Prevent Violent Extremism (2016).; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.

[34] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[35] IACP Law Enforcement Policy Center, Early Warning System.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[36] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[37] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[38] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The County of Los Angeles and The Los Angeles County Sheriff's Department* (2015).

[39] IACP Law Enforcement Policy Center, Unbiased Policing.; *U.S. v. The County of Los Angeles and The Los Angeles County Sheriff's Department* (2015).

[40] IACP Law Enforcement Policy Center, Retaliatory Conduct by Employees.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[41] PERF, Constitutional Policing as A Cornerstone of Community Policing (2015).; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[42] IACP Law Enforcement Policy Center, Employee Mental Health.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[43] PERF, Advice from Police Chiefs and Community Leaders On Building Trust (2016).; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[44] PERF, Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department (2015).; *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.

[45] *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[46] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[47] IACP Law Enforcement Policy Center, Early Warning System.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[48] IACP Law Enforcement Policy Center, Early Warning System; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Early identification, warning, or risk management systems are flexible management tools that promote supervisory awareness and proactive identification of potentially problematic behavior among officers, and facilitate the delivery of individualized interventions to correct identified problematic or potentially problematic officer behavior and to prevent patterns of misconduct from emerging.

[49] PERF, Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department (2015).; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[50] PERF, Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department (2015).; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[51] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.

[52] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[53] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[54] IACP Law Enforcement Policy Center, Retaliatory Conduct by Employees.; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[55] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[56] California state law requires local agencies that receive state funding to provide language access service to limited English proficient (LEP) populations. Agencies should assess which languages are most appropriate for their community and create a translation plan to ensure the forms are available in multiple languages including those for individuals with disabilities (e.g., Braille or American Sign Language). For additional information on the legal requirements for language access, please see the recommendations around translation and interpretation services made in the "civilian complaint policies and procedures" section of the Board's 2018 report available at https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf.

[57] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[58] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[59] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[60] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[61] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB at 87-95. *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[62] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[63] *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[64] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.

[65] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[66] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[67] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[68] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[69] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[70] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[71] IACP Law Enforcement Policy Center, Investigation of Employee Misconduct.; *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.

[72] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.

[73] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[74] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[75] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.

[76] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[77] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of New Orleans* (2013) 2: 12-cv-01924-SM-JCW.

[78] IACP Law Enforcement Policy Center, Resource Investigation of Employee Misconduct.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[79] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[80] Hart, Subjective Decisionmaking and Unconscious Discrimination (2005) 56 Ala. L. Rev., p. 741.; Greenwald and Krieger, Implicit Bias: Scientific Foundations (2006) 94 Calif. L. Rev. 945-946; Greenwald and Mahzarin, Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes (1995), 102(1) Psych. Review, p. 4-6.; SPARQ (2016) Principled Policing: Training to Build Police-Community Relations.

[81] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[82] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[83] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH at 1-2; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[84] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[85] Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[86] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; Dovidio and Gaertner Aversive Racism and Selection Decisions: 1989 and 1999 (2000) 11 Psych. Science, p. 319-323.; Levinson and Young, Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence (2010) 112, 307 West Virg. L.Rev., 326-231.

[87] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; Kang et al., *Implicit Bias in the Courtroom*, (2012) 59 UCLA L. rev. 1124, 1142.

[88] *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[89] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[90] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

[91] *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[92] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[93] *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[94] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

[95] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Fridell, Lorie. *A Comprehensive Program to Produce Fair and Impartial Policing* (2017); *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[96] Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

[97] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

[98] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[99] Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; PERF, Legitimacy and Procedural Justice: A New Element of Police Leadership (2014).; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

[100] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

[101] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

[102] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; SPARQ. (2016) Principled Policing: Training to build Police-Community Relations.;

[103] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

[104] Dovidio et al., Why Can't We Just Get Along, Interpersonal Biases and Interracial Distrust (2002) 8 Cultural Diversity & Ethnic Minority Psychol. p. 88, 94. Greenwald and Krieger, Implicit Bias: Scientific Foundations, (2006) 94 Calif. L. Rev. 945, 946, 951.; Greenwald and Mahzarin, Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes (1995) 102(1), Psych. Rev. p. 4-6; Hart, Subjective Decisionmaking and Unconscious Discrimination (2005) 56 Ala. L. Rev. 741.; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

[105] SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

[106] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

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[108] *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

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[112] Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

[113] *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).