Racial & Identity Profiling Advisory Board

2022
Executive Summary

EXECUTIVE SUMMARY

California's Racial and Identity Profiling Advisory Board ("Board") is pleased to release the 2022 Annual Report ("Report"). The Report closely examines a wide range of issue areas related to racial and identity profiling, providing context and research to deepen the public's understanding of the stop data collected under the Racial and Identity Profiling Act ("RIPA"). In this Executive Summary, the Board provides a broad overview of the Report's contents. The Board is including as a supplement to the Report a list of Recommendations and Best Practices for all interested parties related to the issue areas in the Report. The Board encourages all stakeholders, including law enforcement agencies, policymakers, the California Commission on Peace Officer Standards and Training (POST), and community advocates and members, to use these recommendations as a platform for discussion and implementation of reforms that will not only improve public safety in California, but also strengthen law enforcement and community relations. The Board especially recognizes that community input is key to any reform process and community members should be consulted as agencies and municipalities prepare to effect change in their communities.

In this year's Report, the Board analyzes the RIPA stop data collected from 18 law enforcement agencies, including the 15 largest law enforcement agencies in California, from January 1, 2020 to December 31, 2020. The Report contextualizes the data collection within the larger circumstances of the unprecedented worldwide COVID-19 pandemic, which not only had a disproportionate effect on communities of color but also had profound impacts on policing. The Board discusses the substantial racial disparities in agency enforcement of stay-at-home and masking orders, while also documenting the alarming 107% increase in anti-Asian crimes in 2020 in California. The data collection also took place amidst a national reckoning with police violence and systemic racism that led to protests around the world and disparities in how protestors were treated by law enforcement in California and the country.

In addition to analysis of the stop data, the Report contains a new focus this year on data concerning disparities for individuals with disabilities and individuals perceived as transgender. The Report also examines the data and research on consent and supervision searches and pretext stops.

Findings Regarding RIPA Stop Data

- Between January 1, 2020 to December 31, 2020, 18 law enforcement agencies ("reporting agencies") in California collected data on police detentions and searches of individuals, also referred to in this Report as stops, and submitted these data to the California Department of Justice.

- Reporting agencies made over 2.9 million stops during the stop data collection period, with the California Highway Patrol conducting the most stops of any single agency (57.7%). Although three more agencies collected stop data in 2020, there were 26.5 percent fewer stops reported than in 2019. The COVID-19 pandemic and its effects on many aspects of

people's lives, as well as on the practices of law enforcement agencies, likely contributed to this difference in the number of stops reported in 2020 compared to the previous year.

- Individuals perceived to be Hispanic (40.4%), White (31.7%), or Black (16.5%) comprised the majority of stopped individuals.

- The majority of stopped individuals were perceived as either (cisgender) male (72.7%) or (cisgender) female (27.0%), together accounting for 99.7 percent of individuals stopped.
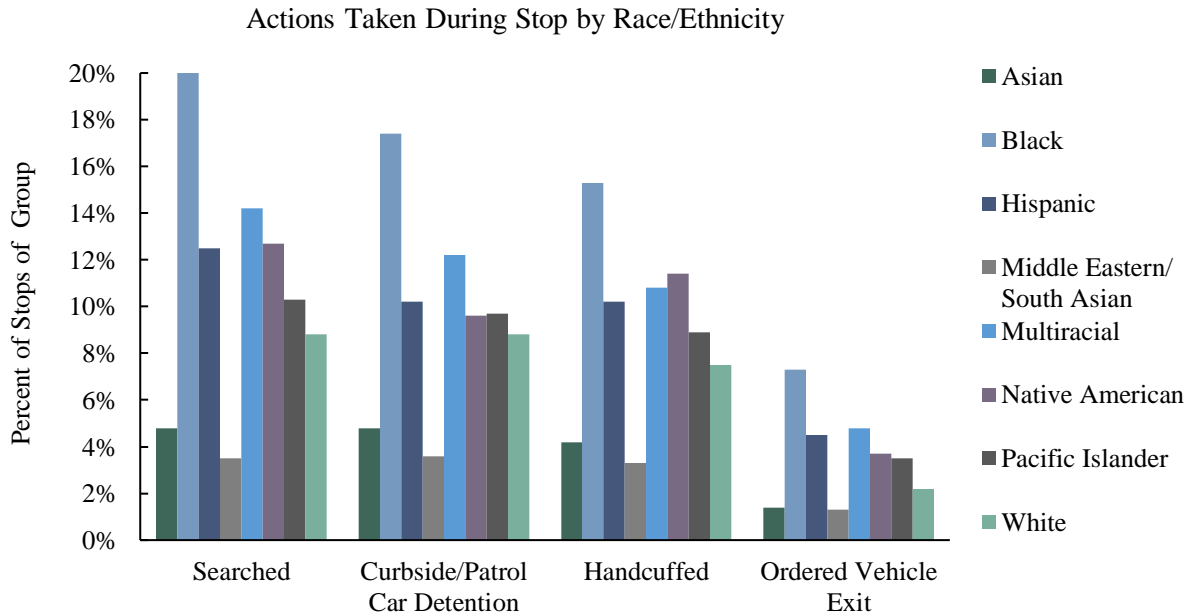

Race/Ethnicity

Gender
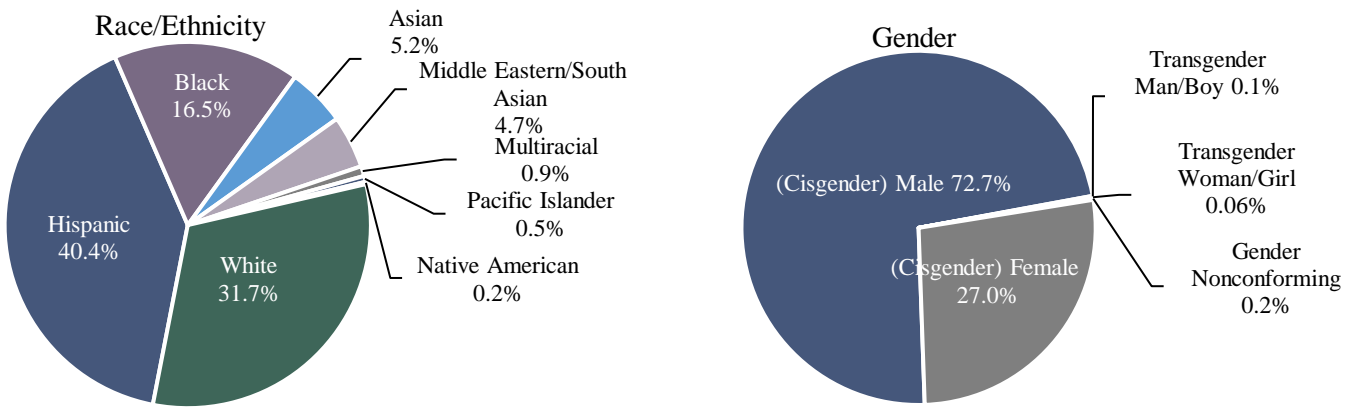
- Officers perceived 1.2 percent of the individuals they stopped to have one or more disabilities. Of those perceived to have a disability, the most common disability reported by officers was mental health disability (70.3%).
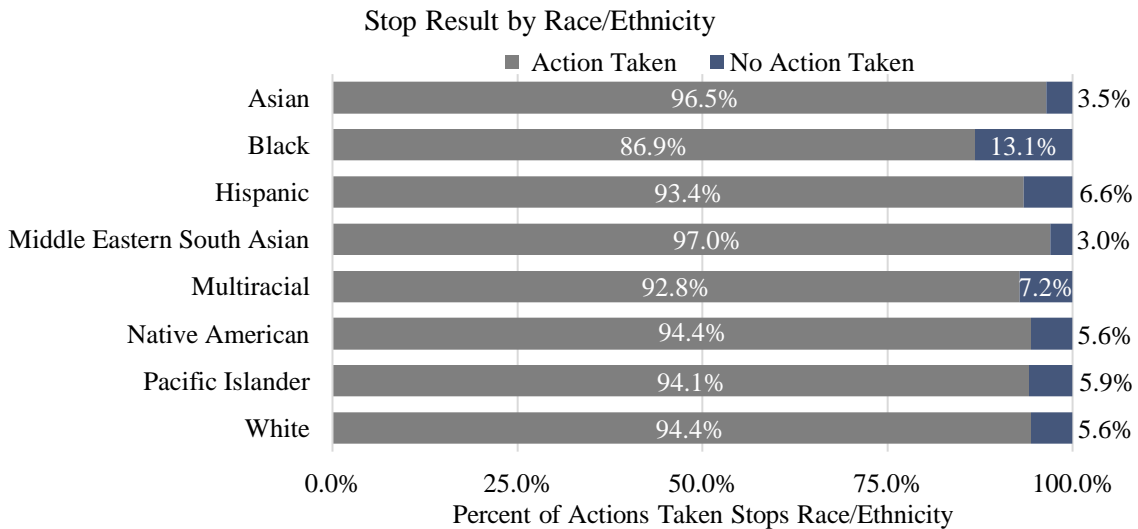

Perceived Disability
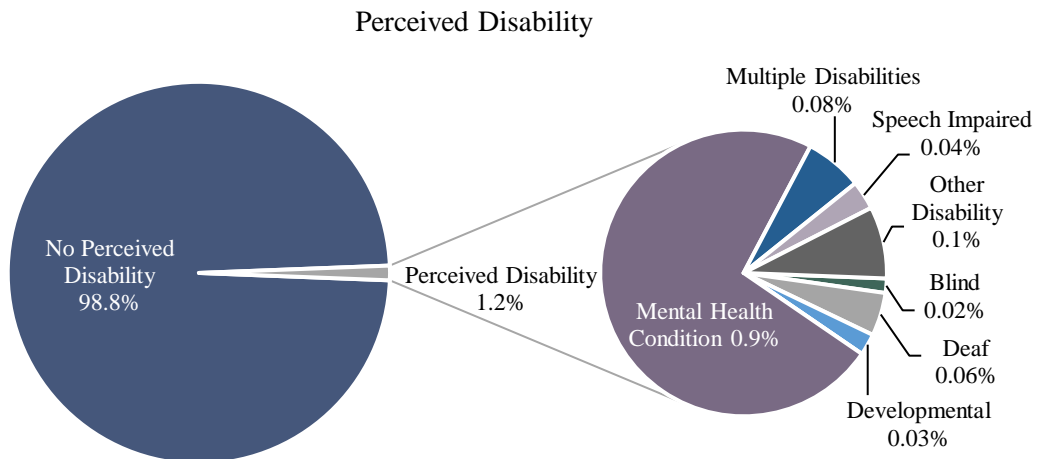
- The most commonly reported reason for a stop across all racial/ethnic groups was a traffic violation (86.1%), followed by reasonable suspicion that the person was engaged in criminal

activity (11.5%). A higher percentage of Black individuals were stopped for reasonable suspicion than any other racial identity group.
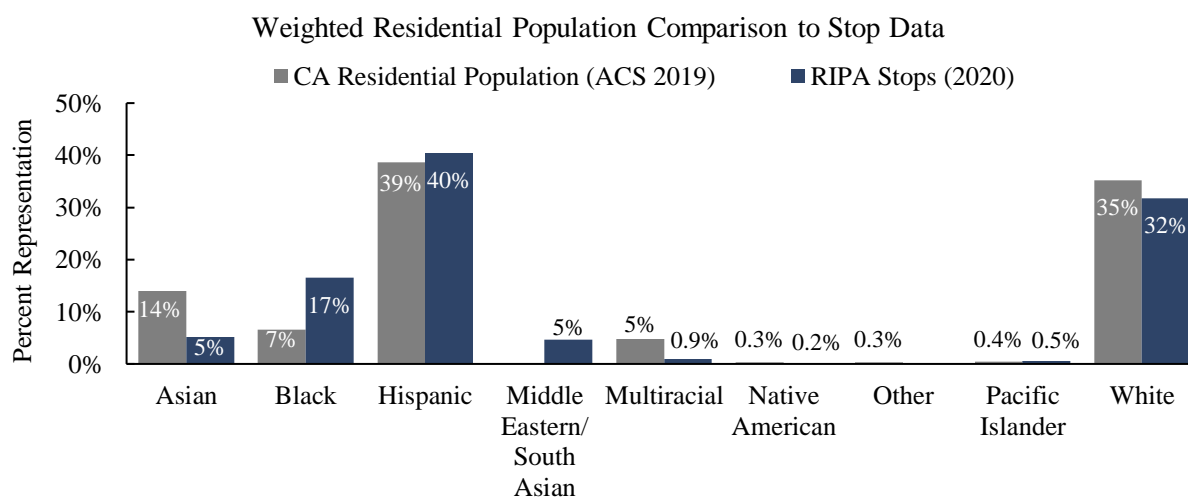
- Officers searched, detained on the curb or in a patrol car, handcuffed, and removed from vehicles more individuals perceived as Black than individuals perceived as White, even though they stopped more than double the number of individuals perceived as White than individuals perceived as Black.

Actions Taken During Stop by Race/Ethnicity

Legend: Asian, Black, Hispanic, Middle Eastern/South Asian, Multiracial, Native American, Pacific Islander, White

Y-axis: Percent of Stops of Group (0% to 20%)

X-axis categories: Searched, Curbside/Patrol Car Detention, Handcuffed, Ordered Vehicle Exit

- Officers reported taking no action as the result of stop most frequently during stops of individuals they perceived to be Black.

Stop Result by Race/Ethnicity

Legend: Action Taken, No Action Taken

Race/Ethnicity	Action Taken	No Action Taken
Asian	96.5%	3.5%
Black	86.9%	13.1%
Hispanic	93.4%	6.6%
Middle Eastern South Asian	97.0%	3.0%
Multiracial	92.8%	7.2%
Native American	94.4%	5.6%
Pacific Islander	94.1%	5.9%
White	94.4%	5.6%

X-axis: Percent of Actions Taken Stops Race/Ethnicity (0.0%, 25.0%, 50.0%, 75.0%, 100.0%)

- To provide context for the racial distribution of stopped individuals, the Board compared the stop data distribution to benchmark data found in the American Community Survey (ACS) dataset. Black individuals represented a higher proportion of stopped individuals than their relative proportion of the population in the ACS dataset.

Weighted Residential Population Comparison to Stop Data

■ CA Residential Population (ACS 2019)   ■ RIPA Stops (2020)

- The Veil of Darkness analysis showed that darkness decreased the rates at which Black and Hispanic individuals were stopped compared to White individuals.

- Black and Hispanic individuals were more likely to have force used against them compared to White individuals, while Asian and Other individuals were less likely. Specifically, the odds of having force used during a stop were 1.32 times and 1.16 times as high for Black and Hispanic individuals, respectively. Asian and Other individuals whom officers stopped had lower odds of having force used against them (0.80 and 0.82 respectively), relative to the odds for individuals officers perceived as White.

- Search discovery rate analyses showed that, when officers searched stopped individuals, individuals of all racial or ethnic groups of color, with the exception of Asian and Middle Eastern/South Asian individuals, had higher search rates despite having lower rates of discovering contraband compared to individuals perceived as White.

From Data to Policies Addressing the Profiling of Transgender People

The Board used RIPA stop data to gain a deeper understanding of profiling on the basis of gender. The Board takes an intersectional approach to identifying and examining disparities among race/ethnicity and gender stop data. This examination is timely given the onslaught of efforts nationwide to pass discriminatory laws against transgender people and other members of the LGBTQ+ community.

The Board provides context on this issue by first looking at data collected by the National Coalition of Antiviolence Programs (NCAVP), reports by UCLA Law's think tank The Williams Institute, social science research, and numerous reports that demonstrate that transgender women are at high risk of violence from private actors, particularly through homicide and domestic violence. Given this risk, advocates, including the National Center for Transgender Equality (NCTE) and legal scholars, conclude that transgender women and other transgender populations would benefit from improved relationships with law enforcement.

Following this review of research findings, the Board analyzes RIPA stop data across gender and identifies disparities in stops made by agencies that reported data during 2020. There were dramatic differences in the reasons for stops across perceived gender categories and substantial disparities with respect to gender and whether officers took action as a result of stop. A higher proportion of individuals perceived as transgender were searched in comparison to individuals perceived as cisgender. The completion of field interview cards was an additional result of stop where there was a large disparity between individuals perceived as cisgender and individuals perceived as transgender. Lastly, the Board reviewed the findings of NCTE's evaluation of existing policies in U.S. police departments and determined that additional work is needed to align policies with best practices. The Board makes best practices recommendations in the Report in several areas aimed at reducing disparities in law enforcement interactions with transgender people. Those recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report.

Data Driven Approaches to Disability Justice

For the first time, the Board highlights in-depth research and data analyses concerning individuals with perceived disabilities, who are disproportionally subject to police searches and uses of force when compared to those with no perceived disability. As the report emphasizes, a mental health crisis is not a criminal matter, and agencies and municipalities should prioritize policies and practices that support alternative community-based responses and secure funding for those alternatives.

Search and discovery rate analysis shows that officers searched individuals perceived to have a mental health disability 4.8 times more often and individuals perceived to have other types of disabilities 2.7 times more often than for other types of disability than individuals perceived to have no disability, but discovered contraband or evidence at a lower rate during stops with searches of individuals with disabilities. Officers used force against individuals perceived to have mental health disabilities at 5.2 times the rate at which they used force against individuals they perceived to have no disabilities.

The Americans with Disabilities Act (ADA) and California state laws provide needed protections and accommodations for individuals with disabilities. Almost every aspect of law enforcement is affected by state and federal disability laws, including receiving civilian complaints, questioning witnesses, arresting or detaining a person, 911 dispatching, providing emergency medical services, and enforcing laws. However, given the disparities shown by the RIPA data, it appears that some accommodation requirements are not being met by municipalities and law

enforcement agencies. As such, the Board lays out several best practice recommendations for agencies regarding training and policies, as well as alternatives to police responses for municipalities to consider. Those recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report. Law enforcement agencies must ensure – through policies and training – that they are not criminalizing behaviors resulting from disabilities.

Consent Searches

The Board closely examines consent searches, where an officer conducts a search of a person and/or their property after getting their permission. Officers have discretion to ask a person for consent to search and do not need to suspect any criminal wrongdoing to make that request. Given this wide discretion, implicit and explicit bias can play a role in when and whom officers ask for consent to search. Indeed, the Board's data analyses reflect significant disparities related to consent searches that call into question the fairness and utility of these types of searches.

The 2019 and 2020 RIPA data show that Black and Hispanic/Latine(x) individuals are asked for consent to search at higher rates than White individuals. While Black, Hispanic/Latine(x), and Multiracial individuals were searched at higher rates for consent only searches as compared to all other racial/ethnic groups, these consent only searches resulted in lower rates of discovery of contraband (8.5%, 11.3%, and 13.0% respectively) than searches of all other racial/ethnic groups.

The data also showed that for over half the stops where officers conducted a consent only search (consent being the only reason for the search) of Black, Hispanic/Latine(x), and Middle Eastern/South Asian individuals, the reason for the stop was a traffic violation. By contrast, less than 30 percent of consent only searches of White individuals occurred during stops for traffic violations.

Finally, consent only searches result in relatively low discovery rates compared to searches based on reasonable suspicion or probable cause. Black individuals' discovery rate was 9.2 percentage points less than the rate reported for White individuals for consent only searches.

Given the disparities in the data on consent searches, the Board questions whether consent searches are truly voluntary. While the data reflect that most people consent to a search when asked by an officer, research discussed in the Report reflects that this "consent" is not necessarily voluntarily because of the inherent power inequality between a law enforcement officer and a member of the public. The research shows that this inherent power inequality is particularly pronounced among vulnerable populations, such as people with mental health disabilities or youth, who may be more likely to succumb to authoritative pressure. Indeed, RIPA data reflects that for both people with mental health disabilities and youth, a larger proportion of their stops that began as consensual encounters resulted in searches, as compared to people without mental health disabilities or adults.

The Board looks at efforts by agencies to restrict or prohibit consent searches and found at least one agency where the prohibition on consent searches resulted in an *increase* in the likelihood of finding contraband. The Board believes that these types of policy changes can also have an impact on improving community-police relations.

Given the wide range of disparities and concerns with consent searches, and the potential benefits of prohibiting them, the Board recommends severely limiting or ending the practice of consent searches.

Known Supervision Stops and Searches

The Board also examines known supervision stops and searches, where a person is stopped or searched because they are under a form of court-ordered supervision, such as probation or parole, following the conviction of a crime.

This section of the Report first provides an overview of court-ordered supervision, including a discussion of the Fourth Amendment Waiver. The waiver is a common condition of supervision that allows an officer to search the person and their home, even if the officer does not have reasonable suspicion or probable cause that the person is engaged in criminal activity. The Board also describes how mass incarceration drives disparities related to supervision, noting as one example that Black individuals are substantially more likely than White individuals to be charged with parole violations, even when controlling for other factors.

Against this backdrop, the Board closely assesses data related to stops of individuals where the primary reason for the stop or the basis of a search was the stopped person's supervision status. The Board's analyses reveal large disparities that warrant further examination of law enforcement practices.

For example, officers performed supervision only searches (where supervision status is the only basis for the search) of individuals perceived to be Black at 2.8 times the rate at which they performed supervision only searches of individuals they perceived to be White. Similarly, officers also performed supervision plus searches (where the officer also had some other basis to search the person) of Black individuals at 3.3 times the rate they performed supervision plus searches of White individuals. The rates of discovering contraband for supervision only searches were lower for all racial/ethnic groups as compared to White individuals; Black individuals had the largest difference in their discovery rate (-11.4 percentage points) as compared to White individuals. Officers also reported a higher proportion of supervision only searches during stops for traffic violations (46.9%) than during reasonable suspicion stops (24.6%). These were just a few of the many disparities discussed in the Report.

Given the large disparities observed, the Board reviewed efforts by various law enforcement agencies to limit inquiries into supervision status as well as stops and searches on the basis of supervision status. The RIPA data further indicates that the practice of conducting supervision only searches shows racial disparities that result in low yield rates of contraband or evidence. As such, the Board recommends limiting or prohibiting (1) inquiries into a person's supervision

status and (2) detentions or searches just because an officer is aware of a person's supervision status, and instead requiring that an officer have, at a minimum, reasonable suspicion that a person is engaged in criminal activity.

Pretext Stops

This year's Report serves as a starting point for a longer-term discussion and analysis of pretext stops. A pretext stop occurs when an officer stops a person ostensibly for a traffic violation or minor infraction but with the actual intention of using the stop to investigate based on an officer's hunch that by itself would not amount to reasonable suspicion or probable cause. These types of stops can be influenced by an officer's implicit or explicit bias, as well as agency policies that may focus certain types of enforcement actions in different neighborhoods, which can cause disparities in who is the target of stops.

In this year's Report, the Board's primary focus is to understand data on stops for traffic violations that may form the basis of a pretext stop. The Report contains several analyses of the most frequently cited moving and non-moving violations that could be ripe for pretext if an officer was using minor traffic violations to take further, unrelated action against a stopped individual without having reasonable suspicion or probable cause to do so. As one example, the data reflects that, compared to White individuals (4.6%), officers reported nearly 2.5 times more stops based on window obstruction violations for Hispanic/Latine(x) individuals (11.4%) and 1.9 times more for Black individuals (8.7%) (when excluding the California Highway Patrol from the data analysis). In another example, Black and Hispanic/Latine(x) individuals were disproportionately stopped for two types of bicycle stops (lighting and biking equipment violations) as compared to White individuals.

The Report notes some efforts law enforcement agencies have made to address disparities in traffic stops, which have the added beneficial result of improving various public safety outcomes, such as lower crime rates, fewer traffic accidents, and an increase in DUI arrests.

Given that the Board's data analyses in this Report reflect disparities in traffic violation stops and the promising efforts some agencies have already made to address these types of disparities, the Board would like to delve deeper and analyze stops that may be pretextual in nature and evaluate the efficacy of this practice. To that end, the Board hopes to examine emerging models used by law enforcement agencies with an eye toward increasing unbiased policing practices. The Board also calls on policymakers and leaders to consider ways to eliminate pretextual stops and therefore reduce any potential for harm stemming from such stops.

Racial and Identity Profiling Policies and Accountability

The Report continues the Board's work from its 2021 Report with a review of bias-free policing policies for Wave 3 and some early adopting Wave 4 agencies, as well as a follow-up review of changes made by Wave 1 and Wave 2 agencies after the past two years' review. The Board identifies a few agencies who are currently out of compliance with state law to have their agency policies posted online and urges these agencies to post their policies online as soon as

possible to remedy this violation. The Board also notes the widespread use of Lexipol bias-free policing policies, and recommends that agencies review the policy along with community partners and make changes to meet best practice recommendations and any community-specific needs and values, rather than relying on Lexipol's form policy. These recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report.

Accountability Models

The Board examines key components that comprise law enforcement agencies' accountability systems. First, the Board reviews auditing policies and practices and the use of data for policy change and staff supervision within agencies. As the Board's research shows, audits can enhance the integrity of stop data by assessing the level of accuracy and completeness of data reporting. Auditing can also help agencies identify the causes of outlier patterns or unexpected changes in the data and bring to the surface any policies, practices, or training that contribute to disparities across racial and other identity groups. From there, agencies can address any gaps or deficiencies in their policies, practices, and training.

The Board reviews the efforts of the Los Angeles, San Diego, and Oakland Police Departments and their respective oversight bodies to analyze RIPA stop data and body-worn camera footage to identify how their policies and practices led to disparities in policing and to develop targeted interventions. Following this review, the Board makes several recommendations to law enforcement agencies regarding stop data analysis for policy reform and staff supervision. Those recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report.

The Board examines community participation in oversight, advisory, and disciplinary boards, another critical component of accountability systems. Community oversight bodies can help ensure that law enforcement agencies are accountable for their actions, operate with maximum transparency, and perform their duties in a manner that is informed by community needs. The Board reviews examples of community accountability efforts in San Francisco, Chicago, and Vallejo. The Report contains highlights to demonstrate how community accountability may look different in different places and how each community should determine what would be best for their needs. Following this review, the Board makes recommendations to law enforcement agencies regarding community participation in overseeing law enforcement agencies. Those recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report.

Calls for Service and Bias by Proxy

The Board continues its examination of calls for service, a term that refers to dispatching the police, fire, ambulance, etc. to respond to a call for help, typically a 911 call. The Board examined the racial/ethnic distribution of individuals stopped compared to population.   For calls for service, Black individuals were stopped 211.8 percent more frequently than expected based on their proportion of the residential population. Asian individuals were stopped 80.7

percent less frequently and Multi-racial individuals were stopped 78.8 percent less frequently than expected based on the population distribution.

In addition to examining the calls for service data, the Board considers the impact of bias by proxy – when a member of the community calls law enforcement and makes false or ill-informed claims against another person for biased reasons. A dispatcher is usually the first point of contact in any call for service. As such, dispatchers play a critical role in improving community relationships, especially when addressing bias by proxy calls for service. This year the Board reviews dispatcher trainings and policies from the Police Officer Standards and Training (POST) Commission, which sets the minimum guidelines and training for dispatchers. The Board notes that POST does not mandate any bias training for dispatchers, and no bias-related training is a part of the Public Safety Dispatcher Basic Course. The Board provides best practices and recommendations on how to mitigate bias in "suspicious person" calls; these recommendations involve improving communication between dispatchers and officers so that officers understand ahead of time that a call may be motivated by a caller's bias and respond appropriately. These recommendations are listed in the Recommendations and Best Practices 2022 RIPA Report.

The Board also looks at various approaches communities and law enforcement agencies have taken to address bias by proxy calls. First, the Board describes Bias Response Teams, which are used in various localities and take a restorative justice approach to address bias by proxy calls for service. Restorative justice is a theory that emphasizes repairing the harm caused by criminal behavior; in this context, the harm is caused by a biased call for service. These teams work independently from law enforcement and respond to alleged incidents of bias to provide education and support to the victim of bias, among other efforts to repair harm. Second, the Board looks at how dispatchers and officers can create "friction" by asking the caller various questions to determine whether their call is motivated by bias or an objective sign of criminal activity. Finally, the Board describes the efforts of law enforcement agencies to divert bias by proxy calls—where an officer may not be immediately necessary—to non-law enforcement personnel.

The Board also examines mental health calls for service, which involve a person experiencing a behavioral health crisis and who may require clinical intervention or care coordination from a health professional. Developing and funding comprehensive crisis response systems is a way to improve public safety and destigmatize mental health care. The Board lays out guiding principles for community-first responses to calls for service, including providing a response from mental health professionals that centers the individual and focuses on voluntary participation, peer intervention, trauma-informed and violence-free care, zero suicide aspiration, anti-bias training, short- and long-term connection to care and housing, and utilizing the least restrictive intervention.

The Board reviews crisis response models providing alternatives to armed police responses, with a focus on emerging programs that have started their pilot programs. The models take different forms, but the Board highlights lessons learned from each model that can guide local

governments and law enforcement agencies on how to effectively implement such community-based models, which are more cost effective and can save lives.

Civilian Complaints Policies

The Report includes an analysis of civilian complaints received in 2020 by the 692 law enforcement agencies in California. Four hundred and forty-four of the 692 agencies were also subject to RIPA's stop data reporting requirements (hereafter, RIPA agencies). RIPA agencies reported 10,648 complaints in total, and 9,878 (92.8%) reached a disposition in the 2020 calendar year. Of the 9,878 complaints that reached a disposition, 933 (9.4%) were sustained, 3,313 (33.5%) were exonerated, 996 (10.1%) were not sustained, and 4,636 (46.9%) were unfounded.

RIPA agencies reported a total of 1,259 complaints alleging an element, or elements, of racial or identity profiling, constituting 11.8 percent of the total 10,648 civilian complaints reported by RIPA agencies in 2020. Within those 1,259 complaints, there were 1,458 identity profiling allegations. This is because some civilians alleged more than one type of identity profiling, such as profiling based on both their age and their gender. Complaints alleging race and ethnicity profiling constituted 75 percent of the 1,259 complaints alleging identity profiling. The figure below provides a breakdown of the allegations within those 1,259 complaints.

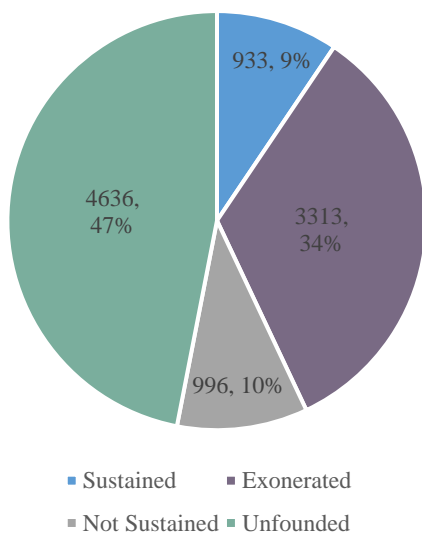**Total Racial and Identity Profiling Complaints Reported by RIPA Agencies**
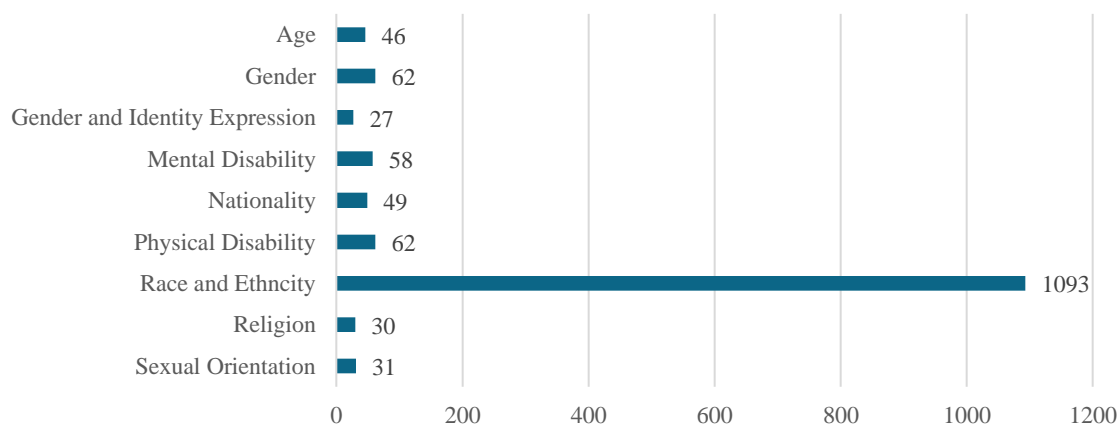
Of those 1,259 complaints alleging profiling, 729 reached disposition in 2020: 14 (1.9%) were sustained, 132 (18.1%) were exonerated, 80 (11%) were not sustained, and 503 (69%) were determined to be unfounded.
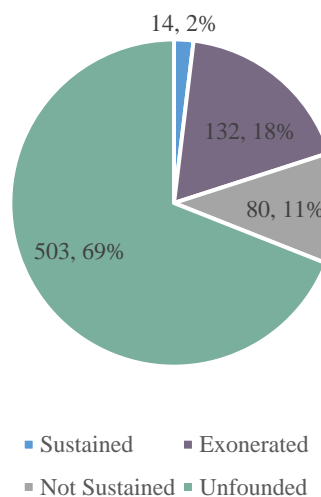
The next figure displays the distribution of disposition types within the 2020 data for (1) all complaints that reached disposition and (2) complaints of racial and identity profiling that reached disposition.

Total Complaints that Reached a
Disposition in 2020

Total Racial and Identity
Complaints that Reached a
Disposition in 2020

933, 9%
4636, 47%
3313, 34%
996, 10%

■ Sustained   ■ Exonerated
■ Not Sustained   ■ Unfounded

14, 2%
132, 18%
80, 11%
503, 69%

■ Sustained   ■ Exonerated
■ Not Sustained   ■ Unfounded

The Report contains more details and a breakdown of complaint numbers for Wave 1 and 2 agencies as well as Wave 3 and early reporting Wave 4 agencies. Notably, Wave 1 and 2 agencies experienced an increase in the total number of profiling complaints from 2019 to 2020, and, in 2020, both Wave 1 and 2 agencies reported the highest number of racial and identity profiling complaints since agencies first started collecting this information in 2016.

Finally, the Report contains a review of Wave 3 agencies' civilian complaint forms. This review builds off a review the Board conducted in the 2021 Report of Wave 1 and 2 agencies' forms and examines agencies' compliance with best practices developed by the Board in earlier reports.

The Board also made several recommendations to the Legislature which are discussed in more detail in the Report and also referenced in the Recommendations and Best Practices 2022 RIPA Report.

Addressing Biases in Peace Officers in the Hiring Phase

The Board explores how agencies can address officers' biases at the hiring stage and, to that end, takes a close look at Assembly Bill (AB) 846, which passed the Legislature and was signed into law in September 2020. AB 846 amends California Government Code 1031 and adds Section 1031.3 to the Government Code and Section 13561 to the Penal Code. It requires peace officers to be "free" of "bias against race or ethnicity, gender, nationality religion, disability, or sexual orientation" and requires background investigators and psychological evaluators assessing a peace officer candidate for employment to evaluate whether a person meets this standard. The Board also discusses the efforts POST has made thus far to meet its

directive under AB 846 to revise regulations related to background investigators and psychological evaluators' assessments of a peace officer candidate's biases. As the Board notes, they submitted recommendations on POST's proposed regulations that they believe will enable agencies to better identify officers' biases and, from there, make hiring decisions based on investigators' and evaluators' assessments. The Board recommended that the regulations specifically require background investigators and evaluators to search for and evaluate an applicant's social media profile when evaluating the applicant for bias. The Board also recommended that the regulations require background investigators and evaluators to provide specific findings with respect to every targeted construct utilized to assess a person for biases behavior, traits, or attributes, and that the findings clearly explain the assessment for each construct, including sources and evidence used. POST responded by letter indicating that it would not be able to incorporate the Board's recommendations in time for the regulations deadline. The Board discussed POST's letter at length during its last Board meeting and expressed its concerns with POST's response. POST subsequently advised the Board that it had postponed the publishing of the regulations to engage with Board members to evaluate and fully consider the Board's recommendations. The Board is committed to directly engaging with POST to share its previous analysis and reasoning driving the recommendations with the aim of effective implementation of AB 846.

The Board credits the Legislature for passing AB 846 and its ambitious and worthy goal of transforming the culture of law enforcement agencies and improving public safety by changing the makeup of peace officer candidates. However, the Board notes in the Report the absence of reliable tests to measure a person's implicit biases and lack of consensus on whether a person can be "free" of bias as intended by the Legislature. Given this, the Board recommends the Legislature consider additional legislation that would advance the goals of AB 846 by providing funding to academic researchers, community organizations, and other interested parties to study and experiment with other approaches to identifying and addressing biases within peace office officer candidates. The Board surveys at least some of those other approaches, which include evaluations of officers' social media for explicit biases, assessments of officers' motivations or internal drive not to police in a biased manner, long-term, multi-pronged interventions to reduce officers' biases, and trainings on implicit bias. All of these approaches show promise but require further study on their effectiveness, particularly in the law enforcement context.

The POST Commission and POST Law Enforcement Training Related to Racial and Identity Profiling

The Board worked more closely on evaluating and making recommendations on POST trainings this year. POST receives millions of dollars from the Legislature and is responsible for setting the minimum guidelines and training for over 84,400 entry-level cadets, seasoned officers, and supervisors at 652 law enforcement agencies throughout the state. The Board's work on POST trainings goes beyond those trainings solely dedicated to racial and identity profiling because issues of bias and racial and identity profiling overlap with many POST trainings. For example, the Board's data shows that force is disproportionately used on Black individuals, and therefore trainings related to use of force should include components on how to mitigate implicit and

explicit bias. The relationship between the Board and POST is critical because effective law enforcement training is an essential component of the Board's mandate to eliminate racial and identity profiling in California

This year, the Board addressed the composition of POST's governing body—the POST Commission— which is set by the Legislature. More than half of the Commission is comprised of individuals with a law enforcement background. Given its significant role in policing, which is a public service to the community, the Board recommends that the Legislature increase the number of community members in the POST Commission. Doing so would be in line with several other boards that regulate professions in the state that have a higher number of public representation on their governing bodies. A change in composition could lead to improved and modernized trainings by incorporating community perspectives as well as increased public trust and confidence in those trainings.

The Board also explores two bodies, the California Legislative Analysis Office and the Little Hoover Commission, that provide external oversight or review into POST's training program. With respect to the Board's own role in making recommendations to POST, the Board evaluated POST's academy level and in-service training courses aimed at preventing racial and identity profiling and teaching understanding and respect for racial, identity, and cultural differences. To that end, POST has identified 6 courses for the Board's review and the Board has already evaluated 3 of them: (1) the De-Escalation and Mindfulness modules of the Strategic Communications for In-Service Officers and Dispatchers course, (2) Beyond Bias: Racial and Identity Profiling Update online course for In-Service Officers course, and (3) Supervisory Support: Racial and Identity Profiling Self-Assessment course.

The Board's comments varied among the courses. Some common observations included the following: the reviewed courses do not effectively teach about explicit or implicit bias or profiling; the courses do not discuss in detail the impact of biased policing on the community; the courses do not adequately address circumstances where certain policing actions, such as consent searches, are applied in ways that create disparate outcomes; the courses do not include, where applicable, guidance for supervisors on how to monitor line officers for biased policing and an emphasis on disciplining officers for biased behavior; and finally, the course workbooks and references included references to widely criticized and outdated practices, such as "Broken Windows" policing, which encourage officers to treat communities in ways that produce disparate and racist outcomes and perpetuate community distrust.   The Board's complete observations and recommendations regarding these POST trainings are detailed in the Report and in the Recommendations and Best Practices 2022 RIPA Report.

Relevant Legislation Enacted in 2021

The Report includes a section on recently enacted legislation related to RIPA that may require updated trainings for officers and revisions to agencies' policies and procedures. The legislation highlighted in the Report deals with such issues as decertification, the minimum age requirements for officers, the duty to intercede, and community-based alternatives to law enforcement, among others.