

RACIAL &
IDENTITY
PROFILING
ADVISORY
BOARD

2021
Best Practices

RACIAL AND IDENTITY PROFILING ADVISORY BOARD 2021 REPORT – BEST PRACTICES

The 2021 Report contains best practices regarding policing, developed to eradicate racial and identity profiling and improve law enforcement-community relations. These resources will assist law enforcement agencies, the Commission on Peace Officer Standards and Training (POST), policymakers, advocates, and community members in developing, assessing, and implementing policies, practices, procedures, and trainings to achieve this goal.

The Board advises that these best practices are by no means exhaustive – they have appeared in different contexts, including consent decrees, scholarly studies and articles, reports on police reform, advocacy research, and California Department of Justice reports and recommendations regarding law enforcement agencies. Each individual law enforcement agency should review these best practices to determine which recommendations best align with its organizational mission and the goal of eliminating racial and identity profiling. The Board encourages law enforcement agencies to partner with local community-based organizations or colleges or universities to help with analyzing the data that drives the implementation of these best practices.

As the Board persists in its mission, it encourages the continued efforts to improve policing and yet also understands it will be a long road to dismantle the structural inequities in policing and our society that drive the inequities demonstrated by the RIPA data. California is seen as a leader in policing reforms, and this is an opportunity to demonstrate to the nation that reimagining policing is possible when communities work together towards a shared goal of eliminating racial and identity profiling in law enforcement.

EXPLICIT BIAS, IMPLICIT BIAS, AND OTHER DRIVING FORCES FOR STOP DATA DISPARITIES

Law enforcement agencies should implement a multi-pronged approach to address both implicit and explicit bias within agencies.

- When law enforcement recruits are hired, they must pass a background check that includes a psychological examination. Starting in 2021, agencies are required by law to evaluate candidates for biases. Law enforcement officer candidates must undergo a screening to identify explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation that may adversely affect the exercise of the peace officer's duties.
- Agencies should routinely audit department-issued cell phones and computers issued to in-service officers to ensure those devices are not used for the purposes of exchanging racist or other bigoted or offensive content.

- Agencies should also proactively conduct a review of their personnel’s social media to identify problematic behavior.

Additionally, law enforcement agencies should increase training and education on how to manage implicit biases for all personnel. Law enforcement agencies can also take other steps – for example, declining to post mug shots – to reduce the influence of existing implicit biases that officers and the public may have. Any meaningful effort to address bias in policing must also recognize policy decisions and agency practices that drive disparities, such as heavily policing certain neighborhoods.

RACIAL AND IDENTITY PROFILING POLICIES AND ACCOUNTABILITY

Accountability is key to improving police and community relations. Accountability does not require a single policy, but rather, a comprehensive accountability *system*. The Board identified categories that make up successful accountability systems, and law enforcement should consider including all of these:

- data tracking and transparency
- early intervention systems
- video technology
- supervisory oversight
- clear policies
- misconduct complaints
- discipline
- community-based accountability
- recruitment, hiring, and promotions, and
- performance evaluations.

The Board continues to emphasize that law enforcement agencies should also collaborate with the communities they serve to ensure accountability measures are relevant to their specific needs.

The Board also continues to review agencies’ bias-free policing policies and renews its recommendation for agencies to have a stand-alone policy devoted to bias-free policing. The policy should:

- Use clear language, including definitions of relevant terms;
- Express the agency’s responsibility to identify and eliminate racial and identity profiling;
- Include references to relevant training that agency personnel receive on racial and identity profiling and bias;
- Include components on encounters with the community, data analysis, accountability, and supervisory review;
- Be easily accessible to both agency personnel and the public; and
- Include cross references to other relevant agency policies on subjects such as civilian complaints, stops, use of force, training, and accountability.

All personnel, including dispatchers and non-sworn personnel, should receive training on the policy. Specific examples of behavior that violates the policy should be included in either the training or the policy itself.

CALLS FOR SERVICE AND BIAS BY PROXY

Bias by proxy is “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.” The Board recommends that all law enforcement agencies adopt a policy to prevent bias by proxy or bias-based calls. An example of a policy addressing bias by proxy can be located on page 105 of the 2021 RIPA Report. Specifically, a policy regarding bias by proxy should include:

- How officers can identify a bias-based call for service;
- How sworn personnel and dispatchers should interact with the community member who has made a bias-based call for service;
- How an officer should interact with a community member who is the subject of a bias-based call;
- How the shift supervisor should interact with the caller;
- How the shift supervisor should “close out the call” and inform the bias-based caller that no suspicious or criminal activity was found, as well as educate the caller on what is or is not an appropriate basis for calling 911;
- Required training for officers and dispatchers that covers responding to bias-based calls for service; and
- Departments should include and develop guidelines for how to implement a restorative justice approach to address bias-based incidents in their communities.

Additionally, departments should implement practices that, when feasible, “add friction” and cause both 911 callers and officers to pause and consider specifically what is “suspicious” about what they are observing rather than rely on possible implicit bias. Law enforcement agencies should also conduct thorough reviews of bias-based incidents and strengthen data collection around those incidents and their responses to them.

The Board also recommends that the policymakers, including the California Legislature, require law enforcement agencies to adopt a policy addressing bias by proxy and mandate a specific course on bias by proxy for both dispatchers and officers as part of their basic training and continuing education.

As law enforcement agencies continue to improve calls for service, mental crisis response is another critical area that requires innovative policy reforms. In developing a comprehensive mental health crisis response system, the Board encourages communities to come together to create a forum for families, providers, and law enforcement to discuss the best approaches to implementing community responder models to health related calls. Communities should also explore sources of funding for community-based responses to crisis care, including funds available from the Mental Health Services Act, prison realignment funds through AB 109, and potentially the CAHOOTS Act, if passed by Congress.

CIVILIAN COMPLAINTS: POLICIES AND DATA ANALYSIS

Law enforcement agencies must take steps to ensure the complaint process is meaningfully accessible to members of the public, including posting the form online and allowing multiple methods of submission. Agencies should also:

- Ensure that the complaint forms are available in multiple languages based on the demographics of the community served by the agency;
- Include a narrative field on the form so a complainant can describe their complaint in their own words;
- Make their complaint process information available on or with the form to assist complainants in completing it;
- Accept complaints orally or in writing, and people should be able to submit third party or anonymous complaints; and
- There should be a robust and transparent system for recording and tracking complaints.

Agencies should identify ways to increase the community's involvement in considering the creation or expansion of independent civilian complaint review boards and community-centered mediation resources. The Board also discourages complaint forms from including the language in Penal Code section 148.6, which may deter citizens from submitting complaints.

The RIPA Board continues to encourage California law enforcement agencies as well as the Legislature to standardize the collection of complaint information by establishing consistent protocols across agencies.

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) TRAINING RELATED TO RACIAL AND IDENTITY PROFILING

Law enforcement training must be relevant to today's circumstances and the oath officers take to protect and serve all California residents. Training is a critical pillar that shapes law enforcement culture and officer behavior and it can prevent innocent people from being harassed, criminalized, injured, or killed. The Board made the following recommendations for training:

- Use stop data findings from RIPA reports to examine the disparities between racial and identity groups to identify topic areas of concern for future course development;
- Use actual footage of law enforcement encounters in lieu of using actors and scripts;
- Emphasize community perceptions in contemporary policing;
- Provide courses on officer peer behavior and supervisor accountability;
- Provide courses on reporting and responding to biased practices by fellow officers;
- Provide courses with deeper discussions on possible officer bias that leads to a stop, how the situation evolves during the stop, and communication skills to prevent stops from escalating;
- Include community perceptions of consent, as well as parole and probation inquiries, stops, and searches;

- Provide guidance and discussion about the legal implications and consequences of bias;
- Connect recruitment academy training to Field Officer training and determine how implicit bias and racial and identity profiling and cultural awareness training are being applied;
- Ensure that Field Training Officers have up-to-date racial and identity profiling training;
- Make the 8-hour Principled Policing course mandatory for all officers;
- Offer refresher racial and identity training to in-service officers more frequently than once every five years; and
- Incorporate the tenets of procedural justice (voice, neutrality, respectful treatment, and trustworthiness) in all trainings for law enforcement, not just ones specific to bias.