

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

May 30, 2018

The Honorable Xavier Becerra
Attorney General, State of California
1300 "I" Street
Sacramento, CA 95814-2919

Rev. Ben McBride
Co-Chairperson, Racial and Identity
Profiling Advisory Board
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, CA 94612

Ms. Andrea Guerrero
Co-Chairperson, Racial and Identity
Profiling Advisory Board
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, CA 95612

Re: Law enforcement response to racially-biased calls for service

Dear Attorney General Becerra, Co-Chairperson Guerrero, and Co-Chairperson McBride:

Recent cellphone recordings widely distributed on the internet have demonstrated, once again, that racial profiling is a pervasive problem in America. In one now notorious incident, two black men were arrested for sitting in a Starbucks in Philadelphia after a store employee called 911 complaining that the men would not leave or make a purchase. A black graduate student at Yale University took a nap in the common room of her dorm, only to have a white student report her to police, who demanded she show her identification even after she unlocked her dorm room door.

Specifically, looking at incidents in California, a woman called 911 to complain about a black family and friends using a charcoal grill at Lake Merritt in Oakland. Police arrived and wrote a report but wisely did not make any arrests. In the city of Rialto, neighbors of an Airbnb rental called police to report a burglary when three African-American guests checked out and took their luggage to their car, leading seven police cars and a police helicopter to lock down the neighborhood and detain the guests for 45 minutes.

These incidents are traumatic for the people directly involved and also for the entire black community. Racial minorities should not have to justify their right to exist in public spaces, and certainly should not be called to do so by police. Each one of these incidents sends a message to communities of color that they do not belong in our society and reinforces hundreds of years of structural racism.

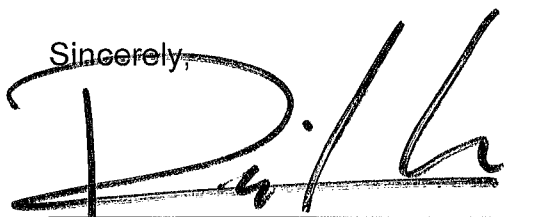
The involvement of police poses particular harms. When police act on a request for service rooted in racial bias, they risk giving a caller's bias an official imprimatur, further damaging the relationship between communities of color and police. When innocent people face interrogation simply for the color of their skin and the bias of others, they understandably may react angrily, posing risks of an incident escalating and resulting in harm to them and to officers. The unnecessary involvement of police wrongly treats African Americans as inherently criminal and creates the possibility of unnecessary detention or even serious force, with greater risk of humiliation, trauma, and physical harm.

While we cannot prevent people calling the police based on racial bias, there are important questions about how our police respond. How can our public safety systems, from dispatchers to patrol officers, better identify calls for service based on racial bias? How can police respond to protect the rights and dignity of innocent black people targeted in these incidents? How can training and policies help officers identify and resolve such a situation quickly and respectfully? What role do police play in following up with a caller to address racism that prompted an unnecessary and unjust call? How much departmental and public resources are expended in responding to calls motivated by racial bias? Taking the incident in Rialto as an example, the likely significant cost to dispatch seven patrol cars and a helicopter could have been better spent by being reinvested into the local community.

We ask you to bring this matter to the Racial and Identity Profiling Advisory Board for consideration. The Racial and Identity Profiling Advisory Board was designed to bring community members and law enforcement together to find solutions to problems of racial bias in policing. As such, the board is ideally positioned to address this pernicious problem. The board already holds hearings across the state to facilitate dialogue and produces an annual report. We ask that you incorporate the issue of police response to biased calls into the board's work for the coming year and include in its annual report with recommended reforms for the Legislature to consider.

We look forward to working with you on this important matter. If you need additional information or clarification, please do not hesitate to contact Erika Contreras, Chief of Staff to Senator Lara, at (916) 651-4033.

Sincerely,



HON. RICARDO LARA
Senator, 33rd District



HON. HOLLY MITCHELL
Senator, 30th District