

CIVILIAN COMPLAINTS RESEARCH OUTLINE

I. Introduction

[Content in development]

II. Data Analysis of 2025 Civilian Complaints

[Analyses of 2025 civilian complaint data, including the total number of all complaints and profiling complaints, and the disposition of all complaints and profiling complaints]

III. Law Enforcement Complaint Investigations

A. Topic introduction and background

1. Past RIPA reports have focused on accessibility of complaints, but the low rate of sustained complaints indicates that there may be an issue once a complaint is received. While numerous factors may impact the number of complaints filed by the public with a law enforcement agency, this year's report will focus on law enforcement's complaint investigation procedures for complaints alleging racial and identity bias and will provide best practices to ensure that law enforcement agencies investigation procedures are fair, impartial, and transparent.
 - a. Possible inclusion of estimate from DOJ Research Services on the statistical likelihood of the sustained complaint rate being so low. If unlikely that the sustained complaint rate would be so low, this may suggest that there is a problem with the complaint process used by most law enforcement agencies.
 - b. Lexis-Oliver Ray, *LAPD Rejects Over 1,700 'Biased Policing' Complaints* (June 4, 2025) L.A. Taco <<https://lataco.com/lapd-2024-biased-policing>> (more than 4,700 complaints were closed last year, a four-year high. While allegations of misconduct against officers have increased, the number of sustained complaints remains very low).

B. Overview of existing complaint investigation policies and procedures

1. Penal Code section 832.5 requires each department or agency in the state that employs peace officers to establish a procedure to investigate complaints by members of the public against personnel of these department or agencies and make a written description of the procedures available to the public.
2. Existing law enforcement policies and procedures for complaint investigations are general for all types of complaints, with some

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exceptions such as use of force investigations, but generally do not provide specific procedures for complaints alleging racial and identity bias.

3. The procedures also do not provide specific metrics for determining the dispositions for complaints.
 - a. Potential gap in policies and procedures: Lack of secondary or contemporaneous review/investigation of complaints by an outside entity with oversight authority. This gap may lead to questions about the independence and integrity of the complaint investigation process.

C. Recommended best practices or guidelines for complaint investigations and how these best practices relate to racial and identity profiling [*content in development; below are summaries of public sources found so far, which the Board may consider in developing recommendations and best practices for the investigation of civilian complaints*]

1. U.S. Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p164-pub.pdf> (proposes general principles and guidelines for investigations by law enforcement agencies' Internal Affairs departments; developed by the National Internal Affairs community of Practice group, a collaborative partnership of the Los Angeles Police Department and 11 other major city and county law enforcement agencies)
 - a. Intake of Complaints
 - 1) Each agency should require that every complaint from the public be received and evaluated to determine the nature of the agency's response to the complaint. The complaint process from intake to final disposition should be clear to all involved and should include at least a general description of the categories the agency uses to group complaints and the procedures for handling each category. The descriptions and procedures should be in writing and easily accessible to the public (p. 24).
 - 2) Nonsupervisory employees to whom a complaint is made should be required to summon a supervisory employee to receive the complaint (p. 15).

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- 3) The public complaint process should not discourage, dishearten, or intimidate complainants or give them cause for fear (p. 17).
- 4) Tracking: Every complaint should be tracked through final disposition. The tracking system should be automated and capable of capturing in separate data fields information regarding the complaint important for case tracking, including any applicable deadlines. A reliable complaint tracking system is a means not only of managing cases but of providing public accountability for the follow-through on intake complaints (p. 17).
- 5) A written acknowledgement of a complaint or receipt should be provided to the complainant and should be documented in a retrievable manner. It should include a reference number, complete synopsis of the complaint, and the identity of the investigator or other responsible person and his or her contact information (p. 18).
- 6) Agencies should conduct regular audits to verify that complaints are being taken properly and that all employees are adhering to agency rules and standards (p. 18).
- 7) Any civil lawsuit or civil claim filed against law enforcement personnel for misconduct should be handled as a complaint (p. 19).
- 8) Upon intake, Internal Affairs should classify the complaint for purposes of determining where, when, and how the complaint will be investigated and resolved. It is helpful to classify complaints into either of two categories: criminal or administrative (p. 21).

b. Investigation of Complaints:

- 1) General principles
 - i. All complaints of a serious nature must be investigated (p. 27).
 - ii. All reasonable steps should be taken to ensure that every investigation is free from conflict of interest, bias, prejudice or self-interest (p. 27).
- 2) Preliminary investigation
 - i. Preliminary investigation should encompass an effort to gather key statements or evidence. Goal is

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- to determine if the complaint should be further investigated and if so, by whom (p. 29).
- ii. Any decision not to proceed with a complete investigation should be made by the commander of Internal Affairs with a written explanation (p. 29).
- 3) Internal Affairs should conduct all serious administrative investigations, including allegations of racial profiling or discriminatory policing or racial prejudice. These types of complaints should not be investigated at the unit level. Internal Affairs should investigate all allegations of misconduct of command-level personnel with the exceptions of allegations against the agency head or in any instance where there is an apparent conflict of interest (p. 31).
- i. Note: In other contexts, it is recommended that a factor to be considered is whether to use an external investigator for race-related complaints. For example, in the employment context, some sources state that employees of color who feel they have been wronged say they don't trust Human Resources because HR is perceived as supporting the status quo or they think HR is biased in favor of company management. Using an outside investigator helps alleviate these concerns, build trust between the investigator and witness, and lends overall credibility to the investigation.
https://www.cdflaborlaw.com/_images/content/Employer_Tips_For_Investigating_Racial_Bias_Complaints.pdf;
<https://www.midwesthardware.com/PDFfiles/eHELPS/2021/8%20Steps%20on%20How%20to%20Handle%20a%20Discrimination%20Complaint.pdf>
 - ii. Internal Affairs has investigative expertise that local chain-of-command investigators may not have (p. 33).
 - iii. Time commitments required to conduct administrative investigations may conflict with field supervisors' primary responsibilities (p. 33).

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- iv. Internal Affairs managing investigative quality control is likely to provide increasing consistency and quality and can reveal trends of investigative or leadership deficiencies that Internal Affairs can help resolve through agency-wide training (p. 32).
 - v. Certain internal investigations are sufficiently serious that they should be conducted by the Internal Affairs unit in order to produce an objective and competent investigation which the general public and members of the agency will accept as trustworthy and credible (p. 32).
 - vi. Smaller agencies without a full-time Internal Affairs unit should consider contracting with an independent external investigator on a case-by-case basis (p. 32).
 - vii. Internal Affairs should be empowered to remand investigations to the field for further work until Internal Affairs has determined that the investigative quality meets its standards (p. 27).
- 4) Completion of Internal Affairs investigations should occur as rapidly as is reasonably necessary to fulfill the investigative mission (p. 33). Statutory limits on investigative duration should be the minimum standard. Investigations should be completed promptly out of respect to employees who are awaiting the disposition of their case. It is also valuable to the development of public trust when citizens are notified that their complaints have been investigated promptly. There is also value in taking swift corrective action to help a wayward employee avoid further problems (pp. 33-34).
- 5) Electronic recording of the live, word-for-word statements of all interviewees is the best way to avoid interpretive errors in recounting statements (p. 34).
- i. As a form of quality and integrity control, audits comparing electronic recordings with written statements should be at least done randomly (p. 35).
- 6) Questions during interviews should be open-ended and non-leading (p. 36).

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- 7) Documentation of investigations must be thorough, complete, and as comprehensive as reasonably necessary. Using standardized forms or formats helps in quality control, evaluating comprehensiveness and sufficiency of content, consistency, and in recordkeeping (p. 36). However, consideration should be given to allowing some variation in formats so that information not ordinarily included can be if it needs to be (p. 37).
- 8) The investigative report should provide the decision-maker with enough information to arrive at a well-based finding (p. 36). Each investigative report should contain a detailed, comprehensive summary. Although the summary should be impartial, it should also identify inconsistencies between statements and inconsistencies between statements and physical evidence (p. 37).
- 9) Internal Affairs should track and maintain a chronological log of all internal investigations. A log of the investigation serves to preserve and maintain a history of the investigation and a means to keep track of the various parts of the investigation (p. 37). Whether to exhibit and track due diligence or to ensure investigative quality and continuity, a chronological log is a simple, effective investigation management tool that takes little time but offers great benefits (p. 38).
- 10) Agencies should consider using compliance audits, i.e., live tests to determine whether policies are being followed. For example, a Compliance Audit of an agency's policy to document all complaints could be done by having someone call in a complaint and later see if the complaint was documented. Sending a letter alleging misconduct to the agency and determining whether a complaint was produced would also be considered a Compliance Audit. Another example of a Compliance Audit is one in which undercover officers, or operatives, unknown to the on-duty officers pose as citizens, victims, or suspected criminals to determine how on-duty officers treat the public in various controlled conditions. These typically are video- or audio-recorded and include a substantial support team to ensure

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the secrecy of the operation and the safety of everyone involved. Compliance audits help pinpoint weaknesses in systems, policies, or personnel before anyone is accused of misconduct (p. 38). Also lets the public know that the agency takes its integrity seriously and thereby inspire public trust, especially in jurisdictions with a history of reputed abuses by agency officers (p. 39).

i. May not be received well by employees or labor unions (p. 39)

c. Agency Self-Critical Analysis

1) Information gained from a complaint can teach an agency about its policies, personnel, and activities that it may not learn otherwise. The careful leader will examine the complaint—wherever it is in the process when the employee resigns—for possible insights that might be gained if the complaint investigation were comprehensively done (p. 47).

d. Public Confidence

1) To complete the investigation reassures the public and agency employees that all complaints are taken seriously and provides the necessary safeguards to ensure a truthful outcome (p. 47).

e. Disposition of Complaints

1) The recommendations of commanding officers and their chain-of-command superiors regarding the adjudications of cases and the actions taken regarding the accused employees should be considered by the final deciding authority (p. 51).

2) For purposes of independence, confidentiality, direct and unfiltered discussion, and some freedom from institutional politics and pressures, the head of Internal Affairs should preferably report directly to the agency head. If a direct reporting relationship is not feasible, the Internal Affairs commanding officer should nonetheless have prompt, unrestricted, and confidential access to all agency executives, including the agency head (p. 51).

3) Adjudicators within the agency should use neutral and objective criteria, weigh evidence appropriately to

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distinguish strong evidence from questionable or less material evidence and not indulge in presumptions that bias the findings of fact. The rationale for each adjudication should be in writing, and clearly related to the conduct, the employee, and the agency's rules (p. 52).

i. Source provides minimum standards for adjudication of disciplinary cases (p. 52)

4) In weighing evidence, facts revealing a pattern of conduct should be considered. Where there is evidence that an employee has been accused of the same act before in other cases involving other independent complainants, the adjudicator may have reason to believe that the currently alleged act is not an isolated incident. Without contrary evidence, the greater the number of previous allegations of a substantially similar act, the more likely than not the current case is sustained (p. 52).

2. Los Angeles Police Commission, *City Council Motion No. 20-1599, Investigation Standards and Racial Profiling Complaints* (May 25, 2021) <https://cityclerk.lacity.org/onlinedocs/2020/20-1599_rpt_BPC_05-25-21.pdf>

a. Case Preparation

- 1) Gather and review all documents related to the incident, including but not limited to officer and supervisor daily logs, arrest reports, traffic citations, and all audio/video recordings of the incident.
- 2) Determine the final outcome of any related traffic citation or legal proceedings, which complainant alleges was a result of biased policing, if applicable and/or feasible.
- 3) If the complainant alleged the officer selectively enforced the law, i.e., allowing persons of other minority or identity status to avoid similar enforcement, examine enforcement activities for the day around time of incident.
- 4) Obtain photographic and visual documentation such as tinting of vehicles, diagrams of locations, etc.
- 5) Canvas the location and interview all witnesses.
- 6) Complainants should be interviewed in person. Decisions to not interview complainants must be approved by section officer-in-charge and documented.

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- 7) Accused officers must also be interviewed in person unless there is overwhelming audio/video evidence strongly refuting the allegation, which must be documented.
- 8) When applicable, conduct a review of traffic citations issued for the last six months (p. 3).

b. Interview Techniques

- 1) Investigating supervisors are advised to listen carefully to the responses to their questions and adjust follow-up questions accordingly, rather than simply reading a list of questions. Supervisors are advised to question inconsistencies, ask follow-up questions to clarify responses, and probe for specifics (p. 3).
- 2) Sample Complainant Questions
 - i. Why does the complainant believe he or she was the subject of biased policing?
 - ii. What is the complainant's definition or understanding of biased policing?
 - iii. What did the officer do or say that the complainant perceived as biased policing?
 - iv. What actions did the officers take at the scene?
 - v. Could the officer have seen or known the complainant's race or other bias factors prior to the stop or incident?
 - vi. Was the complainant, his/her vehicle or residence searched?
 - vii. Did the officer provide explanation for the detention or stop?
 - viii. How long did the detention last?
- 3) Sample officer questions
 - i. What was the reason for the stop and/or detention? Probe for specific facts for any conclusory statements such as, "officer safety" or "uncooperative" without any foundation or supporting evidence for the conclusion.
 - ii. Did outside information, such as a radio call or citizen flag down, lead to the stop or detention?
 - iii. Where were the officers in relation to the complaint when they first encountered him/her?

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- iv. Did the officers know the complainant's race (or other type of bias) before the stop or detention? Was race (or another type of bias) a factor in the stop or detention? If so, in what way?
 - v. What was the reason for the search? What was the type, scope and intent? Probe for specific articulation of facts.
 - vi. What were the lighting conditions?
 - vii. Were vehicle windows open? Tinted?
 - viii. Did outside information, such as a radio call or citizen flag down, lead to the stop detention? If so, did the suspect match the suspect description given? Probe for specific articulation.
- c. Review and Adjudication Process
- 1) Preponderance of evidence is required for determining whether misconduct occurred.
3. McKenna Long & Alderidge LLP, Attorneys at Law, *Guide to Conducting an Effective Internal Investigation*, <https://www.acc.com/sites/default/files/resources/vl/membersonly/ProgramMaterial/19856_1.pdf> (business-related general guidelines)
- a. Key components of an effective investigation process
 - 1) Purposeful – The potential violation and purpose and scope of the investigation must be clearly identified and memorialized in a plan from the outset
 - 2) Independent – Whether conducted by internally or externally, an investigation must be independent from other units of the company potentially implicated in it. The Investigation must be allowed to proceed without pressure from other interests that would have an interest in affecting the outcome.
 - 3) Objective – the Investigation should approach the matter from a neutral position; the purpose should not be to establish that a violation has occurred or has not occurred.
 - 4) Appearance of Independence and Objectivity
 - 5) Timely – completed as quickly as possible
 - 6) Thorough – must exhaust all reasonable sources of information

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- 7) Appropriate Resources – Person controlling the investigation must have access to appropriate resources
 - 8) Verifiable – The independence and objectivity of a particular investigator, as well as particular findings and conclusions of the investigation, must be independently verifiable to the extent possible from the investigative report itself
4. Tamar Hopkins, *An Effective System for Investigating Complaints Against Police*, Victorian Law Foundation (Aug. 2009)
<<https://www.policeaccountability.org.au/wp-content/uploads/2014/03/VLF-REPORT-Effective-Investigation.pdf>>
(study of human right compliance in complaint models in the US, Canada, UK, Northern Ireland, and Australia)
- 1) Independence – Independence is necessary for the investigation of a police complaint to be effective and consistent with human rights (p. 34).
 - i. Police retention of the power and authority to investigate themselves is a highly contentious issue
 - ii. Investigations of allegations of misconduct must be conducted by an agency that is not only institutionally independent of police but also culturally and politically independent (p. 49).
 - 2) Adequacy of investigation
 - i. Police suspects and witnesses must be separated and interviewed immediately for both criminal and administrative purposes or no later than 24 hours after notification of the details of a complaint. Refusal to participate in an administrative interview must be grounds for dismissal (p. 53).
 - ii. Enforceable timelines for investigations are critical. Provision of documents by police agencies must be prioritized and investigators should use warrants to collect documents themselves where any delay occurs (p. 54).
 - iii. Civilian investigation should commence immediately and must thoroughly and effectively collect and preserve the evidence at a scene of a police-involved death, near death or serious injury.

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- The reporting by police of these incidents to the civilian body must be mandated. Civilian investigation must commence as soon as they are notified of complaints that reveal an allegation that could lead to criminal or disciplinary outcomes (p. 55).
- iv. Civilian investigators must investigate as if a crime has been committed (p. 57).
 - v. Civilian investigators should interview complainants with respect to their complaint and not to collect evidence in relation to prior behavior (p. 58).
- 3) Transparent decision making – most important aspect of an effective police complaint mechanism and ensuring public support for it (p. 78).
5. Police1, *For better misconduct investigations, use third parties* (Sept. 11, 2023) <<https://www.police1.com/officer-misconduct-internal-affairs/articles/for-better-misconduct-investigations-use-third-parties-UMx5DV9G0GI4edCn/>>
- a. Law enforcement agencies currently have the discretion to choose how misconduct investigations are conducted, leading to potential bias and lack of trust from the public.
 - b. Three types of systems for police misconduct investigations are: dependent (internal), interdependent (allied agencies), and independent (outside law enforcement). Each has its strengths and weaknesses.
 - c. A proposed solution is a mandated third-party investigative model, independent but with the powers of the dependent model, to investigate and recommend sanctions.
 - d. Benefits of the third-party investigation model include eliminating conflicts of interest, increasing credibility and acceptance of results, fostering trust between police and communities, and freeing up resources for the affected agencies.
 - e. Challenges to implementing third-party investigations include resistance from law enforcement culture, legal access to confidential information, and issues related to funding, investigator qualifications, and legal requirements.

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6. United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (2011)
<https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf>
- a. It is crucial for members of the public to be able to file complaints against the police (p. 33).
 - b. In addition to ensuring that members of the public can file a complaint directly with the police, there should be alternatives such as the possibility of filing a complaint with a body that is independent of the police or prosecutor's office. This will protect those making complaints from being intimidated by the police. The independent body must be responsible for oversight over the entire police complaints process. Willingness on the part of the police to cooperate with these independent institutions will contribute to their legitimacy, as it will show that they are refraining from interfering in complaints investigations (p. 34).
 - c. It must be possible for complaints to be made easily without discrimination, and the procedures should be comprehensible (p. 34).
 - d. It can be helpful to install a system where records are kept of all complaints, which can be traced. This will help to prevent officers from trying to dismiss complaints (p. 35).
 - e. It is important to establish procedure for informing complainants about the progress of the complaint investigation (p. 36).
 - f. The aim of a complaints procedure is to prevent impunity and restore (or enhance) public confidence. It is often observed that the number of complaints increases (rather than decreases) if police enhance their efforts to improve integrity and the complaints procedure in particular. An absence of complaints must not be interpreted as a sign that police performance is meeting with overall satisfaction but may indicate a lack of faith in the effective handling of complaints (p. 36).
 - g. Good practices for the complaints procedure in general
 - 1) *Testing of procedures*. The complaints system needs to be tested regularly to assess whether it meets current needs. Additionally, it is good practice to audit the entire complaints system, including all organs where complaints can be filed and where these can be investigated. Such an

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audit should be carried out by a body that is separate from the independent body that normally oversees the police, such as a renowned academic institute under the auspices of parliament. An example of this can be found in Australia, where the Victoria government has announced a review of the effectiveness of the entire integrity and anti-corruption system including its complaints system (p. 36).

- 2) *Establishment of external oversight over the entire police complaints system.* It is good practice for an independent, external body to have oversight over the entire complaint system and share responsibility with the police for the visibility and accessibility of the system. To that end, this body must be informed of all complaints filed directly with the police and must have the power to start an investigation on its own initiative, without a complaint having been made. It must also be authorized to intervene and even repeat an investigation if this has not been satisfactorily performed by the police (p. 36).
- 3) *Disclosure of complaints statistics.* It is good practice, and in fact mandatory where the aim is to establish, restore or enhance public confidence, to disclose the number of complaints received, the nature of the complaints and their consequences, including numbers of officers that have been disciplined and criminally prosecuted. Too often, police try to keep these figures away from the media, under the erroneous impression that this might negatively affect their image. In fact, the opposite is true: displaying transparency with regard to all areas including failures and problems and acknowledging mistakes shows that police are concerned about their legitimacy and thus enhances public trust (pp. 36-37).

IV. Vision for Future Reports

[Content in development based on future Board discussion]

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