

Sacramento County
Community Review Commission
Ad Hoc Committee Report

Vehicle Stops, Searches, and Tows

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History and Background

Area of Focus Selection

In accordance with the Rules and Regulations of the Community Review Commission (“CRC” or the “Commission”), the CRC is tasked with developing an annual review to the Board of Supervisors concerning complaints and public concerns received from the community related to Sacramento County Sheriff’s Office (“SSO”) operations, policies and procedures. Furthermore, the CRC is tasked with reviewing, analyzing, and, where appropriate, soliciting community input to make recommendations to the Office of Inspector General (“OIG”) on SSO operational policies and procedures that affect the community or make recommendations to create additional operational policies and procedures affecting the community. For the purpose of developing its annual review report and bringing forward recommendations for improvement, the CRC selects one to three issues for greater review and analysis each year, with additional topics to be selected based on the Commission’s capacity for further work within each CRC year timeframe. In August 2023, the Commission reviewed a document compiled by staff that listed the concerns, issues, and topics expressed by CRC members since the Commission began, as well as topics identified by community members through public comment. The Commission then voted to determine their immediate priorities. The Commission’s top priority as determined by the vote, was Vehicle Stops, Searches, and Tows.

Ad Hoc Committee Formation

An ad hoc committee (the “Committee”) was subsequently established to analyze and evaluate the selected topic. District 1 Appointee John Stoller

was appointed and affirmed as the Committee's chairperson, and District 1 Appointee Paul Curtis, District 2 Appointee Michael Whiteside, and District 3 Appointee Khaim Morton were added to the Committee's membership¹. Eric Jones, County Executive Appointee, provided information to and shared additional documentation with the Committee during its active term. Laura Foster, an analyst with the County's Public Safety and Justice Agency, provided staff support for the Committee. The Committee held its first meeting on August 28, 2023. The Committee continued to meet periodically over a ten-month time span, meeting a total of 12 times before concluding its work in May 2024. To ensure that the Commission remained informed about the Committee's progress, the Committee's chairperson, or his designee, provided monthly updates at each CRC meeting.

Research and Findings

The California Racial and Identity Profiling Advisory (RIPA) Board & The Department of Justice

To inform its work, the Committee reviewed work completed pursuant to statute by the California Department of Justice and the California Racial and Identity Profiling Advisory Board (Board).

Racial and Identity Profiling Advisory Board (RIPA)

RIPA stands for the Racial and Identity Profiling Advisory Board. It was established under California law as part of efforts to address concerns about racial and identity profiling in law enforcement. The board's main tasks include analyzing the data collected from stops by law enforcement officers

¹ Khaim Morton resigned from the Community Review Commission in January 2024.

to assess and prevent biased policing. It aims to improve transparency and community trust in law enforcement through systematic data collection and analysis. The board produces annual reports detailing its findings and recommendations to help reduce instances of racial and identity profiling.

Racial and Identity Profiling Act of 2015 (AB 953)

AB 953, also known as the Racial and Identity Profiling Act of 2015, is a law that requires California law enforcement agencies to collect and report data on stops conducted by officers. This includes detailed demographic data about the individuals who are stopped, such as their race, gender, and age, as well as the reason for the stop and actions taken during the stop. The goal of AB 953 is to curb racial profiling and increase transparency in policing. The data collected under this law is intended to be used for analysis to inform policy changes and improve police-community relations. The Racial and Identity Profiling Advisory Board (RIPA) plays a key role in reviewing this data and providing oversight and recommendations based on the findings. The Board analyzes data collected pursuant to AB 953, examining metrics touching on racial profiling. After examining the data, the reports identify unfavorable trends and data points. The Board then considers policy recommendations for law enforcement and publishes annual reports.

2023 RIPA Report Analysis

The 2023 Annual Report by the California Racial and Identity Profiling Advisory Board (RIPA Board) builds upon previous reports to address racial and identity profiling in policing. This report analyzes data from January 1, 2021, to December 31, 2021, collected by 58 law enforcement agencies. The findings reveal persistent disparities in policing practices, particularly against

Black and Hispanic/Latine(x) individuals. The report covers various aspects of law enforcement stops, from the reason for the stop to the actions taken during the stop and the outcomes. Additionally, it delves into the negative mental health impacts of adverse law enforcement interactions and emphasizes the need for reforms in youth interactions with law enforcement, both inside and outside of school.

Key Data Points

1. Disproportionate Stops Based on Race/Ethnicity:

- Black and Hispanic/Latine(x) individuals represented a higher proportion of stopped individuals than their relative proportion of the weighted California residential population.
- Black individuals were 2.8 times more likely to be stopped compared to White individuals.
- Hispanic individuals were also stopped more frequently than White individuals.

2. Use of Force Disparities:

- Black and Hispanic/Latine(x) individuals were more likely to have force used against them compared to White individuals. Specifically, the odds of having force used during a stop were 1.24 times and 1.09 times as high for Black and Hispanic/Latine(x) individuals, respectively.

3. Search and Handcuffing Rates:

- Stopped individuals perceived as Black had the highest rates of being searched (20.1%), detained on the curb or in a patrol car (17.9%), handcuffed (15.4%), and removed from a vehicle by order (7.6%).

- Black adolescents (15-17 years old) were searched at nearly six times the rate of White youth, and Hispanic/Latine(x) youth were searched nearly four times the rate of White youth.

4. Search Discovery Rates:

- Stopped individuals perceived to be Black were searched at more than two times the rate of White individuals.
- Despite being searched more frequently, Black and Hispanic/Latine(x) individuals had lower discovery rates of contraband or evidence compared to White individuals during discretionary searches.

5. Actions During Stops:

- Stopped individuals perceived to have a disability were searched, detained on the curb or in a patrol car, and handcuffed at much higher rates than individuals perceived not to have a disability.
- Officers took no action as the result of stop during a higher proportion of stops of people they perceived to have a disability (12.1%) than during stops of people they perceived to not have a disability (7.5%).

6. Complaints and Dispositions:

- In 2021, 713 racial and identity profiling complaints reached disposition. Of these, 13 (1.8%) were sustained, 130 (18.2%) were exonerated, 83 (11.6%) were not sustained, and 487 (68.3%) were determined to be unfounded.

Major Recommendations

1. Eliminate Pretextual Stops: Policymakers and law enforcement leaders should consider eliminating pretextual stops to reduce potential harm

and racial profiling. This includes prohibiting stops for minor infractions used as a pretext for investigating other crimes.

2. **Improve Training and Accountability:** The POST (Peace Officer Standards and Training) Commission should integrate RIPA data into their training curriculum to address and prevent racial and identity profiling. This includes mandating extensive training on procedural justice and bias for both new recruits and in-service officers.
3. **Legislative Reforms: The Legislature should expand POST's budget to** include more diverse training content and increase academy training hours. Measures should be put in place to evaluate the effectiveness of these trainings and their impact on reducing disparities.
4. **Community Engagement and Transparency:** POST and law enforcement agencies should establish a community engagement coordinator and ensure ongoing dialogue with community members. Transparency in the development and implementation of training programs is crucial.
5. **Youth Protection Policies:** Develop specific policies to protect youth during law enforcement interactions, such as requiring the presence of an attorney during searches or questioning and prohibiting the entry of youth information into criminal databases without legal representation.
6. **Data-Driven Policy Making:** Stakeholders should use empirical data to create policies that enhance public safety while reducing racial disparities in law enforcement practices. This includes implementing innovative approaches like civilian traffic enforcement units to minimize police interactions during traffic stops.

The authors opined that these recommendations aim to foster fairer, safer, and more equitable policing practices while strengthening the relationship between law enforcement and the communities they serve.

2024 RI PA Report Analysis

Key Data Points

1. Disproportionate Stops Based on Race/Ethnicity:
 - Black individuals were stopped 131.5% more frequently than expected, given their relative proportion of the California population.
 - Individuals perceived as Hispanic/Latine(x) (42.9%), White (32.5%), or Black (12.5%) comprised the majority of stopped individuals.
2. Age and Gender Distributions:
 - Individuals perceived to be between the ages of 25 and 34 accounted for the largest proportion of individuals stopped (32.1%).
 - The majority of individuals stopped were perceived as cisgender male (70.9%) or cisgender female (28.7%).
3. Disabilities:
 - Officers perceived 1.4% of individuals stopped to have a disability, with mental health disabilities being the most common (68.4%).
4. Reasons for Stops:
 - The most common reason for stops across all racial and ethnic groups was traffic violations (82.1%).

- Native American individuals had the highest proportion of stops for reasonable suspicion (20.3%).

5. Search and Handcuffing Rates:

- All racial or ethnic groups of color were searched at higher rates than individuals perceived to be White, except for individuals perceived as Asian, Middle Eastern/South Asian, and Pacific Islander.
- Individuals perceived to be Native American had the highest rate of being searched (22.4%) and handcuffed (17.8%).
- Black individuals had the highest rates of being detained curbside or in a patrol car (20.2%) and ordered to exit a vehicle (7.1%).

6. Search Discovery Rates:

- Search discovery rates were lower during stops of all racial or ethnic groups of color compared to White individuals.

7. Calls for Service:

- Officers reported that 9.3% of stops were made in response to a call for service.
- Native American individuals had the highest share of stops made in response to calls for service (15.5%).

8. Pretextual Stops:

- Data from the LAPD indicated a 60.2% reduction in total stops for equipment violations after implementing a pretext stop policy, leading to an increase in discovery rates and a slight decrease in disparities.

9. Youth and Disability:

- Youth perceived to be between the ages of 10 to 14 had the highest rate of being searched (24.6%) and detained curbside or in a patrol car (32.9%).
- Individuals perceived to have a disability were searched (42.7%), detained curbside or in a patrol car (42.2%), and handcuffed (41.6%) at much higher rates than those perceived not to have a disability.

Major Recommendations

The RIPA Board Report 2024 includes several key recommendations aimed at improving law enforcement practices, enhancing accountability, and fostering better community relations. Here are the main recommendations summarized:

1. Pretextual Stops:

- Limit and regulate pretextual stops and searches, particularly those based on minor traffic violations or equipment issues.
- Encourage policies that reduce disparities in stops and increase the discovery rates of contraband during lawful searches.

2. Data Collection and Analysis:

- Improve the accuracy and comprehensiveness of stop data reporting by law enforcement agencies.
- Expand the analysis of stop data to include more detailed demographic information and context of stops to better understand patterns of bias.

3. Police Training and Recruitment:

- Enhance POST (Peace Officer Standards and Training) training curricula to better address racial and identity profiling.
- Encourage ongoing training updates based on the latest research and data from RIPA.
- Implement accountability measures for discriminatory practices identified through training or field actions.

4. Youth Interactions:

- Develop specialized training and protocols for police interactions with youth, particularly those with disabilities or mental health issues.
- Recommend schools and law enforcement agencies prioritize non-punitive, care-first approaches when dealing with youth.

5. Civilian Complaints:

- Reform the civilian complaint process to make it more transparent and accessible.
- Establish clearer definitions and consistent practices for handling and resolving complaints across all agencies.

6. Policies on Disability and Crisis Interventions:

- Encourage law enforcement agencies to adopt policies that specifically address interactions with individuals with disabilities and those experiencing crises.
- Suggest training and protocols that minimize the use of force and prioritize de-escalation and support.

7. Legislative Changes:

- Recommend legislative amendments to further define and restrict racial and identity profiling.

- Propose changes to enhance the independence and effectiveness of oversight bodies.

8. Community Engagement and Policy:

- Increase community involvement in the development and review of police policies.
- Strengthen partnerships between law enforcement agencies and community organizations to build trust and improve public safety outcomes.

Commentary from Interest Groups on RIPA Report

After convening, the CRC was presented with a study completed through the joint work of the American Civil Liberties Union and Catalyst California.

ACLU & Catalyst California

The analysis presented in the documents focuses on the prevalence and impacts of vehicle stops in Sacramento County, with a particular emphasis on racial disparities. Key points from the analysis include:

Data Source and Analysis

The study utilizes data collected under the Racial and Identity Profiling Act (RIPA) from the Sacramento County Sheriff's Department. This data includes stop duration times, reasons for stops, and the perceived race of the individuals stopped. The analysis acknowledges limitations in the data, such as potential biases in officers' perceptions and errors in stop duration reporting.

Racial Disparities

The data reveals significant racial disparities in stop rates, particularly affecting Black individuals. For example, Black people are stopped at rates disproportionately higher compared to their population percentage in the county. Such disparities are evident across various types of stops, including those based on equipment violations or other non-moving violations, which often serve as pretexts for further investigations.

Impact on Community

The study argues that these vehicle stops do not significantly enhance community safety and instead contribute to racial profiling. It emphasizes the psychological and economic burdens placed on communities of color due to frequent and often unjustified stops.

Policy Recommendations

The analysis concludes with recommendations for policy changes aimed at reducing these disparities and improving trust between law enforcement and the community. These include re-evaluating the criteria for traffic stops, increasing transparency and accountability in data reporting, and investing in community-based approaches to safety.

Sheriff Response to RIPA Report

This response is an analysis of the RIPA 2022 Annual Report and not the study from Catalyst California. In the analysis, Brian L. Withrow, Ph.D., asserts that the RIPA report has significant methodological flaws and inaccuracies that mislead public perceptions about law enforcement in California.

Exclusion of Comprehensive Data

Withrow criticizes RIPA for not including data from California Highway Patrol, which constitutes 57.7% of all stops, thereby basing their analysis on only 42.3% of the data but making generalized conclusions.

Mis-definition of Racial Profiling

According to Withrow, RIPA inaccurately defines racial profiling by assessing data collected after stops occur rather than ensuring the data reflects **officers' knowledge of a driver's race before the stop.**

Flawed Statistical Analysis

Withrow points out that RIPA's statistical analysis is fundamentally flawed because it only considers race or ethnicity as variables without taking into account other important contextual factors or motivations behind stops.

Inadequate Literature Review

He accuses RIPA of cherry-picking sources and neglecting comprehensive academic studies in favor of media articles to support their viewpoints.

Methodological Challenges

Withrow highlights the challenges in estimating the demographic features of **a driving population, indicating that RIPA's methodologies fail to accurately** reflect the complex dynamics of police stops. Withrow suggests that the RIPA report, by failing to provide a balanced and methodologically sound analysis, potentially sows division between law enforcement and communities, negatively affecting officer morale and public safety outcomes.

He advocates for a more transparent and accurate portrayal of data to inform public understanding and policy.

Research in the Field Touching on Similar Issues

Past Studies Similar to RIPA

In July 2000, the Sacramento Police Department undertook a comprehensive study of traffic stops to address perceptions of racial profiling. That study was conducted by the School of Policy, Planning and Development at the University of Southern California. The Final Report: Police Vehicle Stops in Sacramento, CA was completed by Dr. Howard P. Greenwald, Professor of Management and Policy on October 31, 2001.

The Greenwald Report examined vehicle stops by Sacramento Police from July 1, 2000 to June 30, 2001. The report found that African-American drivers were stopped more often than their representation in the driving-age population. Further, the report found that African-American and Hispanic drivers were more likely to be searched and subjected to longer detentions compared to white drivers. And that searches of African-American and Hispanic drivers were less likely to yield contraband compared to searches of white drivers.

However, Dr. Greenwald concluded that the disparities were due to factors other than racial profiling, such as higher rates of crime reports involving African-American suspects. According to the author, police stops corresponded with area and times of higher crime incidence. Subsequently, the City hired Lamberth Consulting to complete an additional report that

involved broader data collection. Completed in August 2008, the report made the following key points and recommendations. One, the report observed disparities in vehicle stops. Black motorists were stopped more frequently than their representation in the driving population would suggest, with an odds ratio of approximately 2.0. Hispanic motorists' stops were slightly elevated but not statistically significant.

In regards to citations, no racial or ethnic group was cited as disparate rates. However, Hispanic motorists were asked to exit their vehicles almost twice as often as non-Hispanics. Both Black and Hispanic motorists were subjected to Terry Cursory searches at significantly higher rates. Black motorists were searched at over twice the rate of other ethnicities under parole/probation search authority.

The report also looked at the “discovery” rate, similar to the factor as presented in the RIPA reports. It found that that egregious speeding and hit rates (contraband found) showed no differences among racial/ethnic groups. As for arrests, Black (5.7%) and Hispanic (4.9%) motorists had higher arrest rates than White motorists (3.1%).

The report also commented on the general problem surrounding criminal justice statistics, both researches and law enforcement are unable to determine how many motorists actually violate a law, rather, the statistics must be taken from police observations, thus complicating the analysis.

Studies & Commentary in the Field from Other Sources

Research by the Committee revealed an often-cited paper, “Reforming Stop-and-Frisk,” by Henry F. Fradella and Michael D. White of Arizona State University, published in the *Criminology, Criminal Justice, Law & Society* journal. The article advocates for a reformed approach to stop-and-frisk, focusing on constitutional adherence, fairness, and the importance of police legitimacy. It underscores the need for changes in recruitment, training, policy, supervision, and oversight to mitigate the negative impacts of past practices and restore community trust in law enforcement.

The Committee reviewed it because of the parallels between New York’s former stop-and-frisk policy and the vehicle search patterns seen in various reports. Fradella and White extensively discussed racial profiling within the context of stop-and-frisk, highlighting (1) the disproportionate impact it has on racial and ethnic minorities, particularly Black and Hispanic communities. (2) The erosion of community trust. And (3) That empirical evidence did not **support disparate treatment. New York’s stop and frisk** policy yielded minimal evidence of criminal activity.

The Committee also examined the questions of implicit bias training. Implicit bias training aims to help individuals recognize and reduce unconscious biases that affect their behavior and decision-making. In an opinion piece in the *Scientific American*, Tiffany L. Green and Nao Hagiwara highlight the effectiveness of these programs is limited. They argue that while such training can temporarily improve awareness and attitudes, these effects often do not result in lasting behavioral changes. This is particularly

problematic in sectors like healthcare, where implicit biases can lead to significant racial and ethnic disparities in outcomes.

Green and Hagiwara emphasize the necessity of addressing broader systemic issues that contribute to racial biases. They argue that implicit bias training alone cannot overcome the entrenched institutional practices that perpetuate disparities. Instead, they advocate for comprehensive approaches that include policy reforms, changes in organizational culture, and accountability measures alongside training programs.

Specific to law enforcement, the Committee also examined the article, “The Impact of Implicit-Bias-Oriented Diversity Training on Police Officers' Beliefs, Motivations, and Actions,” by Calvin K. Lai and Jaclyn A. Lisnek. Published in *Psychological Science*, the authors investigated the impact of a day-long implicit bias-oriented diversity training on police officers' beliefs, motivations, and actions. The training aimed to enhance officers' understanding of biases, increase their concerns about these biases, and encourage the use of evidence-based strategies to mitigate their effects.

The study involved 3,764 police officers across 251 training sessions and found that the training had an immediate positive impact. Officers showed increased knowledge about bias, heightened concerns about bias, and strong intentions to use bias mitigation strategies immediately following the training. However, the long-term effectiveness of the training was limited. One month after the sessions, officers' concerns about bias and their use of bias mitigation strategies had returned to baseline levels, although their general knowledge about biases remained elevated.

The authors explained that while implicit bias training can temporarily boost awareness and intentions, it often fails to result in lasting behavioral changes. The study suggests that the strategies taught in these sessions may not be easily applicable in real-world policing contexts, and officers struggle to implement them consistently. To address these limitations, the authors recommend integrating bias training with broader organizational initiatives, incorporating "booster" sessions to reinforce the training, and developing specific, actionable strategies tailored to the daily activities of police officers. This research underscores the necessity of moving beyond one-time training sessions and towards more comprehensive, sustained efforts to effectively reduce racial disparities in policing.

Scope of Problem

Recognizing its role as a voice for the community, the Committee also heard from community persons affected by vehicle stops. One notable comment came from Marshall Arnwine, who provided public comment at a meeting of the full CRC. Mr. Arnwine recounted a minor vehicle violation that led to a vehicle stop. Instead of writing Mr. Arnwine a ticket, law enforcement subjected him to invasive questioning and a lengthy detention. The handcuffed Mr. Arnwine, removed him from his car, and then searched his vehicle. After an hours long search of his vehicle that failed to yield contraband, Mr. Arnwine was released.

Additional community members provided comments of their own experiences and those of their loved ones. Another notable comment was

from a community member who related how a vehicle stop became a violent interaction for a close of friends of his.

The Committee also heard alternative viewpoints, mostly from fellow commissioners. Two commissioners related that they were stopped for a vehicle code violation and the experience was not the same. Specifically, the experience yielded nothing more than a verbal warning and this had a positive change on their own driving behavior.

The Committee also thoroughly considered viewpoints on the severity of various vehicle code violations and acknowledged the general need for officer discretion. Specifically, various commissioners noted the need to **engage in vehicle stops for “low level”** offenses such as inoperable brake lights and turn signals. Commissioners noted that while such violations are minor infractions, they do carry safety risks.

Related Legislation

The Committee also reviewed legislation on similar topics. AB 2773, passed by the Legislature and effective on January 1, 2024, was passed to decrease racial disparities in vehicle stops and increase public trust by preventing law enforcement from engaging in questioning immediately upon making the stop.

Starting January 1, 2024, peace officers are required to state the reason for traffic or pedestrian stops before initiating any questioning related to criminal investigations or traffic violations, except in situations where such

disclosure might threaten life or property. The bill further requires officers to document the stated reason for each stop in any resulting citations or police reports to ensure there is a record that supports the actions taken during the stop. In order to ensure follow through and transparency, the bill mandates that state and local agencies employing peace officers annually report detailed data on all stops to the Attorney General. This report must include specifics such as the time, location, reason for the stop, actions taken during the stop, and demographic details of the individuals stopped, based on the officer's observation. It further requires public access to the data.

Two additional bills touching on racial profiling did not pass, AB 93 and SB 50. AB 93 aimed to modify the standards under which peace officers can request consent for searches, particularly addressing concerns over the voluntary nature of consent in searches without suspicion of criminal activity. In its key provisions, the bill prohibited peace officers from conducting **warrantless searches based solely on an individual's consent** without any suspicion of criminal activity. The drafters viewed the bill as necessary due to the high percentage of consent searches that do not yield evidence of crime and that such searches disproportionately target Black, Hispanic, and youth populations. The drafter noted the negative impacts on public health and safety from such practices, including increased anxiety, trauma, and a decrease in public trust in law enforcement.

SB 50 focused on reforming traffic stop procedures to limit unnecessary police stops for minor infractions and enhance fairness in law enforcement practices. It prohibited police officers from stopping vehicles for low-level

infractions (like minor equipment violations) unless multiple infractions are observed or there is another independent basis for the stop. It further sought to allow local authorities to enforce non-moving and equipment violations through civil processes or non-peace officers, reducing the role of police in minor infractions. With the goal of reducing and monitoring pretextual stops, the bill would have required new reporting and oversight mechanisms to ensure compliance and effectiveness of the new traffic stop guidelines.

Known Policies Relating to Bias-Based Policing

Sacramento County Sheriff's Office (SSO) Policy 401

Purpose and Scope:

The policy affirms the office's commitment to policing that respects racial, cultural, and other differences, aiming to provide law enforcement services without bias based on protected characteristics such as race, ethnicity, sex, gender identity, economic status, age, disability, or affiliation with non-criminal groups.

Prohibition of Bias-Based Policing:

Bias-based policing is strictly prohibited, although deputies can consider protected characteristics if combined with credible information linking specific individuals to unlawful activities.

California Religious Freedom Act Compliance:

Prohibits the collection of information based solely on religious belief, practice, affiliation, or national origin unless required by law. The policy also

prevents assistance to federal authorities in religious or nationality-based registrations.

Responsibilities and Reporting:

All members must conduct their duties objectively and are responsible for reporting any suspected or known bias-based policing. They are encouraged to intervene in biased actions by colleagues when feasible. Detailed guidelines for collecting and reporting stop data are provided, ensuring transparency and accountability in traffic and pedestrian stops.

Data Reporting and Training:

Specifies the roles for collecting and providing stop data and complaint information to the California Department of Justice.

Mandates regular training for all sworn members on bias-based policing to keep abreast of changes in racial, identity, and cultural trends.

Garden City, Kansas Police Department

The Garden City Police Department serves the local community of Garden City, Kansas. It is committed to maintaining public safety and trust by enforcing the law impartially and ensuring that all community members are treated with respect and fairness. The department's policies reflect a proactive approach to prevent biased policing and promote transparency and accountability in its operations.

Features:

1. Prohibits racial and biased-based policing.

2. Encourages fair treatment of all individuals regardless of race, ethnicity, national origin, gender, or religion.
3. Defines enforcement actions and the conditions under which officers can consider personal characteristics in decision-making, which should be strictly related to specific suspect descriptions or credible intelligence.
4. Establishes requirements for supervision, training, and handling of complaints regarding biased policing.

International Association of Chiefs of Police (IACP)

The IACP is a global organization that aims to advance the science and art of police services. It develops educational programs, conducts research, and disseminates information through conferences and publications, aiming to foster enhanced administrative, technical, and operational practices in **policing. The IACP's model policies provide guidelines that help law** enforcement agencies worldwide to implement best practices and maintain high standards of professionalism and ethics.

Features:

1. Prohibits racial and biased-based policing.
2. Encourages fair treatment of all individuals regardless of race, ethnicity, national origin, gender, or religion.
3. Defines enforcement actions and the conditions under which officers can consider personal characteristics in decision-making, which should be strictly related to specific suspect descriptions or credible intelligence.

4. Establishes requirements for supervision, training, and handling of complaints regarding biased policing.

California Department of Justice (DOJ)

The California DOJ oversees law enforcement agencies within the state of California and provides a range of services from legal services to various state agencies to criminal investigations and public rights enforcement. It plays a crucial role in promoting justice and equality under the law through its comprehensive policies, aiming to ensure fair and just policing throughout the state.

Features:

1. Focuses on promoting equity and respect for individual rights in law enforcement practices.
2. Provides comprehensive guidelines on interactions with the public, data collection, and analysis to prevent biased policing.
3. Emphasizes transparency and accountability in police operations.

U.S. Department of Justice (DOJ)

The U.S. DOJ is a federal executive department responsible for the enforcement of the law and administration of justice in the United States. It oversees numerous agencies tasked with law enforcement, including the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA). The DOJ provides resources, research, and guidelines to support fair policing and the elimination of bias in law enforcement across the country.

Features:

1. Focuses on promoting equity and respect for individual rights in law enforcement practices.
2. Provides comprehensive guidelines on interactions with the public, data collection, and analysis to prevent biased policing.
3. Emphasizes transparency and accountability in police operations.

San Francisco Police Department (SFPD)

The SFPD is responsible for law enforcement in the city and county of San Francisco, California. The department is dedicated to improving community policing, enhancing transparency, and eliminating biased policing through rigorous training, oversight, and community engagement efforts. It implements policies that stress the importance of respect, fairness, and cultural sensitivity in all interactions with the public.

Features:

1. Focuses on promoting equity and respect for individual rights in law enforcement practices.
2. Provides comprehensive guidelines on interactions with the public, data collection, and analysis to prevent biased policing.
3. Emphasizes transparency and accountability in police operations.

Oakland Police Department

Purpose and Commitment

The policy reaffirms the department's dedication to providing fair and equitable law enforcement services and emphasizes the importance of public

trust. The policy acknowledges the national and local concerns over racial profiling and bias-based policing, particularly against minority communities.

Prohibition of Racial Profiling

The policy explicitly prohibits racial profiling and other bias-based policing. It defines racial profiling as using race, ethnicity, or national origin inappropriately in decision-making processes that affect individuals' freedoms, except when part of a specific suspect description.

Enforcement Practices

Officers are required to base all investigative detentions, traffic stops, arrests, searches, and property seizures on reasonable suspicion or probable cause. The policy strictly forbids consideration of race, ethnicity, national origin, gender, age, religion, sexual orientation, or disability unless linked to specific unlawful or suspicious activity as part of a suspect description.

- **Consent Searches:** The policy regulates consent searches, emphasizing that they must not be arbitrary and should not be based on biased characteristics. Officers must articulate the suspicion that forms the basis for the search and are required to complete a field contact report for each consent search, explaining the reason for the search.
- **Conducting Stops:** The policy outlines expectations for officer conduct during pedestrian, bicycle, or vehicle stops. Officers must be professional, explain the reason for the stop, identify themselves, and limit the duration of the stop to what is necessary

for the known or suspected offense. The policy also instructs officers to provide information on filing a complaint if requested.

- **Data Collection and Training:** The department must collect detailed data on all stops, which includes the reason for the stop, the outcome, and demographic information about the person stopped. Officers are also required to undergo training on racial profiling and this policy annually.
- **Supervisory Responsibilities:** Supervisors are responsible for ensuring compliance with the policy and for reviewing all forms and reports related to stops and searches to ensure they are completed in accordance with the policy.

Policy Comparison

Ad hoc members compared policies to the current SSO policy. A few notable examples include:

- SSO Policy 401 compared to the CA DOJ Model Policy Language for Bias-Free Policing Policy. The policy does comply with four tenets of the model, does not comply with three tenets, and partially complies with one.
- The policy complies with the following from the model:
 1. The [agency] expressly prohibits racial and identity profiling.
 2. The [agency] is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair,

and equitable manner that keeps both the community and officers safe and protected.

3. All employees of [agency] are prohibited from taking actions based perceived personal characteristics, including but not limited to race, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group.
 4. [Agency] personnel must not delay or deny policing **services based on an individual's actual or perceived** personally identifying characteristics.
- The policy does not comply with or does not address the following from the model:
 1. The [agency] recognizes that explicit and implicit bias can occur at both an individual and an institutional level and is committed to addressing and eradicating both.
 2. **The intent of this policy is to increase the [agency's]** effectiveness as a law enforcement agency and to build **mutual trust and respect with the [city, county or state's]** diverse groups and communities.
 3. The [agency] is charged with protecting these rights. Police action unlawful and alienates the public, fosters distrust of police, and law enforcement efforts.
 - The policy partially complies with the following from the model:
 1. A fundamental right guaranteed by the Constitution of the United States is equal protection under the law guaranteed

by the Fourteenth Amendment (NOTE: Policy includes this). 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. (NOTE: Policy does not state this but it is assumed it is addressed elsewhere in SSO policies.)

Recommendations for the Office of Inspector General

Pursuant to the CRC's founding resolution and its rules and regulations, recommendations from the Commission are to be submitted to the OIG. All recommendations by the Commission must include thorough analysis and documentation to support the recommendation. The findings provided earlier in this report were developed to meet this requirement. The Committee shared its preliminary recommendations to the Community Review Commission at its May 14, 2024 meeting and its full report at the May 28, 2024 meeting. **Additionally, a draft of the Committee's report was submitted** to the OIG prior to publication. Based on the aforementioned findings, the Committee identified three recommendation(s) for the Commission to consider submitting to the OIG.

Recommendation 1

The Committee recommends the Office of Inspector General to work with SSO to develop a policy limiting police interrogation or questioning during vehicle stops. A potential policy is outlined below. It is recommended SSO and/or the Inspector General consider some or all of these recommendations.

Key Points and Provisions in a Desirable Policy

In the Committee's opinion, SSO should adopt a vehicle stop policy that takes into account the concerns noted in this report. Based on the work done, the Committee believes law enforcement needs and community needs are best balanced by a policy that provides for all of the following:

- Limit requests for consent to search vehicle and/or occupants;

- Ensure any consent is true and informed of right to refuse;
- Limit questions to the need for the stop;
- Limit questions regarding: destination, origin of travel, and supervision status;
- Create a clear guideline for officers in the field to determine whether to engage in extended questioning. For example, limiting extended questioning to instances of reasonable suspicion of criminality.

Sample Policy: Limitation on Questioning During Vehicle Stops

1. Purpose

The purpose of this policy is to ensure that all vehicle stops are conducted in a manner that respects the rights and dignity of all individuals while maintaining the safety and security of the community. This policy aims to reduce the perceived and real experiences of racial profiling and unnecessary intrusion during vehicle stops.

2. Scope

This policy applies to all law enforcement officers employed by the department. It governs the conduct of officers during vehicle stops, specifically regarding the questioning of vehicle occupants.

3. Definitions

- Reasonable Suspicion: As defined by the Supreme Court in Terry v. Ohio, reasonable suspicion exists when an officer has specific and articulable facts, taken together with rational inferences from those facts, that warrant a belief that the suspect is, or is about to be, engaged in criminal activity. This standard is less than the probable cause required for arrest and more substantial than a mere hunch.

- Unlawful Contraband: Any item that individuals are legally prohibited from possessing, including but not limited to illegal drugs, unregistered firearms, and items intended for use in committing a crime.

4. Policy:

Officers shall limit the scope of their questioning during a vehicle stop to matters directly pertinent to the reason for the stop or to address immediate safety concerns. **Extensive questioning about the occupants' destination, origin of travel, probation, parole status, or consent to search the vehicle shall not be conducted unless the officer has specific and articulable reasonable suspicion that the vehicle contains unlawful firearms or contraband.**

5. Procedures:

- Conducting Stops:
 - Officers must behave professionally, using courtesy and respect at all times.
 - The reason for the stop must be clearly explained to the individual unless doing so compromises safety.
 - Officers should inform individuals of their right to refuse consent to a search, aligning with procedures on consent searches where probable cause is not present.
- Initial Contact: Upon initiating a vehicle stop, officers shall inform the driver of the reason for the stop and request necessary **documentation such as driver's license, vehicle registration, and proof of insurance.** This interaction should be concise and professional.
- Questioning Beyond Initial Contact: Further questioning regarding the occupants' destination, travel origin, probation, parole status, or requests for consent to search the vehicle shall only occur if, during

the initial contact or as a result of observable facts and circumstances, the officer develops reasonable suspicion that the vehicle contains unlawful contraband or firearms.

- Example of Reasonable Suspicion: Visible contraband, the smell of illegal substances like marijuana, admissions by occupants about possession of prohibited items, or a visible firearm in the vehicle.
- Documentation: Officers must document the basis for any extended questioning or search, detailing the specific observations and information that led to reasonable suspicion.
- Supervisory Review: Any vehicle stop that involves extended questioning or search based on reasonable suspicion must be subject to a review by a supervisory officer to ensure compliance with this **policy and to assess the appropriateness of the officer's suspicions and actions.**

6. Training and Compliance:

All officers shall receive training on this policy, focusing on respectful interaction techniques, understanding and identification of reasonable suspicion, and legal standards for searches and seizures. Compliance with this policy shall be regularly reviewed through audits of vehicle stop records and body camera footage where available. Non-compliance will be addressed through corrective actions ranging from additional training to disciplinary measures.

7. Community Engagement:

The department shall engage with community stakeholders, especially from the Black community, to educate them on this policy and receive feedback to ensure its effectiveness and fairness.

8. Effective Date:

This policy shall become effective on [Insert Date], after all officers have been trained and relevant materials have been distributed.

Recommendation 2

The Committee recommends the Office of Inspector General work with SSO to develop and adopt a pretextual stop policy in line with the best practices in the field. The pretextual stop policy should emphasize the need for building public trust and safety in the community.

A pretextual stop policy should emphasize that “low level” vehicle stops should present an immediate public safety need in order to be effected. Such public safety concerns could be or are not limited to: hazardous vehicles, the creation of hazardous conditions, a history of repeated violations or citations for similar activity that is verified by the appropriate law enforcement database, and other similar conditions.

“Low level” vehicle stops as considered by this Committee are such Vehicle Code infractions amounting to no more than a fine. For example, license plate modifications or obscurements, rearview mirror obscurements, out of date registration, and other such equipment violations that do not amount to a safety hazard.

Recommendation 3

The Committee recommends the Office of Inspector General to work with SSO to update Policy 401, Bias-Based Policing, to align with standards

in the field as best suited for this community. The OIG should lean heavily on the work done by the Department of Justice and the ACLU and the recommendations therein. The SSO should revisit its bias-based policies to adopt the DOJ model language, especially in the areas of identified deficits.

SSO's policy should be updated to:

1. Recognize that explicit and implicit bias can occur at both an individual and an institutional level and is committed to addressing and eradicating both.
2. Emphasize the need to increase community trust.
3. Acknowledge the special role of law enforcement in the community.