

South Bay Regional Public Safety Training Consortium
Racial Profiling Update
Webinar Digital Format
2 Hours
2540-23287
Rev: 04/03/2020

Course Objective

This course will provide students with an understanding of what racial profiling is and the negative impact it can have, not only on the individual targeted, but also on the entire community. The practice of racial profiling or bias-based policing can compromise public trust. Students will learn that stereotyping of any group of people can lead to racial profiling or bias-based policing practices. Finally, students will be provided with examples designed to enhance their ability to critically analyze their own beliefs and distinguish between when race is a legitimate factor in identifying a suspect and when it is not.

I. Student Learning Activities & Methods of Evaluation

- A. Activity-discussion led by instructor to discuss racial profiling both conceptually and legally
- B. Methods of evaluation-students will be provided with examples designed to enhance their ability to critically analyze their own beliefs and distinguish between when race is a legitimate factor in identifying a suspect and when it is not. This assignment will be graded by the instructor

II. Why Are We Here?

- A. Introduction
 - 1. Instructor
 - 2. Student
- B. Explain background of legislation and course
 - 1. Law enforcement shall not engage in racial profiling
 - 2. Law enforcement will participate in racial profiling training
- C. Ten seconds to write first words they think about racial profiling
 - 1. Read the student responses out loud
 - 2. Tell students that even with all the experience represented in the room there is still confusion about racial profiling
 - 3. Tell students we will discuss racial profiling both conceptually and legally
- D. Review of Applicable Initial Training
- E. Guidelines for discussion
 - 1. Use “I” statements
 - 2. Active listening
 - 3. Be honest and open
 - 4. Take risks
 - 5. Be respectful of others and their views
 - 6. Confidentiality

III. Racial Profiling Defined

- A. Clarifying the controversies about the issue, review
 - 1. You can still do your job effectively

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2. Racial profiling and racism are not the same
3. Members of all racial groups commit crimes
4. You cannot assume all members of a particular group commit a specific crime even if members of that group are associated with that crime
5. The majority of all groups are law abiding
6. Racial profiling does occur
7. Data Collection Issues
 - a) Currently, there is no uniform method for collecting data
8. No one group has a monopoly on racial profiling

IV. Legal Considerations Review

- A. Update on Changes in Law and Practices
- B. California specific laws
 1. Senate Bill 1102
- C. Federal laws
 1. 4th Amendment
 2. 14th Amendment
 3. Case law
 - a) Whren v United States
- D. Differences between criminal profiling and racial profiling
 1. Criminal profiling is a legitimate practice based on psychological characteristics that can be analyzed and evaluated
 2. Criminal profiling is based on articulable behaviors or characteristics
 3. Racial profiling is the use of race alone as a predictor
- E. Scenario: An officer is parked at a stop sign in proximity to an upper-class neighborhood high school. Two white teens, in a Ford Mustang, roll through the stop sign. The officer does not stop the vehicle. Two Latino teens, in a late model sedan, also rolls the stop sign. The officer makes a stop on that vehicle.
 1. Was the stop legal?
 - a) Yes – 22450 (a) VC
 2. Did the stop constitute racial profiling?
 - a) We don't know until we know what was on the mind of the officer
 3. What would make this stop racial profiling?
 - a) If the decision to stop was based on race
 - b) Unequal application of the law
 4. Anytime race tips the scale for the decision to take enforcement action, it is racial profiling

V. History of Civil Rights

- A. Evolution of race relations in America
 1. Nationally

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- a) As a society, we dismantled the major practice of discrimination
- b) Recent social uprising over racial issues such as Black Lives Matter.
- 2. California
 - a) Racially restrictive covenants were in existence up to forty years ago
 - b) School segregation of Mexican, Asian, and Native Americans existed until 1947 (Mendez v Westminster – Orange County)
 - c) Los Angeles Riots – August 1965
 - d) Los Angeles Riots – 1992
- B. Group Discussion
 - 1. What impact does the history we've just learned about have on our profession today?
 - a) Law enforcement has had to enforce unjust laws in the past
 - b) Law enforcement and the community must build and maintain mutual trust
 - 2. What impact does history have on your own agency?
 - a) Discuss historical events in your jurisdiction
 - 3. Are we creating any new history for ethnic groups today?
 - a) Yes – Middle Eastern communities
 - 4. In light of recent events, what is our responsibility to Middle Eastern communities?
 - a) Protect them from terrorist threats
 - b) Ensure their safety
 - c) Still need to use individualized behaviors or specific descriptors for reasonable cause to stop of detain
 - 5. What can we do as individuals to increase the trust between the community and law enforcement?
 - a) Treat them fairly
 - b) Explain why we make contacts
 - c) Learn about their cultures
 - d) Learn basics of their language
 - e) Do not racial profile
 - f) Interact with the community on a non-enforcement basis
- C. Lessons learned
 - 1. The civil rights movement had a profound effect on the nation and on law enforcement
 - 2. One of the biggest legacies from civil rights movement was to elevate the role of law enforcement to protect and enforce civil rights for all people
 - a) This means there is a higher expectation for their ethical standards from law enforcement

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3. Civil rights movement also led to the desegregation of law enforcement
 4. Law enforcement transitioned from enforcement approach to community-oriented policing
- D. Racially-biased policing is a human rights issue
1. Protecting civil rights is not an inconvenience for modern police; it is the foundation of policing
 2. Racially-biased policing is not just a law enforcement problem
 3. Professional law enforcement personnel want to respond effectively to the concerns regarding racially biased policing
 4. Combating racial profiling requires ongoing discussions

VI. Impact of Racial Profiling Review

- A. Racial profiling has a negative impact on everyone
1. There is direct impact on the individual citizen profiled
 2. There is a collective impact on the entire community
 3. There is a residual impact on the individual officer
 4. On the entire criminal justice system
 5. Racial profiling does impact everyone

VII. Community Considerations

- A. Recognizing the respective and respecting the key elements or indices that make up evolving culture among the residents of a community
1. Shared beliefs
 2. Values, ways of thinking (including about law enforcement)
 3. Behaviors, customs, or traditions
 4. Law enforcement is a subculture
 5. We must give the respect to other cultures that we in law enforcement want ourselves
 6. Community Oriented Policing is an excellent avenue for law enforcement to eradicate racial profiling

VIII. Ethical Considerations

- A. Law enforcement responsibilities
1. Racial profiling runs counter to the type of policing California agencies want to do
 2. Penal Code Section 13519.4 – Duty to Report
 - a) The obligations of officers to prevent, report, and respond to discriminatory or biased practices by fellow officers
 3. The change in the perception of the community about racial profiling will not happen with policy but as a result of the actions of individual officers

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IX. Wrap Up

- A. Reviews
- B. Questions and Answers
- C. Evaluations