

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

Date Revised: 09/19/2019

Course Goal: To teach recruit officers the legal issues and Department policy as it relates biased policing.

Learning Objectives:

- Define the term racial profiling including: conceptual definition, and legal definition **[42.2E]**
- Discuss the legal consideration peace officers should take into account related to racial profiling including: California Penal Code Section 13519.4, Fourth Amendment, Fourteenth Amendment, Current case law, Criminal profiling vs. racial profiling **[42.2F1-5]**
- Discuss the impact of racial profiling on the: Individual citizens, Community, Officer, Criminal justice system **[42.2G1-4]**
- Discuss landmark events in the evolution of civil and human rights **[42.2H]**
- Define key indices peace officers should recognize and respect that make up evolving culture among a community **[42.2I]**
- Discuss the obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow officers **[42.2J]**
- The student will participate in a series of learning activities from the POST-developed Instructor’s Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005) or other comparable sources. At a minimum, each activity or combination of activities must address the following topics: The impact racial profiling may have had on them as individuals or their community, Concerns the students may have as to how racial profiling will affect them in the field, Clarification of the myths and realities of racial profiling, The concept of individualized suspicion as it pertains to probable cause, How the history of the community can affect the way they view law enforcement today, Law enforcement’s obligation to various cultures within the community, What law enforcement must do to increase trust with the community, Law enforcement’s obligation to respond to and report incidents of discriminatory or biased practices by fellow officers, The importance of applying leadership during contacts with persons from diverse cultures as it pertains to profiling, ethics and community policing **[42.7E1-9]**
- Given three POST-develop video re-enactments depicting possible racial profiling, students will participate in a facilitated discussion and/or small group discussion which addresses the following: Application of the 4th and 14th Amendments and current case law, Consensual contacts as it pertains to racial profiling, Importance of articulable characteristics or behaviors to develop probable cause. **[42.7F1-3]**

Session 13 Time: 3.5 hours

Resources:

- Classroom with Tables
- Lap top, Projector, and Speakers or Audio/video device with Sound
- PowerPoint for “POST Racial Profiling”
- Whiteboard and Dry-Erase Markers
- 3x5 index cards
- Individualized Suspicion Target Board with 3 Velcro Descriptors
- Flip Chart, Masking Tape
- Training Needs: Workplace Discrimination Guide, POST LD 42 Workbook

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- Handout: Legal Handout – CA and Federal Law & Case Study Handout
- Picture of female sitting on motorcycle
- Video: Susan Boyle “Britain’s Got Talent” Audition, POST “Racial Profiling Videos”
- Photograph of female motor cycle driver

- **Module Summary:** The recruit officer will be introduced to various biased policing issues, by means of facilitation, video presentations, learning activities, and group discussions.

Outline	Instructor Notes
<p>I. BIASED POLICING (previously titled “Racial Profiling”)</p> <p>A. Introduction</p> <ol style="list-style-type: none"> 1. LAPD Manual Vol. 1/345 outlines the Department’s commitment to unbiased policing for all protected classes and equal treatment regardless of: <ol style="list-style-type: none"> a. Race b. Religion c. Color d. Ethnicity e. National origin f. Age g. Gender h. Gender identity i. Gender expression j. Sexual orientation k. Disability (to any extent or degree) l. Immigration or employment status m. English language fluency or homeless circumstance 2. Advise the recruits that although the term “racial profiling” is used throughout the following video and power point presentations, Department policy replaced that term with the more inclusive term of “biased policing.” 3. In sessions 1 and 2 the recruits learned that race alone could not be used as an indicator or predictor for criminality. This class will explore the topic of biased 	

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

policing as well as its effects on law enforcement and the community.

B. Why Are We Here?

1. Explain background of legislation and course.
2. Senate Bill 1102 was enacted on January 1, 2001. Modified penal code section 13519.4 to say that law enforcement shall not engage in racial profiling.
3. Law enforcement will participate in biased policing training.
4. POST incorporated the training into the basic academy course.

C. Fair and Impartial Policing; Implicit Biases and Explicit Biases

1. The premise of the training
 - a. The Premise: All people, even well-intentioned people have biases
 - b. You are well-intentioned and want to be fair and impartial police officers
2. Based on research and science of human bias
 - a. We will discuss the various biases, such as those based on race, gender, socio-economic status, and sexual orientation, etc.
 - b. What science tells us about how human biases affect our perceptions and behavior and can impede the ability of officers to practice fair, impartial, and effective policing
 - c. Understanding the science of implicit bias allows us to recognize our own unconscious biases and take conscious actions to override our natural (sometimes biases) responses.
3. Becoming a Fair, Impartial, and Effective Officer
 - a. This training is fundamentally about helping you to be the fair, impartial

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

and effective professionals you want to be.

- b. Fair and impartial officers are more likely to:
 - 1) Be effective at solving crimes and handling disorder problems
 - 2) Stay safe and go home at the end of the shift
 - 3) Enhance/promote trust on the part of the people they serve and enhance the legitimacy of the police. Research demonstrates (work of Dr. Tom Tyler, New York University);
 - a) Fairness and impartiality builds public trust
 - b) Public trust is a key component of police legitimacy leads to cooperation with police and compliance with the law
 - c) Police cannot be effective without the support and cooperation of the community.
 - 4) Community members who see police as legitimate authorities are willing to:
 - a) Assist with crime prevention efforts
 - b) Call the police when crime occurs
 - c) Provide information about criminal activity
 - d) Serve as a witness
 - e) Believe an officer who is testifying in court
 - f) Support the police and the department in times of crisis. Etc.

LEARNING ACTIVITY #1: Understanding Human Bias

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- c. Gaining Legitimacy through Fair and Impartial Policing
 - 1) When people believe that profiling is widespread and/or that they have been profiled, their support for police fades. (Tyler and Wakslak, 2004, p. 255; see also Weitzer and Tuch, 2002).
 - 2) Biased policing can negatively impact
 - a) Individuals who are subject to biased policing
 - b) The reputation of the police department

D. LEARNING ACTIVITY #1: Understanding Human Bias

- 1. Let's look at this video. As you watch this, think about the judges' and the audience's reactions to Susan Boyle; think about your reaction when you first saw it. We are going to show the entire segment including the judges' comments at the end.
- 2. Discussion/Debrief:
 - a. Ask: Why were people surprised when she began to sing?
 - b. Ask: That is, what was it about her that led us, the judges, and the audience to think that she was not going to be a good performer?
 - c. Ask: Was the immediate reaction of the audience and the judges' justified?
 - d. Ask: What does Susan Boyle's video tell us about human bias?
 - 1) Expected responses:
 - a) It demonstrates the fundamental concepts of human bias and some of the fundamental lessons of this training:

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<ul style="list-style-type: none">(1) Bias is a normal human attribute; everyone, even well-intention people, are biased(2) Biases are often unconscious or “implicit”(3) Implicit biases are sometimes incompatible with or conscious attitudes(4) Implicit biases can influence our actions(5) Understanding how implicit bias can affect perception and behavior is the first step toward developing our skills to “override” our implicit biases. <p>3. So, let’s take a deeper look at what we just experienced with Susan Boyle and what it says about the thinking process and implicit bias.</p> <ul style="list-style-type: none">a. Human beings tend to prejudge other people on sight. We attribute characteristics to them based on appearance and behavior.b. We prejudged Susan Boyle on sight – made conclusions about her ability to sing based on her appearance/behaviors on stage. We’ll ask and answer three questions.<ul style="list-style-type: none">1) Ask: Whom are we most likely to pre-judge in this manner?<ul style="list-style-type: none">a) Expected response:<ul style="list-style-type: none">(1) We are more likely to pre-judge the people we don’t know<ul style="list-style-type: none">(a) Because we don’t know this person, because this person is	<p>Learning Activity #2: Bias Based Policing Exercise</p> <p>Ask: What comes to mind when you think of bias-based policing?</p> <p>Ask: Have you or anyone that you know ever experienced biased policing?</p>
---	---

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

what scientists call an “ambiguous stimuli”- we are inclined to “fill in” what we don’t know about the person.

- 2) Ask: What determines the characteristics we assign to them?
- 3) Ask: What do we use to “fill in” this person?

a) Expected response:

(1) We fill in this person’s blank slate with group stereotypes.

(a) Stereotypes are generalizations about groups-often based at least in part on facts.

(b) Stereotyping is one of the many ways we organize all the information that we must process every day.

(c) Human beings stereotype all types of people.

4. Show Picture of woman sitting on motorcycle

a. DISCUSSION:

- 1) Ask: What stereotypes might people attribute to this person?
- 2) While our stereotype of this woman may be accurate, the downside of stereotyping is that it does not recognize individuality, and policing Must recognize individuality to be effective, safe, and just.

Learning Activity #3: Biased Policing Defined

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- 3) Ask: Do we know when we are prejudging and stereotyping people?
 - a) Expected response:
 - (1) The short answer is “not always.”
 - (2) Prejudging is one of the mental processes that can and does occur outside of our conscious awareness.
- 4) Our reaction to the audience’s reaction to Susan Boyle fit these key concepts about implicit bias. She was an ambiguous stimulus; we had never seen her before.
- 5) We “filled her in” with stereotypes associated with her appearance/actions. Likely this happened outside of conscious awareness.
- 6) Ask: What are other bases on which people are stereotyped that could lead to differential behavior on the part of police as well as others in our society?
 - a) Expected responses:
 - (1) Income or socio-economic status
 - (2) English language abilities
 - (3) Gender
 - (4) Age
 - (5) Religious affiliation
 - (6) Profession: Think about how people may stereotype police officers.
 - (7) Sexual orientation, gender identity, etc.
- 7) These examples tell us that to be safe and effective police officers, we must;

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- a) Recognize our unconscious (or implicit) biased response
- b) Recognize our conscious (or explicit) biases with objective (bias free) judgements.
- c) Our profession affords us the opportunity to deal with a wide range of groups of people. As peace officers, we need to be aware of how our unconscious biases can lead to unfair, unjust, and ineffective policing.

E. **LEARNING ACTIVITY #2:** Ten seconds to write first words recruits think about when told the statement “bias based policing.” **[42.7E1]**

1. Procedures: Large Group Activity
 - a. Distribute 3x5 cards to the recruits
 - b. Ask the recruits individually to write “What comes to mind when they think of bias-based policing?”
 - c. Ask the recruits “Have you or anyone that you know ever experienced biased policing?”
 - d. Have recruits not put their names on the cards
2. Collect the cards from recruits
3. Read the recruits’ responses out loud
 - a. Expected responses:
 - 1) Unfair treatment
 - 2) Stopping someone “solely” because of their race, gender, etc.
 - 3) Excuse used by criminals
 - 4) Over blown by the media
4. Advise the recruits that when tenured officers were asked to do this exercise their responses were similar. Even with years of experience they were not able to come to a consensus about bias-based policing.

Ask: What does the 4th Amendment protect citizens from?

Ask: What is the definition of reasonable suspicion?

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>h. Take this time to listen to the recruits' concerns and acknowledge them.</p> <p>i. Build a rapport with the class.</p> <p>j. Do not start teaching at this point; the material will be covered in class</p> <p>k. Strategies that will help build a positive rapport include, but are not limited to:</p> <ol style="list-style-type: none">1) Be a good listener.2) Avoid judging the comments, whether they are positive or negative.3) Allow the recruits to express their points of view. <p>l. Have the recruits post their flipcharts on the walls with tape.</p> <p>H. SHOW Video: DEFINING RACIAL PROFILING (5:15 minutes) [42.2E1-2]</p> <ol style="list-style-type: none">1. The video presents some of the controversies surrounding biased policing. It also provides a response to these controversies. <p>I. GROUP DISCUSSION: Individual Actions vs. Race [42.7E3]</p> <ol style="list-style-type: none">1. Ask the recruits whether they agree or disagree with each the following statements.2. Listen to their responses and make sure that the following points are made. If the recruits do not make the points, guide them to the points as a facilitator.<ol style="list-style-type: none">a. Officers can still do their job effectively<ol style="list-style-type: none">1) Agree. By profiling behavior instead of race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability2) Example: A person is waiting in front of a house where you know that narcotics are sold. They look back and forth, up and down the	<p>Ask: How confident would you feel about stopping a person who matched that description?</p> <p>Ask: Where should we put this Post-it?</p> <p>ASK: Where would this description go on the target?</p> <p>Ask: How might they perceive the officers' actions?</p> <p>What articulable factors could make this description more individualized (bring the description into the green circle)?</p>
---	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>street, and attempt to conceal themselves in the shrubbery.</p> <p>a) Is this person suspicious? (1) Yes, because of the behaviors.</p> <p>b) Is race a factor? (1) No</p> <p>b. Biased policing and racism are not the same</p> <p>1) Racism is hate motivated. Feelings of hatred or superiority are involved.</p> <p>2) Biased policing occurs when race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability, is used as predictor of criminality</p> <p>3) Example: Officers are on patrol late at night, in a largely African American community. They observe two white males driving on a residential street. One officer says, "They're not from around here. They 're here to buy dope."</p> <p>a) Is this an example of racism? (1) No, it is biased policing (2) The officers are using race as a predictor of criminality. No hatred is involved.</p> <p>b) Could the men be doing anything else? (1) Any number of things; visiting someone, looking for some address, etc. (a) What could the officers do in this situation? i Observe the men for behaviors</p>	<p>ASK: Where should we place the last Post-it?</p> <p>Refer to LD 15 "Laws of Arrest," and how Law instructor will cover this section in the future</p> <p>Ask: Would this be in violation of the 14th Amendment?</p> <p>Ask: What is the difference between criminal profiling and biased policing?</p> <p>LEARNING ACTIVITY #5: Biased Policing Scenarios</p>
---	---

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

consistent with
narcotics activity,
rather than act
because of race.

- c. Make the point that when officers hear the community's concerns about biased policing; we often think we are being labeled as "racist". As we have seen, the two things are not the same.
 - d. Members of all groups and classes commit crimes
 - 1) Point to emphasize:
 - a) Agree. Actions of some should not cast suspicion on all
 - e. You cannot assume all members of a group commit a specific crime even if members of that group are associated with that crime
 - 1) Race does not breed criminality
 - 2) Terrorism is not just committed by Middle Easterners
 - 3) Two white males committed the Oklahoma City bombing
 - 4) Most of all groups are law abiding
 - 5) The crime rate can be a measure of police activity versus criminal activity
 - f. Biased policing does occur
 - 1) Data indicates that when minorities are stopped they are detained longer and subject to searches more often
3. Review the posted list
- a. Were any significant issues that were not addressed?
- J. SHOW video Legal Considerations (12:18 min)
[42.2F]
- 1. The video provides a specific definition of biased policing and a detailed presentation on the nuances of the law as they apply to biased policing

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

2. Instruction: ADVISE RECRUIT OFFICERS TO TURN TO SECTION 6 OF THE WORKPLACE DISCRIMINATION GUIDE AND FIND LAPD Manual Vol. 1/ 345. Policy prohibiting biased policing.
3. DISTRIBUTE: Legal handout: California and Federal laws
4. California specific laws
 - a. Racial profiling defined **[42.2E1-2]**
 - 1) Racial profiling is the practice of detaining individuals based on a broad view of a group of people, without individualized suspicion.
 - 2) Remember that even the use of consensual encounters must not violate 14th Amendment.
 - 3) Make the point that some members of the public believe that “racial profiling” occurs whenever the police contact a person of color. On the other hand, officers often think that racial profiling requires racism. The actual definition is somewhere between these extremes.
 - b. Federal Laws **[42.2F2]**
 - 1) 4th Amendment review
 - a) Reasonable suspicion or probable cause
- K. GROUP DISCUSSION: Police Contacts
 1. ASK: What is the definition of reasonable suspicion?
 - a. Expected Response:
 - 1) Enough facts and information to make it reasonable to suspect that criminal activity may be afoot, and that the person to be detained is connected to that activity. A lawful detention requires reasonable suspicion of criminal activity
 - a) Must be individualized

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- b) Focused on the person to be stopped or detained
- c) What are some things you can do during a detention?
 - (1) Officers can pat down for weapons if they can articulate that the person might be armed or dangerous
 - (2) Check ID
 - (3) Run for warrants
 - (4) Investigate the specific crime(s) detained for
- d) Can you use force?
 - (1) Officers can use reasonable force to overcome resistance and prevent escape
- 2) ASK: What is the definition of probable cause?
 - a) Expected responses:
 - (1) A set of facts that would cause a reasonable person to form an honest and strong belief that the person to be arrested has committed a crime.
 - (2) Based on the totality of circumstances
 - (3) Formed from the perspective of the “reasonable person” standard
 - (4) Ordinary, Prudent, Reasonable, Adult, Human
- 3) 14th Amendment **[42.2F3]**
 - a) Equal application of the law
 - b) Law enforcement must be colorblind in conduct of its responsibilities

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- (1) Individualized suspicion cannot be based on race unless race was provided as a specific descriptor
- (2) Engaging in this would violate the department's anti-discrimination policy

L. **LEARNING ACTIVITY #4: Individualized Suspicion Exercise [42.7.E4]**

1. Procedures: Small Group Exercise- Individualized Suspicion Exercise
 - a. Have three Post-it notes, numbered "1", "2", & "3".
 - b. Post the "Individualized Suspicion" diagram.
 - c. Inform class that we are going to discuss what is meant by individualized suspicion.
 - d. Describe the meaning of each circle:
 - 1) Red: Not confident
 - 2) Yellow: Somewhat confident
 - 3) Green: Very confident
 - e. Introduce scenario: Tell the class that during roll call they are told there has been a rash of residential burglaries in a certain neighborhood. From interviews with witnesses, the suspect was described as a Male Black, 18-20 years old.
 - 1) ASK the class: How confident would you feel about stopping a person who matched that description? "Where should we put this Post-it?"
 - a) Expected response:
 - (1) Red
 - (2) Place Post-it note in circle designated by the class
 - f. Tell the recruits there is additional information. We now have a

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

description of a: MB/18-20/late model sedan NFD

- 1) ASK: Where would this description go on the target?
 - a) Expected responses:
 - (1) Yellow or Red
 - (2) Place Post-it note in circle designated by the class. If the recruits respond "Green", describe the following example.
 - (3) Tell the recruits "Let's say you do stop this person because you think there is enough probable cause and he checks out OK and lives in the neighborhood.
 - (4) You explain to him why you stopped him and that he matches the description of a burglary suspect.
 - (5) Another officer stops the same driver the next day. After running his plates, the officer tells the individual that he resembles the description of a burglary suspect and lets him go.
 - (6) That evening the individual is stopped a third time. The officer follows the same procedure as the other two.
 - (7) The next day the individual talks with a neighbor who is also a male black, 18-20, and drives a sedan and he

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

relates similar, recent experiences.

(8) Ask: How might they perceive the officers' actions?

(a) Expected Response:

i Biased policing

2) ASK the class: What articulable factors could make this description more individualized (bring the description into the green circle)?

a) Expected Response:

(1) Time (i.e., just occurred), proximity to crime scene

(2) More physical descriptors of suspect or vehicle etc.

(3) Behavior such as driving slowly, stopping in front of houses increases the individualized suspicion. If on foot, walking up and down in front of a house, looking around, walking down the driveway, trying to stay out of sight when vehicles drive by, etc.

g. Tell the recruits there is a final description: MB/18-20/late model sedan, color green, collision damage to right front corner.

1) ASK the recruits: Where should we place the last Post-it?

a) Expected response:

(1) Green

h. Make the point that a thorough knowledge of probable cause and appropriate procedures help protect against biased policing.

2. Case Law **[42.2F4]**

a. Whren v. United States - 1996

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- b. Creates powerful discretion on the part of the officers to make pretext stops
 - c. Officers stop a driver for a minor traffic violation to investigate a suspicion that the driver is engaged in a more serious crime
 - d. This action was upheld by the Supreme Court
 - e. The officer's motivation must still not violate the 14th Amendment
3. Legal/Ethical exercise of this discretion is the key
- a. A stop can be legal under the 4th Amendment and still be illegal under the 14th Amendment
 - b. Example: An officer tells his supervisor that he always watches Hispanic drivers because they never have insurance. He waits until they commit any violation and then he stops them.
 - c. Ask: Would this be in violation of the 14th Amendment?
 - 1) Expected response:
 - a) Yes
 - d. Make sure that the recruits understand that it would be a violation of the 14th Amendment, even though it wouldn't violate the 4th Amendment.
 - e. ASK: What is the difference between criminal profiling and biased policing?
[42.2F5]
 - 1) Criminal profiling
 - a) Expected responses:
 - (1) Criminal profiling is a legitimate practice based on criminal characteristics that can be analyzed and evaluated.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

(2) Criminal profiling is based on articulable behaviors or characteristics, not race.

2) Biased Policing

a) Expected response:

(1) Officers must have individualized suspicion based on articulable behavior or characteristics to stop or detain.

M. LEARNING ACTIVITY #5: Biased Policing
Scenarios **[42.7E6] [42.7F1-3]**

1. Procedures: Large Group Activity

a. SHOW video segment: Scenario No. 1

1) This scenario involves an officer who is parked near a high school where a stop sign is in view. A Mustang occupied by two white teenagers drove through the stop without coming to a complete stop. A Chevy Caprice occupied by two Latino teens then does the same thing. The officer makes a stop on the second vehicle.

2) ASK the class the following questions (expected responses from class follows):

a) Ask: What did they see?

(1) Expected response:
(a) Multiple traffic violations

b) Ask: Was the stop legal under the 4th Amendment?

(1) Expected Response:
(a) Yes – 22450 (a) V.C.

c) Ask: Did the stop constitute biased policing?

(1) Expected Response:
(a) We don't know until we know what was in the mind of the officer

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- d) Ask: What would make this stop biased policing?
 - (1) Expected response:
 - (a) If the decision to stop was based on race
 - (b) Unequal application of the law
- e) Anytime race tips the scale for the decision to take enforcement action, it is biased policing
 - (1) This scenario illustrates that the officer's motivation matters
 - (2) Discuss the issues related to the scenario.

b. SHOW video segment: Scenario No. 2

- 1) Two male Vietnamese teens are walking in front of a liquor store in a predominantly Vietnamese immigrant neighborhood. Officers observe the teens and pull up next to them. The officers get out of the car and approach them. As they are approaching the boys, they begin asking questions. Two adults are sitting on a bus bench.
- 2) ASK the class the following questions (expected responses from class follows):
 - a) Ask: What did they see?
 - (1) Expected response:
 - (a) Two young male Asians near a liquor store
 - b) Ask: Did the kids appear to be suspicious?
 - (1) Expected response:
 - (a) Yes
 - c) Ask: Why?

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

(1) Expected response:

(a) Could be casing the store

(b) Could be trying to buy alcohol

d) Ask: What makes you think this?

(1) Expected response:

(a) Training and experience

e) Ask: Could the kids have just been “hanging around?”

(1) Expected response:

(a) Yes

f) Ask: Did this appear to be a contact or a detention?

(1) Expected response:

(a) May have merited a detention

(b) Detention

i An officer restrains or asserts authority over an individual to such an extent that the person reasonably feels they cannot terminate the encounter

(c) Officers intended this to be a contact

3) Consensual contacts

a) ASK the class: What causes a consensual encounter to lead to an illegal detention?

(1) Expected responses:

(a) Actions that would make a reasonable person believe that

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>they were not free to leave, absent reasonable suspicion</p> <ul style="list-style-type: none">(b) use of red light(c) hand on gun(d) surrounding the person(e) Holding their I.D. <ul style="list-style-type: none">b) Do not need to be based on specific observable behaviorc) Subjects believe they can leave at any time or terminate the contactd) It may be argued in court whether the contact was a detentione) You can still use your training and experience within the law <ul style="list-style-type: none">(1) These terms are more accurate than “instinct and intuition”. <ul style="list-style-type: none">f) Always examine your motives and biasesg) If all consensual contacts are people of a race, the contacts could reveal a pattern and practice of biased policingh) Consider explaining the reason for the contact <ul style="list-style-type: none">(1) Discuss the impact of racial profiling on the: [42.2G] <ul style="list-style-type: none">(a) Community [42.2G2] <ul style="list-style-type: none">i Community might feel singled outii Community might perceive it as unfair <ul style="list-style-type: none">(b) Individual citizens (impact on children) [42.2G1]	
---	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>(2) You may want to offer an explanation to the adults sitting on the bus bench</p> <p>c. SHOW video segment: Scenario No. 3</p> <p>1) An African-American male in sweats is riding a bicycle and carrying a package under his arm. This is in an upper-middle class, predominately white neighborhood. An officer driving by makes a U-turn pulls up alongside the bicyclist and says, "Hey, pull over to the curb." Officer gets out and contacts the man, asking him where he is coming from and going to.</p> <p>2) ASK the class the following questions (expected responses from class follows):</p> <p>a) Ask: What did you see?</p> <p>(1) Expected response:</p> <p>(a) An African American man got stopped</p> <p>b) Ask: What appeared to be the reasonable suspicion for the stop?</p> <p>(1) Expected response:</p> <p>(a) None observed</p> <p>c) Ask: Based on what you saw with no additional facts. Does this constitute biased policing?</p> <p>(1) Expected response:</p> <p>(a) Yes</p> <p>(b) Persons of any race have a right to go anywhere</p> <p>(c) Race out of place is biased policing</p>	
---	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>(d) This scenario violates the 4th and 14th Amendments</p> <p>d) Ask: What ethical issues might arise? [42.7E9]</p> <p>(1) Expected response:</p> <p>(a) Illegal detention</p> <ul style="list-style-type: none">i Violation of lawii Misconduct <p>(b) Alienate the community [42.2G2]</p> <p>(2) Officer’s responsibility</p> <ul style="list-style-type: none">(a) Stop it(b) Report it <p>II. HISTORY OF CIVIL RIGHTS (117c) [42.2H]</p> <p>A. SHOW video-REVIEW OF LEGAL CONSIDERATIONS AND HISTORY OF CIVIL RIGHTS (18 min)</p> <p>1. The segment starts with the impact of biased policing showing how the stop in scenario #3 affected the African-American subject who was contacted. The video reviews legal issues from all three scenarios. Then the video goes into the history of civil rights. The civil rights segment uses still images, narration, and interviews to present a brief history of race relations in the United States and California. The segment starts with an overview of race relations on a national level and works toward race relations in California. The video culminates with footage of the riots that occurred in Los Angeles after the Rodney King verdict.</p> <p>B. GROUP DISCUSSION</p> <p>1. ASK the class: What impact does the history we’ve just seen have on our profession? [42.7E5]</p> <p>a. Expected responses:</p>	
--	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- 1) Law enforcement has had to enforce unjust laws in the past.
 - 2) In the video, law enforcement lined up to stop the civil rights march. Today we would be called to insure the marchers' right to protest.
 - 3) Law enforcement and the community must build and maintain mutual trust. **[42.7E7]**
 - 4) Besides legal issues, the other aspect of solving racial profiling concerns is building communication between law enforcement and the community.
2. Ask the class: Are we creating any new history for ethnic groups today? **[42.2I]**
- a. Expected response:
 - 1) Yes – Middle Eastern communities
3. Ask the class: What is law enforcement's responsibility to Middle Eastern communities?
- a. Expected responses:
 - 1) Protect them from terrorist threats
 - 2) Ensure their safety
 - 3) Still need to use individualized suspicion or specific descriptions for reasonable cause to stop or detain
4. Ask the class: What can you do as an individual to increase the trust between the community and law enforcement once you're out in the field? **[42.2I] [42.7E7]**
- a. Expected responses:
 - 1) Treat everyone fairly
 - a) Recognize peace officers' responsibilities to enforce the law including
 - b) Adhering to all levels of the law

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<ul style="list-style-type: none">c) Fair and impartial enforcement2) Explain why we make contacts3) Learn about their culture4) Try to learn basics of their languages5) Do not use biased policing6) Interact with the community on a non-enforcement basisa) COP: community-oriented policing; CPPS: community police problem solving; PAL: police activities league; and neighborhood watch groups <p>C. GROUP DISCUSSION: Lessons Learned</p> <ul style="list-style-type: none">1. ASK the class: What can be learned from the history we have talked about?<ul style="list-style-type: none">a. Expected responses:<ul style="list-style-type: none">1) The civil rights movement had a profound effect on the nation and on law enforcement.2) One of the biggest legacies from the civil rights movement was to elevate the role of law enforcement to protect and enforce civil rights for all people.3) This means there is a higher expectation for ethical standards from law enforcement.4) Civil rights movement also led to the desegregation of law enforcement.5) Law enforcement transitioned from enforcement approach to community-oriented policing2. Biased policing is a human rights issue.<ul style="list-style-type: none">a. Protecting civil rights is not an inconvenience for modern police; it is the foundation of policing.3. Biased policing is not just a law enforcement problem.	
---	--

**Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination**

- a. It can only be solved through police-community partnerships.
- b. There must be mutual trust and respect.
4. Professional law enforcement personnel want to respond effectively to the community's concerns regarding racially biased policing.
5. Combating biased policing requires ongoing discussions.

III. IMPACTS OF BIASED POLICING [42.2G1-3]

- A. SHOW Video: Review of Impact on Community and Ethical Issues (5:55 min)
 1. The video provides a summary of cultural indices. It also covers ethical issues and duty to report. **[42.07.E.8]**
 - a. Biased Policing Has A Negative Impact on Everyone
 - b. There is a direct impact on the individual citizen profiled.
 - c. There is a collective impact on the entire community.
 - d. There is a residual impact on the individual officer. **[42.2G3]**
 - 1) Effects credibility
 - 2) Can compromise officer safety
 2. ASK: How are your tactics comprised if your tactics are based on a suspect's race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability?
 - a. Expected responses:
 - 1) Officers need to be aware of real indicators of possible danger (e.g., furtive movements, suspicious behaviors, etc.) and not be blinded by race or other factors. Officers must use sound tactics during contacts with all people not only certain groups.

**Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination**

<ul style="list-style-type: none">2) Can impede criminal investigations due to lack of community support and assistance.3. On the entire criminal justice system [42.2G4]<ul style="list-style-type: none">a. Jurors who have been profiled may have a negative perception of law enforcementb. Officer credibility issues can result in a refusal to file by the prosecutionB. Biased Policing Does Impact Everyone<ul style="list-style-type: none">1. Eliminating this practice, by understanding the laws and working more closely with your communities in a community oriented policing atmosphere, will benefit you as well as the people your agency serves. [42.2J]C. Ethical Considerations<ul style="list-style-type: none">1. Law Enforcement Responsibilities<ul style="list-style-type: none">a. Biased Policing runs counter to the type of policing California agencies want to dob. Penal Code Section 13519.4 – Duty to Report [42.2F1]c. Department Policy – Duty to Report Misconductd. The obligation of officers to prevent, report, and respond to discriminatory or biased practices by fellow officers [42.2J]2. The change in the perception of the community about biased policing will not happen due to policy alone, but because of the actions of individual officers.D. REINFORCE KEY LEARNING POINTS:<ul style="list-style-type: none">1. To lawfully detain someone under the 4th and 14th Amendment, the detention must have enough facts and information to make it reasonable to suspect that criminal activity may be afoot, and that the person to be detained is connected to	
--	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

<p>that activity. A lawful detention requires reasonable suspicion of criminal activity, AND</p> <ol style="list-style-type: none">2. Race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability (to any extent), immigration or employment status, English language fluency or homeless circumstance must never be the sole consideration unless it describes a specific person involved in a specific crime, AND3. An arrest must always be based on probable cause, AND4. Accurate reporting and documentation enhances the reputation of the individual and/or the Department and improves prosecution.5. Law enforcement has a responsibility to build mutual trust with the community.	
---	--

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination
LEARNING ACTIVITY #1:
Understanding Human Bias

1. Let's look at this video. As you watch this, think about the judges' and the audience's reactions to Susan Boyle; think about your reaction when you first saw it. We are going to show the entire segment including the judges' comments at the end.
2. Discussion/Debrief:
 - a. Ask: Why were people surprised when she began to sing?
 - b. Ask: That is, what was it about her that led us, the judges, and the audience to think that she was not going to be a good performer?
 - c. Ask: Was the immediate reaction of the audience and the judges' justified?
 - d. Ask: What does Susan Boyle's video tell us about human bias?
 - 1) Expected responses:
 - a) It demonstrates the fundamental concepts of human bias and some of the fundamental lessons of this training:
 - (1) Bias is a normal human attribute; everyone, even well-intention people, are biased
 - (2) Biases are often unconscious or "implicit"
 - (3) Implicit biases are sometimes incompatible with or conscious attitudes
 - (4) Implicit biases can influence our actions
 - (5) Understanding how implicit bias can affect perception and behavior is the first step toward developing our skills to "override" our implicit biases.
3. So, let's take a deeper look at what we just experienced with Susan Boyle and what it says about the thinking process and implicit bias.
 - a. Human beings tend to prejudge other people on sight. We attribute characteristics to them based on appearance and behavior.
 - b. We prejudged Susan Boyle on sight – made conclusions about her ability to sing based on her appearance/behaviors on stage. We'll ask and answer three questions.
 - 1) Ask: Whom are we most likely to pre-judge in this manner?
 - a) Expected response:
 - (1) We are more likely to pre-judge the people we don't know
 - (a) Because we don't know this person, because this person is what scientists call an "ambiguous stimuli"-we are inclined to "fill in" what we don't know about the person.
 - 2) Ask: What determines the characteristics we assign to them?
 - 3) Ask: What do we use to "fill in" this person?
 - a) Expected response:
 - (1) We fill in this person's blank slate with group stereotypes.
 - (a) Stereotypes are generalizations about groups-often based at least in part on facts.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- (b) Stereotyping is one of the many ways we organize all the information that we must process every day.
 - (c) Human beings stereotype all types of people.
4. Show Picture of woman sitting on motorcycle
- a. DISCUSSION:
 - 1) Ask: What stereotypes might people attribute to this person?
 - 2) While our stereotype of this woman may be accurate, the downside of stereotyping is that it does not recognize individuality, and policing must recognize individuality to be effective, safe, and just.
 - 3) Ask: Do we know when we are prejudging and stereotyping people?
 - a) Expected response:
 - (1) The short answer is “not always.”
 - (2) Prejudging is one of the mental processes that can and does occur outside of our conscious awareness.
 - 4) Our reaction to the audience’s reaction to Susan Boyle fit these key concepts about implicit bias. She was an ambiguous stimulus; we had never seen her before.
 - 5) We “filled her in” with stereotypes associated with her appearance/actions. Likely this happened outside of conscious awareness.
 - 6) Ask: What are other bases on which people are stereotyped that could lead to differential behavior on the part of police as well as others in our society?
 - a) Expected responses:
 - (1) Income or socio-economic status
 - (2) English language abilities
 - (3) Gender
 - (4) Age
 - (5) Religious affiliation
 - (6) Profession: Think about how people may stereotype police officers.
 - (7) Sexual orientation, gender identity, etc.
 - 7) These examples tell us that to be safe and effective police officers, we must;
 - a) Recognize our unconscious (or implicit) biased response
 - b) Recognize our conscious (or explicit) biases with objective (bias free) judgements.

Our profession affords us the opportunity to deal with a wide range of groups of people. As peace officers, we need to be aware of how our unconscious biases can lead to unfair, unjust, and ineffective policing.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

Learning Activity 2
Biased Based Policing

- A. LEARNING ACTIVITY #2: Ten seconds to write first words recruits think about when told the statement “bias based policing.” **[42.7E1]**
1. Procedures: Large Group Activity
 - a. Distribute 3x5 cards to the recruits
 - b. Ask the recruits individually to write “What comes to mind when they think of bias-based policing?”
 - c. Ask the recruits “Have you or anyone that you know ever experienced biased policing?”
 - 1) Use the other side of the card for your answer
 - d. Have recruits not put their names on the cards
 2. Collect the cards from recruits
 3. Read the recruits’ responses out loud
 - a. Expected responses:
 - 1) Unfair treatment
 - 2) Stopping someone “solely” because of their race, gender, etc.
 - 3) Excuse used by criminals
 - 4) Over blown by the media
 4. Advise the recruits that when tenured officers were asked to do this exercise their responses were similar. Even with years of experience they were not able to come to a consensus about bias-based policing.
 5. Advise recruits we will discuss the issues that they have brought up and will talk about what biased policing is both legally and in practice.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination
Learning Activity 3
Biased Policing Defined

- A. LEARNING ACTIVITY #3: Biased policing (Racial Profiling) defined **[42.7E1]**
1. Procedures: Small Group Activity
 - a. Divide the class into groups of 10-15 recruits
 - b. Distribute flip chart paper, markers and masking tape to the groups
 - c. Acknowledge that there is a lot of confusion about what bias-based policing is or is not
 - d. ASK the class:
 - 1) How has the issue of bias-based policing affected you? **[42.7E2]**
 - 2) Do you have any concerns about this topic when you go into the field?
 - e. Have each group capture their thoughts on flip charts.
 - f. After 6-10 minutes, have the groups take turns reading their responses.
 - g. Expected Responses:
 - 1) We'll be second-guessed if we stop minorities.
 - 2) We will have to write the same number of tickets to all races.
 - 3) If I arrest or stop too many minorities, I will get sued
 - h. Take this time to listen to the recruits' concerns and acknowledge them.
 - i. Build a rapport with the class.
 - j. Do not start teaching at this point; the material will be covered in class
 - k. Strategies that will help build a positive rapport include, but are not limited to:
 - 1) Be a good listener.
 - 2) Avoid judging the comments, whether they are positive or negative.
 - 3) Allow the recruits to express their points of view.
 - l. Have the recruits post their flipcharts on the walls with tape.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination
Learning Activity 4
Individualized Suspicion Exercise

- A. LEARNING ACTIVITY #4: Individualized Suspicion Exercise (117c.e.f) **[42.7E4]**
1. Procedures: Small Group Exercise-Individualized Suspicion Exercise
 - a. Have three Post-it notes, numbered "1", "2", & "3".
 - b. Post the "Individualized Suspicion" diagram.
 - c. Inform class that we are going to discuss what is meant by individualized suspicion.
 - d. Describe the meaning of each circle:
 - 1) Red: Not confident
 - 2) Yellow: Somewhat confident
 - 3) Green: Very confident
 - e. Introduce scenario: Tell the class that during roll call they are told there has been a rash of residential burglaries in a certain neighborhood. From interviews with witnesses, the suspect was described as a Male Black, 18-20 years old.
 - 1) ASK the class: How confident would you feel about stopping a person who matched that description? "Where should we put this Post-it?"
 - a) Expected response:
 - (1) Red
 - (2) Place Post-it note in circle designated by the class
 - f. Tell the recruits there is additional information. We now have a description of a Male/Black/18-20/late model sedan NFD
 - 1) ASK: Where would this description go on the target?
 - a) Expected responses:
 - (1) Yellow or Red
 - (2) Place Post-it note in circle designated by the class. If the recruits respond "Green", describe the following example.
 - (3) Tell the recruits "Let's say you do stop this person because you think there is enough probable cause and he checks out OK and lives in the neighborhood.
 - (4) You explain to him why you stopped him and that he matches the description of a burglary suspect.
 - (5) Another officer stops the same driver the next day. After running his plates, the officer tells the individual that he resembles the description of a burglary suspect and lets him go.
 - (6) That evening the individual is stopped a third time. The officer follows the same procedure as the other two.
 - (7) The next day the individual talks with a neighbor who is also a male black, 18-20, and drives a sedan and he relates similar, recent experiences.
 - (8) Ask: How might they perceive the officers' actions?
 - (a) Expected Response:
 - i Biased policing

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

- 2) ASK the class: What articulable factors could make this description more individualized (bring the description into the green circle)?
 - a) Expected Response:
 - (1) Time (i.e., just occurred), proximity to crime scene
 - (2) More physical descriptors of suspect or vehicle etc.
 - (3) Behavior such as driving slowly, stopping in front of houses increases the individualized suspicion. If on foot, walking up and down in front of a house, looking around, walking down the driveway, trying to stay out of sight when vehicles drive by, etc.
 - g. Tell the recruits there is a final description: Male/Black/18-20/late model sedan, color green, collision damage to right front corner.
 - 1) ASK the recruits: Where should we place the last Post-it?
 - a) Expected response:
 - (1) Green
 - h. Make the point that a thorough knowledge of probable cause and appropriate procedures help protect against biased policing.

Event 3- Pedestrian Stop
Session 13 – Biased Policing
LD #42 Cultural Diversity/Discrimination

Learning Activity 5
Biased Policing Scenarios

- A. LEARNING ACTIVITY #5: Biased Policing Scenarios [42.7E6] [42.7F1-3]
1. Procedures: Large Group Activity
 - a. SHOW video segment: Scenario No. 1
 - 1) This scenario involves an officer who is parked near a high school where a stop sign is in view. A Mustang occupied by two white teenagers drove through the stop without coming to a complete stop. A Chevy Caprice occupied by two Latino teens then does the same thing. The officer makes a stop on the second vehicle.
 - 2) ASK the class the following questions (expected responses from class follows):
 - a) Ask: What did they see?
 - (1) Expected response:
 - (a) Multiple traffic violations
 - b) Ask: Was the stop legal under the 4th Amendment?
 - (1) Expected Response:
 - (a) Yes – 22450 (a) Vehicle Code
 - c) Ask: Did the stop constitute biased policing?
 - (1) Expected Response:
 - (a) We don't know until we know what was in the mind of the officer
 - d) Ask: What would make this stop biased policing?
 - (1) Expected response:
 - (a) If the decision to stop was based on race
 - (b) Unequal application of the law
 - e) Anytime race tips the scale for the decision to take enforcement action, it is biased policing
 - (1) This scenario illustrates that the officer's motivation matters
 - (2) Discuss the issues related to the scenario.