

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 953

Introduced by Assembly Member Weber

February 26, 2015

An act to add ~~Sections~~ *Section 12525.5* and ~~12525.6~~ to the Government Code, and to amend ~~Section~~ *Sections 13012 and 13519.4* of the Penal Code, relating to racial profiling.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Weber. Law enforcement: racial profiling.

Existing law creates the Commission on Peace Officer Standards and Training and requires it to develop and disseminate guidelines and training for all law enforcement officers, as described. Existing law prohibits a law enforcement officer from engaging in racial profiling and requires the training prescribe patterns, practices, and protocols that prevent racial profiling, as defined. Existing law requires the Legislative Analyst's Office to conduct a study of the data that is voluntarily collected by jurisdictions that have instituted a program of data collection with regard to racial profiling.

This bill ~~would~~ *would, among other changes*, revise the definition of racial profiling to instead refer to racial ~~and~~ *or* identity profiling, would make a conforming change to the prohibition against law enforcement officers engaging in that practice, and would make the prohibition specifically applicable to probation and parole officers. The bill would also require a law enforcement officer who is ~~found to have engaged~~ *in the subject of a complaint of racial or identity profiling that is*

sustained to participate in training to correct racial and identity profiling at least every 6 months for 2 years, starting from the date each finding is made. ~~a complaint is found to have been sustained.~~

The bill would ~~require~~ *require, beginning July 1, 2016*, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial *and identity* sensitivity in law enforcement. The bill would specify the composition of the board. The bill would require the ~~board~~ *board, among other duties*, to investigate and analyze *state and local law enforcement agencies'* racial and identity profiling policies and practices, to annually make publicly available its findings and recommendations, *to hold public meetings annually, as specified*, and to issue the *board's* first *annual* report no later than January 1, 2018.

The bill would require, on and after July 1, 2017, each state and local agency that employs peace officers to report to the Attorney General, on at least a quarterly basis, data on all ~~traffie~~ *traffic, public transportation*, and pedestrian stops conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, search, or seizure, and the characteristics of each peace officer involved. The bill would require the agencies to retain that data for a minimum of 5 years. The bill would require the Attorney General, no later than January 1, 2017, to issue regulations for the collection and reporting of data. The bill would also require the Attorney General to analyze the data collected, report its findings from the first analysis by July 1, 2018, issue reports each year July 1, and make the reports available to the public by posting them on the Department of Justice's Internet ~~website~~ *Web site*.

~~The bill would also require each year, on an annual basis, any state or local agency that employs peace, probation, or parole officers to report to the Attorney General, the number of complaints filed in each of the previous three years against peace officers in its employment alleging racial or identity profiling, wrongful arrest, or excessive force. The bill would require RIPA to analyze the complaints received and, by July 1, 2018, to publicly report the information received, its analysis of the information, and its recommendations.~~

By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12525.5 is added to the Government
2 Code, to read:

3 12525.5. (a) On and after July 1, 2017, each state and local
4 agency that employs peace officers shall report to the Attorney
5 General, on at least a quarterly basis, data on all ~~traffic traffic,~~
6 *public transportation*, and pedestrian stops conducted by that
7 agency's peace officers.

8 (b) The data collection and reporting shall include, at a
9 minimum, the following information for each stop, search, or
10 seizure:

11 (1) The time, date, and location of the stop, search, or seizure.

12 (2) The characteristics of each *peace officer* involved in the
13 stop, including, but not limited to, his or her badge or identification
14 number, race or ethnicity, gender, age, assignment, division or
15 station, and shift, and whether he or she was in uniform.

16 (3) The basis for the stop, including, but not limited to, the
17 offense suspected, and whether the action was initiated in response
18 to a call for service, and, if the action was initiated in response to
19 a call for services, the incident identifier.

20 (4) The result of the stop, such as no action, warning, citation,
21 property seizure, or ~~custodial~~ arrest.

22 (5) If a warning or citation was issued, ~~the violation charged or~~
23 ~~warning provided.~~ *warning provided or violation cited.*

24 (6) If an arrest was made, the offense charged.

25 (7) A description of all persons detained during the stop. The
26 description shall be based on the observation and perception of
27 the peace officer making the stop, and the information shall not
28 be requested from the person ~~stopped.~~ *stopped, unless otherwise*
29 *required by law.* The description shall include, but not be limited
30 to:

31 (A) The number of persons stopped.

- 1 ~~(B) The perceived or voluntarily disclosed race or ethnicity,~~
2 gender, and age of all persons stopped.
- 3 ~~(C) The sexual orientation and religious affiliation, if any was~~
4 ~~perceived.~~
- 5 ~~(C)~~
- 6 ~~(D) Whether any person had language barriers, including, but~~
7 ~~not limited to, the person stopped had limited English proficiency.~~
- 8 ~~(D)~~
- 9 ~~(E) Any mental or physical disability of a person who was~~
10 ~~stopped. disability of a person stopped.~~
- 11 ~~(E)~~
- 12 ~~(F) Whether the peace officer personally knew any person prior~~
13 ~~to the stop. previously stopped the person.~~
- 14 ~~(F)~~
- 15 (G) For traffic stops, whether the person was a driver or
16 passenger.
- 17 (8) Actions taken by the peace officer during the stop, including,
18 but not limited to, the following:
- 19 ~~(A) Whether the officer asked if any person was on probation~~
20 ~~or parole, and if so, which persons were asked.~~
- 21 ~~(B)~~
- 22 (A) Whether the *peace* officer asked for consent to frisk or
23 search any person, and if so, whether consent was provided.
- 24 ~~(C)~~
- 25 (B) Whether the *peace* officer searched any person or property,
26 and if so, which persons were searched and what property was
27 searched, the basis for the search, and the type of contraband or
28 evidence discovered, if any.
- 29 ~~(D)~~
- 30 (C) Whether the *peace* officer seized any property and, if so,
31 the type of property that was seized, the person from whom the
32 property was seized, and the basis for seizing the property.
- 33 ~~(E) Whether the person was armed with a weapon and, if so,~~
34 ~~with what type of weapon.~~
- 35 ~~(F)~~
- 36 (9) Whether the *peace* officer used force during the encounter,
37 and if so, the type of force used and reason for using the force.
- 38 ~~(9)~~
- 39 (A) A description of any person upon whom force was ~~used,~~
40 including, but not limited to, all of the following information: *used.*

1 (B) *The description required pursuant to subparagraph (A)*
2 *shall be based on the observation and perception of the peace*
3 *officer who used force, and the information shall not have been*
4 *obtained by requesting it from the person upon whom force was*
5 *used, unless otherwise required by law. The description shall*
6 *include, but not be limited to, the following:*

7 ~~(A)~~

8 (i) ~~The perceived or voluntarily disclosed race or ethnicity,~~
9 ~~gender, sexual orientation, or religion and age of the person.~~

10 (ii) *The sexual orientation and religious affiliation of the person,*
11 *if any was perceived.*

12 ~~(B)~~

13 (iii) *Whether the person had limited English proficiency.*

14 ~~(C)~~

15 (iv) *Any perceived mental or physical disability or preexisting*
16 *injury or medical condition of the person.*

17 (v) *Whether the person was homeless.*

18 (10) *Whether any other governmental or nongovernmental*
19 *agency or service provider was called to respond to the scene, and*
20 *if so, what agency or service provider, and the reason the agency*
21 *or service provider was called to respond.*

22 (11) *Whether any person sustained any injuries during the*
23 *encounter, and if so, which person, and the nature of the injuries*
24 *and medical treatment ~~provided.~~ provided, if any.*

25 (c) *State and local law enforcement agencies shall not report*
26 *the name, address, social security number, or other unique personal*
27 *identifying information of persons stopped, searched, or subjected*
28 *to a property seizure, for purposes of this section. Notwithstanding*
29 *any other law, the data reported shall be available to the public,*
30 *except for the badge number or other unique identifying*
31 *information of the peace officer involved, which shall be released*
32 *to the public only to the extent the release is permissible under*
33 *state law.*

34 (d) *Not later than January 1, 2017, the Attorney General, in*
35 *consultation with stakeholders, including federal, state, and local*
36 *law enforcement agencies and community, professional, academic,*
37 *research, and civil and human rights organizations, shall issue*
38 *regulations for the collection and reporting of data required under*
39 *subdivision (b). The regulations shall specify all data to be reported,*
40 *and provide standards, definitions, and technical specifications to*

1 ensure uniform reporting practices across all reporting agencies.
2 To the best extent possible, such regulations should be compatible
3 with any similar federal data collection or reporting program.

4 (e) Each year, on an annual basis, each state and local law
5 enforcement agency shall make publicly available a report that
6 lists the agency's total results for each data collection criteria
7 required under subdivision (b). The reports shall include the data
8 collected during the preceding calendar year. The first round of
9 the annual reports shall be issued by each agency on or before July
10 1, 2018. The Attorney General, in consultation with RIPA, shall
11 determine the form in which agencies make the information
12 publicly available. Each state and local law enforcement agency
13 shall post the reports on the Internet Web site for that agency, or
14 if an agency does not have an Internet Web site, the Department
15 of Justice shall post the agency's reports on its Internet Web site.

16 (f) Data reported pursuant to this section shall be retained by
17 the reporting agency for a minimum of five years.

18 (g) Each year, on an annual basis, the Attorney General shall
19 analyze the data collected. The Attorney General shall report its
20 findings from the first analysis by July 1, 2018, and shall issue
21 reports *on the first day of each July* thereafter. The reports shall
22 be available to the public by posting those reports on the
23 Department of Justice's Internet Web site.

24 (h) *All data and reports made pursuant to this section are public*
25 *records within the meaning of subdivision (d) of Section 6252, and*
26 *are open to public inspection pursuant to Sections 6253, 6256,*
27 *6257, and 6258.*

28 SEC. 2. Section 12525.6 is added to the Government Code, to
29 read:

30 ~~12525.6.—(a) Each year, on an annual basis, any state or local~~
31 ~~agency that employs peace, probation, or parole officers shall~~
32 ~~report to the Attorney General, the number of complaints filed in~~
33 ~~each of the previous three years against peace officers in its~~
34 ~~employment alleging racial or identity profiling, as defined by~~
35 ~~subdivision (e) of Section 13519.4 of the Penal Code, wrongful~~
36 ~~arrest, or excessive force. The reports shall include, at minimum,~~
37 ~~the specific types of racial or identify profiling alleged in each~~
38 ~~complaint, such as based on race, color, age, ethnicity, national~~
39 ~~origin, religion, gender identity or expression, sexual orientation,~~

1 housing status, or mental or physical disability. The reports shall
2 also include the disposition for each complaint.

3 (b) Each year, on an annual basis, RIPA shall analyze the
4 complaints received from law enforcement pursuant to subdivision
5 (a) and, by July 1, 2018, publicly report the information received,
6 its analysis of the information, and its recommendations. The
7 reports shall not disclose the identity of peace officers.

8 (c) Not later than July 1, 2017, the Attorney General, in
9 consultation with stakeholders, including the Racial Profiling
10 Advisory Board, federal, state, and local law enforcement agencies
11 and community, professional, university academic, research, and
12 community and civil rights organizations, shall issue regulations
13 for the reporting of information pursuant to this section.

14 SEC. 3. Section 13519.4 of the Penal Code is amended to read:

15 13519.4. (a) The commission shall develop and disseminate
16 guidelines and training for all law enforcement officers in
17 California as described in subdivision (a) of Section 13510 and
18 who adhere to the standards approved by the commission, on the
19 racial and cultural differences among the residents of this state.
20 The course or courses of instruction and the guidelines shall stress
21 understanding and respect for racial and cultural differences, and
22 development of effective, noncombative methods of carrying out
23 law enforcement duties in a racially and culturally diverse
24 environment.

25 (b) The course of basic training for law enforcement officers
26 shall include adequate instruction on racial and cultural diversity
27 in order to foster mutual respect and cooperation between law
28 enforcement and members of all racial and cultural groups. In
29 developing the training, the commission shall consult with
30 appropriate groups and individuals having an interest and expertise
31 in the field of cultural awareness and diversity.

32 (c) For the purposes of this section the following shall apply:

33 (1) "Disability," "gender," "nationality," "religion," and "sexual
34 orientation" have the same meaning as in Section 422.55.

35 (2) "Culturally diverse" and "cultural diversity" include, but
36 are not limited to, disability, gender, nationality, religion, and
37 sexual orientation issues.

38 (3) "Racial" has the same meaning as "race or ethnicity" in
39 Section 422.55.

40 (d) The Legislature finds and declares as follows:

1 ~~(1) Racial profiling is a practice that presents a great danger to~~
2 ~~the fundamental principles of a democratic society. It is abhorrent~~
3 ~~and cannot be tolerated.~~

4 ~~(2) Motorists who have been stopped by the police for no reason~~
5 ~~other than the color of their skin or their apparent nationality or~~
6 ~~ethnicity are the victims of discriminatory practices.~~

7 ~~(3) It is the intent of the Legislature in enacting the changes to~~
8 ~~Section 13519.4 of the Penal Code made by the act that added this~~
9 ~~subdivision that more than additional training is required to address~~
10 ~~the pernicious practice of racial profiling and that enactment of~~
11 ~~this bill is in no way dispositive of the issue of how the state should~~
12 ~~deal with racial profiling.~~

13 ~~(4) The working men and women in California law enforcement~~
14 ~~risk their lives every day. The people of California greatly~~
15 ~~appreciate the hard work and dedication of law enforcement~~
16 ~~officers in protecting public safety. The good name of these officers~~
17 ~~should not be tarnished by the actions of those few who commit~~
18 ~~discriminatory practices.~~

19 ~~(e) “Racial or identity profiling,” for purposes of this section,~~
20 ~~is the consideration of or reliance on, to any degree, actual or~~
21 ~~perceived race, color, ethnicity, national origin, religion, gender~~
22 ~~identity or expression, sexual orientation, or mental or physical~~
23 ~~disability in deciding which persons to subject to routine or~~
24 ~~spontaneous law enforcement activities or in deciding upon the~~
25 ~~scope and substance of law enforcement activities following an~~
26 ~~initial contact. The activities include, but are not limited to, traffic~~
27 ~~or pedestrian stops, or actions during a stop, such as, asking~~
28 ~~questions, frisks, consensual and nonconsensual searches of a~~
29 ~~person or any property, seizing any property, removing vehicle~~
30 ~~occupants during a traffic stop, issuing a citation, and making an~~
31 ~~arrest.~~

32 ~~(f) A law enforcement officer shall not engage in racial or~~
33 ~~identity profiling. For purposes of this subdivision, “law~~
34 ~~enforcement” includes, but is not limited to, municipal police,~~
35 ~~sheriffs, members of the California Highway Patrol, probation~~
36 ~~officers, and parole officers.~~

37 ~~(g) Every law enforcement officer in this state shall participate~~
38 ~~in expanded training as prescribed and certified by the Commission~~
39 ~~on Peace Officers Standards and Training.~~

1 ~~(h) The curriculum shall utilize the Tools for Tolerance for Law~~
2 ~~Enforcement Professionals framework and shall include and~~
3 ~~examine evidence-based patterns, practices, and protocols that~~
4 ~~make up racial and identity profiling, including implicit bias. This~~
5 ~~training shall prescribe evidence-based patterns, practices, and~~
6 ~~protocols that prevent racial and identity profiling. In developing~~
7 ~~the training, the commission shall consult with the Racial and~~
8 ~~Identity Profiling Advisory Board established pursuant to~~
9 ~~subdivision (j). The course of instruction shall include, but not be~~
10 ~~limited to, significant consideration of each of the following~~
11 ~~subjects:~~

12 ~~(1) Identification of key indices and perspectives that make up~~
13 ~~cultural differences among residents in a local community.~~

14 ~~(2) Negative impact of intentional and implicit biases,~~
15 ~~prejudices, and stereotyping on effective law enforcement,~~
16 ~~including examination of how historical perceptions of~~
17 ~~discriminatory enforcement practices have harmed~~
18 ~~police-community relations and contributed to injury, death,~~
19 ~~disparities in arrest, detention and incarceration rates, and wrongful~~
20 ~~convictions.~~

21 ~~(3) The history and the role of the civil rights movement and~~
22 ~~struggles and their impact on law enforcement.~~

23 ~~(4) Specific obligations of officers in preventing, reporting, and~~
24 ~~responding to discriminatory or biased practices by fellow officers.~~

25 ~~(5) Perspectives of diverse, local constituency groups and~~
26 ~~experts on particular cultural and police-community relations issues~~
27 ~~in a local area.~~

28 ~~(6) The prohibition against racial and identity profiling in~~
29 ~~subdivision (f).~~

30 ~~(i) Once the initial basic training is completed, each law~~
31 ~~enforcement officer in California as described in subdivision (a)~~
32 ~~of Section 13510 who adheres to the standards approved by the~~
33 ~~commission shall be required to complete a refresher course every~~
34 ~~five years thereafter, or on a more frequent basis if deemed~~
35 ~~necessary, in order to keep current with changing racial, identity,~~
36 ~~and cultural trends. A law enforcement officer, as described in~~
37 ~~subdivision (f), who is found to have engaged in racial or identity~~
38 ~~profiling shall participate in training to correct racial and identity~~
39 ~~profiling at least every six months for two years, starting from the~~
40 ~~date each finding is made.~~

1 ~~(j) (1) Beginning July 1, 2016, the Attorney General shall~~
2 ~~establish the Racial and Identity Profiling Advisory Board (RIPA)~~
3 ~~for the purpose of eliminating racial and identity profiling, and~~
4 ~~improving diversity and racial sensitivity in law enforcement.~~
5 ~~(2) RIPA shall include the following members:~~
6 ~~(A) The Attorney General, or a designee.~~
7 ~~(B) The President of the California Public Defenders~~
8 ~~Association, or a designee.~~
9 ~~(C) The President of the California Police Chiefs Association,~~
10 ~~or a designee.~~
11 ~~(D) The Chair of the Legislative Black Caucus of the California~~
12 ~~Legislature, or his or her designee.~~
13 ~~(E) The Chair of the Latino Legislative Caucus of the California~~
14 ~~Legislature, or his or her designee.~~
15 ~~(F) The Chair of the Asian and Pacific Islander Caucus of the~~
16 ~~California Legislature, or his or her designee.~~
17 ~~(G) The Chair of the Lesbian, Gay, Bisexual, and Transgender~~
18 ~~Caucus of the California Legislature, or his or her designee.~~
19 ~~(H) A university professor who specializes in policing, and~~
20 ~~racial and identity equity.~~
21 ~~(I) Two representatives of civil rights tax-exempt organizations~~
22 ~~who specialize in civil and human rights and criminal justice.~~
23 ~~(J) Two community organizers who specialize in civil or human~~
24 ~~rights and criminal justice.~~
25 ~~(K) A clergy member who specializes in addressing and~~
26 ~~reducing bias toward individuals and groups based on religious~~
27 ~~beliefs or practices.~~
28 ~~(L) Other members as the board may prescribe.~~
29 ~~(3) RIPA shall investigate and analyze racial and identity~~
30 ~~profiling policies and practices in law enforcement. RIPA shall~~
31 ~~annually make publicly available its findings and recommendations.~~
32 ~~The first report of those findings and recommendations shall be~~
33 ~~issued no later than January 1, 2018.~~
34 ~~SEC. 2. Section 13012 of the Penal Code is amended to read:~~
35 ~~13012. (a) The annual report of the department provided for~~
36 ~~in Section 13010 shall contain statistics showing all of the~~
37 ~~following:~~
38 ~~(a)~~
39 ~~(1) The amount and the types of offenses known to the public~~
40 ~~authorities.~~

1 ~~(b)~~
2 (2) The personal and social characteristics of criminals and
3 delinquents.

4 ~~(e)~~
5 (3) The administrative actions taken by law enforcement,
6 judicial, penal, and correctional agencies or institutions, including
7 those in the juvenile justice system, in dealing with criminals or
8 delinquents.

9 ~~(d)~~
10 (4) The administrative actions taken by law enforcement,
11 prosecutorial, judicial, penal, and correctional agencies, including
12 those in the juvenile justice system, in dealing with minors who
13 are the subject of a petition or hearing in the juvenile court to
14 transfer their case to the jurisdiction of an adult criminal court or
15 whose cases are directly filed or otherwise initiated in an adult
16 criminal court.

17 ~~(e) The number of citizens' complaints received by law~~
18 ~~enforcement agencies under Section 832.5. These statistics shall~~
19 ~~indicate the total number of these complaints, the number alleging~~
20 ~~criminal conduct of either a felony or misdemeanor, and the~~
21 ~~number sustained in each category. The report shall not contain a~~
22 ~~reference to any individual agency but shall be by gross numbers~~
23 ~~only.~~

24 (5) (A) *The total number of each of the following:*

25 (i) *Citizens complaints received by law enforcement agencies*
26 *under Section 832.5.*

27 (ii) *Citizens complaints alleging criminal conduct of either a*
28 *felony or misdemeanor.*

29 (iii) *Citizens complaints alleging racial or identity profiling, as*
30 *defined in subdivision (e) of Section 13519.4. These statistics shall*
31 *be disaggregated by the specific type of racial or identity profiling*
32 *alleged, such as race, color, ethnicity, national origin, religion,*
33 *gender identity or expression, sexual orientation, or mental or*
34 *physical disability.*

35 (B) *The statistics reported under this paragraph shall provide,*
36 *for each category of category of complaint identified under*
37 *subparagraph (A), the number of complaints within each of the*
38 *following disposition categories:*

1 (i) “Sustained,” which means that the investigation disclosed
 2 sufficient evidence to prove the truth of allegation in the complaint
 3 by preponderance of evidence.

4 (ii) “Exonerated,” which means that the investigation clearly
 5 established that the action of the personnel that formed the basis
 6 of the complaint are not a violation of law or agency policy.

7 (iii) “Not sustained,” which means that the investigation failed
 8 to disclose sufficient evidence to clearly prove or disprove the
 9 allegation in the complaint.

10 (iv) “Unfounded,” which means that the investigation clearly
 11 established that the allegation is not true.

12 (C) The reports under subparagraphs (A) and (B) shall be made
 13 available to the public and disaggregated for each individual law
 14 enforcement agency.

15 †

16 (b) It shall be the duty of the department to give adequate
 17 interpretation of the statistics and so to present the information
 18 that it may be of value in guiding the policies of the Legislature
 19 and of those in charge of the apprehension, prosecution, and
 20 treatment of the criminals and delinquents, or concerned with the
 21 prevention of crime and delinquency. The report shall also include
 22 statistics which are comparable with national uniform criminal
 23 statistics published by federal bureaus or departments heretofore
 24 mentioned.

25 (c) Each year, on an annual basis, the Racial Identity Profiling
 26 Board (RIPA), established pursuant to paragraph (1) of subdivision
 27 (j) of Section 13519.4, shall analyze the statistics reported pursuant
 28 to subparagraphs (A) and (B) of paragraph (5) of subdivision (a)
 29 of Section 13012. RIPA’s analysis of the complaints shall be
 30 incorporated into its annual report as required by paragraph (3)
 31 of subdivision (j) of Section 13519.4. The reports shall not disclose
 32 the identity of peace officers.

33 (d) Not later than July 1, 2017, the Attorney General, in
 34 consultation with stakeholders, including RIPA, federal, state, and
 35 local law enforcement agencies and community, professional,
 36 university academic, research, and civil and human rights
 37 organizations, shall issue regulations for the reporting of
 38 information pursuant to this section.

39 SEC. 3. Section 13519.4 of the Penal Code is amended to read:

1 13519.4. (a) The commission shall develop and disseminate
2 guidelines and training for all ~~law enforcement~~ *peace* officers in
3 California as described in subdivision (a) of Section 13510 and
4 who adhere to the standards approved by the commission, on the
5 racial and cultural differences among the residents of this state.
6 The course or courses of instruction and the guidelines shall stress
7 understanding and respect for ~~racial~~ *racial, identity*, and cultural
8 differences, and development of effective, noncombative methods
9 of carrying out law enforcement duties in a ~~racially and culturally~~
10 diverse *racial, identity, and cultural* environment.

11 (b) The course of basic training for ~~law enforcement~~ *peace*
12 officers shall include adequate instruction on ~~racial~~ *racial, identity*,
13 and cultural diversity in order to foster mutual respect and
14 cooperation between law enforcement and members of all ~~racial~~
15 *racial, identity*, and cultural groups. In developing the training,
16 the commission shall consult with appropriate groups and
17 individuals having an interest and expertise in the field of *racial,*
18 *identity, and* cultural awareness and diversity.

19 (c) For the purposes of this section the following shall apply:

20 (1) “Disability,” “gender,” “nationality,” “religion,” and “sexual
21 orientation” have the same meaning as in Section 422.55.

22 (2) “Culturally diverse” and “cultural diversity” include, but
23 are not limited to, disability, gender, nationality, religion, and
24 sexual orientation issues.

25 (3) “Racial” has the same meaning as “race or ethnicity” in
26 Section 422.55.

27 (d) The Legislature finds and declares as follows:

28 (1) *The working men and women in California law enforcement*
29 *risk their lives every day. The people of California greatly*
30 *appreciate the hard work and dedication of peace officers in*
31 *protecting public safety. The good name of these officers should*
32 *not be tarnished by the actions of those few who commit*
33 *discriminatory practices.*

34 (1)

35 (2) *Racial or identity profiling is a practice that presents a great*
36 *danger to the fundamental principles of our Constitution and a*
37 *democratic society. It is abhorrent and cannot be tolerated.*

38 (3) *Racial or identity profiling alienates people from law*
39 *enforcement, hinders community policing efforts, and causes law*

1 enforcement to lose credibility and trust among the people whom
2 law enforcement is sworn to protect and serve.

3 ~~(2) Motorists who~~

4 (4) *Pedestrians, users of public transportation, and vehicular*
5 *occupants who have been stopped stopped, searched, interrogated,*
6 *and subjected to a property seizure by the police a peace officer*
7 *for no reason other than the color of their skin or their apparent*
8 *nationality or ethnicity skin, national origin, religion, gender*
9 *identity or expression, housing status, sexual orientation, or mental*
10 *or physical disability are the victims of discriminatory practices.*

11 ~~(3)~~

12 (5) It is the intent of the Legislature in enacting the changes to
13 ~~Section 13519.4 of the Penal Code~~ *this section* made by the act
14 that added this ~~subdivision~~ *paragraph* that more than additional
15 training is required to address the pernicious practice of racial *or*
16 *identity* profiling and that enactment of this ~~bill~~ *section* is in no
17 way dispositive of the issue of how the state should deal with racial
18 *or identity* profiling.

19 ~~(4) The working men and women in California law enforcement~~
20 ~~risk their lives every day. The people of California greatly~~
21 ~~appreciate the hard work and dedication of law enforcement~~
22 ~~officers in protecting public safety. The good name of these officers~~
23 ~~should not be tarnished by the actions of those few who commit~~
24 ~~discriminatory practices.~~

25 (e) “Racial *or identity* profiling,” for purposes of this section,
26 is the ~~practice of detaining a suspect based on a broad set of criteria~~
27 ~~which casts suspicion on an entire class of people without any~~
28 ~~individualized suspicion of the particular person being stopped~~
29 ~~consideration of, or reliance on, to any degree, actual or perceived~~
30 ~~race, color, ethnicity, national origin, age, religion, gender identity~~
31 ~~or expression, sexual orientation, or mental or physical disability~~
32 ~~in deciding which persons to subject to officer activities following~~
33 ~~an initial contact. The activities include, but are not limited to,~~
34 ~~traffic or pedestrian stops, or actions during a stop, such as asking~~
35 ~~questions, frisks, consensual and nonconsensual searches of a~~
36 ~~person or any property, seizing any property, removing vehicle~~
37 ~~occupants during a traffic stop, issuing a citation, and making an~~
38 ~~arrest.~~

39 (f) ~~A law enforcement~~ *A peace officer* shall not engage in racial
40 *or identity* profiling.

1 (g) Every ~~law enforcement~~ *peace* officer in this state shall
2 participate in expanded training as prescribed and certified by the
3 Commission on Peace Officers Standards and Training.

4 (h) The curriculum shall utilize the Tools for Tolerance for Law
5 Enforcement Professionals framework and shall include and
6 examine ~~the evidence-based~~ patterns, practices, and protocols that
7 make up racial ~~profiling~~ *or identity profiling, including implicit*
8 *bias*. This training shall prescribe *evidenced-based* patterns,
9 practices, and protocols that prevent racial *or identity* profiling. In
10 developing the training, the commission shall consult with
11 ~~appropriate groups and individuals having an interest and expertise~~
12 ~~in the field of racial profiling.~~ *the Racial and Identity Profiling*
13 *Advisory Board established pursuant to subdivision (j)*. The course
14 of instruction shall include, but not be limited to, ~~adequate~~
15 *significant* consideration of each of the following subjects:

16 (1) Identification of key indices and perspectives that make up
17 *racial, identity, and* cultural differences among residents in a local
18 community.

19 (2) Negative impact of *intentional and implicit* biases,
20 prejudices, and stereotyping on effective law enforcement,
21 including examination of how historical perceptions of
22 discriminatory enforcement practices have harmed
23 police-community relations *and contributed to injury, death,*
24 *disparities in arrest, detention and incarceration rights, and*
25 *wrongful convictions*.

26 (3) The history and ~~the~~ role of the *civil and human* rights
27 movement and struggles and their impact on law enforcement.

28 (4) Specific obligations of *peace* officers in preventing,
29 reporting, and responding to discriminatory or biased practices by
30 fellow *peace* officers.

31 (5) Perspectives of diverse, local constituency groups and
32 experts on particular *racial, identity, and* cultural and
33 police-community relations issues in a local area.

34 (6) ~~The prohibition against racial or identity profiling in~~
35 ~~subdivision (f)~~.

36 (i) Once the initial basic training is completed, each ~~law~~
37 ~~enforcement~~ *peace* officer in California as described in subdivision
38 (a) of Section 13510 who adheres to the standards approved by
39 the commission shall be required to complete a refresher course
40 every five years thereafter, or on a more frequent basis if deemed

1 necessary, in order to keep current with changing racial and cultural
2 trends: racial, identity, and cultural trends. In addition to any
3 remedies provided in law or equity, any peace officer who is the
4 subject of a complaint of racial or identity profiling that is
5 sustained shall participate in training to correct racial or identity
6 profiling at least every six months for two years, starting from the
7 date a complaint is found to have been sustained.

8 ~~(j) The Legislative Analyst shall conduct a study of the data
9 being voluntarily collected by those jurisdictions that have
10 instituted a program of data collection with regard to racial
11 profiling, including, but not limited to, the California Highway
12 Patrol, the City of San Jose, and the City of San Diego, both to
13 ascertain the incidence of racial profiling and whether data
14 collection serves to address and prevent such practices, as well as
15 to assess the value and efficacy of the training herein prescribed
16 with respect to preventing local profiling. The Legislative Analyst
17 may prescribe the manner in which the data is to be submitted and
18 may request that police agencies collecting such data submit it in
19 the requested manner. The Legislative Analyst shall provide to the
20 Legislature a report and recommendations with regard to racial
21 profiling by July 1, 2002.~~

22 *(j) (1) Beginning July 1, 2016, the Attorney General shall
23 establish the Racial and Identity Profiling Advisory Board (RIPA)
24 for the purpose of eliminating racial and identity profiling, and
25 improving diversity and racial and identity sensitivity in law
26 enforcement.*

27 *(2) RIPA shall include the following members:*

28 *(A) The Attorney General, or his or her designee.*

29 *(B) The President of the California Public Defenders
30 Association, or his or her designee.*

31 *(C) The President of the California Police Chiefs Association,
32 or his or her designee.*

33 *(D) The President of California State Sheriffs' Association, or
34 his or her designee.*

35 *(E) The President of the Peace Officers Research Association
36 of California, or his or her designee.*

37 *(F) The President of the Chief Probation Officers of California,
38 or his or her designee.*

39 *(G) The Chair of the California Legislative Black Caucus, or
40 his or her designee.*

1 (H) *The Chair of the California Latino Legislative Caucus, or*
2 *his or her designee.*

3 (I) *The Chair of the California Asian and Pacific Islander*
4 *Legislative Caucus, or his or her designee.*

5 (J) *The Chair of the California Legislative Lesbian, Gay,*
6 *Bisexual, and Transgender Caucus, or his or her designee.*

7 (K) *A university professor who specializes in policing, and racial*
8 *and identity equity.*

9 (L) *Two representatives of human or civil rights tax-exempt*
10 *organizations who specialize in civil or human rights.*

11 (M) *Two representatives of community organizations who*
12 *specialize in civil or human rights and criminal justice, and work*
13 *with victims of racial and identity profiling.*

14 (N) *Two clergy members who specialize in addressing and*
15 *reducing bias toward individuals and groups based on religious*
16 *beliefs or practices.*

17 (O) *Up to two other members that the Attorney General may*
18 *prescribe.*

19 (3) *Each year, on an annual basis, RIPA shall do the following:*

20 (A) *Analyze the data reported pursuant to Section 12525.5 of*
21 *the Government Code and Section 13012.*

22 (B) *Analyze law enforcement training under Section 13519.4.*

23 (C) *Investigate and analyze state and local law enforcement*
24 *agencies' racial and identity profiling policies and practices.*

25 (D) *Issue a report that provides RIPA's analysis under*
26 *subparagraphs (A) to (C), inclusive, including detailed findings*
27 *on the past and current status of racial and identity profiling, and*
28 *makes recommendations for eliminating racial and identity*
29 *profiling. RIPA shall post the report's on its Internet Web site.*
30 *The first annual report shall be issued no later than January 1,*
31 *2018. The reports are public records within the meaning of*
32 *subdivision (d) of Section 6252 of the Government Code and are*
33 *open to public inspection pursuant to Sections 6253, 6256, 6257,*
34 *and 6258 of the Government Code.*

35 (E) *Hold at least three public meetings annually to discuss racial*
36 *and identity profiling, and potential reforms to correct racial and*
37 *identity profiling. Each year, one meeting shall be held in northern*
38 *California, one in central California, and one in southern*
39 *California. RIPA shall provide the public with notice at least 60*
40 *days prior to each meeting.*

1 SEC. 4. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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