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Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct

Background

Californians depend on law enforcement departments to ensure that officers exercise their unique authority without regard for individuals' identity characteristics, such as race, national origin, or mental or physical disability. Furthermore, state law specifically prohibits officers from using such identity characteristics when deciding to detain or search a person. Law enforcement departments must take proactive steps to address both explicit and implicit—conscious or unconscious—biases, because they can interfere with officers' fairness in performing their duties.

Key Findings

Some officers at each of the five departments we reviewed—the Los Angeles Sheriff, the police departments of San Bernardino, San José, and Stockton, and the California Department of Corrections and Rehabilitation (CDCR)—engaged in biased conduct:

- Some officers displayed bias in on-duty interactions with the public or other officers, and we identified 17 officers who promoted biased content on social media.

Although we did not identify any officers as members of hate groups, six officers posted content on their social media accounts suggesting that they supported groups with problematic principles.

None of the departments fully developed and implemented comprehensive efforts to address bias among their officers:

- Each of the departments struggled to ensure that its officers fully reflect the diversity of the community, and none fully implemented best practices for reaching diverse applicants.
- Each department's training about bias could be more frequent and include additional content.
- The local departments could do more to build and strengthen relationships with their communities.
- None established adequate systems for proactively identifying and correcting problematic officer performance trends.

The local departments did not consistently conduct adequate investigations of their officers' possibly biased conduct:

- Many investigations were narrowly focused on blatant signs of bias, relied heavily on officers' denials, or did not account for how officers' conduct reasonably appeared.
- All four local departments lack a sufficient framework for consistently identifying, investigating, and correcting incidents of bias-related misconduct.

Given widespread deficiencies in departments' proactive implementation of best practices to address the threat that bias poses to fair and impartial law enforcement, state-level intervention would help ensure broader adoption.

External reviews and oversight would be effective measures for increasing departments' adoption of best practices.

Key Recommendations

To better ensure that all Californians receive fair and impartial policing services, we make several recommendations to the Legislature to better align expectations in state law with best practices for addressing bias in policing, such as by doing the following:

- Adopting a uniform definition of biased conduct.
- Requiring more frequent and thorough training of officers regarding bias.
- Increasing California Department of Justice and other independent oversight.

To more effectively guard against bias, the four local departments and CDCR should do the following:

- Fully implement best practices for recruiting a diverse applicant pool.
- Improve their screening of peace officer applicants by reviewing applicants' public social media profiles for indications of disqualifying biases.
- Strengthen their relationships with their communities.
- Adequately investigate possible biased conduct.
- Develop and implement options for effective corrective actions.