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Training Lesson Plan

SUBJECT: Bias-Based Policing Update

LENGTH: 2 Hours

PREPARED BY: Lt. Corinne Beck

DATE PREPARED:

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DATE APPROVED: 3-15-20

POST PERISHABLE SKILLS PROGRAM (PSP) POST POST #1016

2 HOUR BIAS-BASED POLICING UPDATE: OUTLINE

I. Overview of training session

- A. This training meets the Penal Code mandate specified in 13519.4 (i) PC
- B. Hand out Student Study Guide and explain instructions for completion

II. Start video

- A. Part 1 - "Legal Considerations" Introduction segment
 - 1. "Biased-based policing" is a broader term than "racial profiling"
 - 2. Biased-based policing applies to and protects additional groups
 - a. Review of 4th Amendment and 14th Amendment [handout]
 - b. Review of *Whren v. United States* decision [handout]
 - c. Review of protected classes, Federal and State [handout]
- B. **Scenario 1 – Traffic Stop**
- C. Discussion Points
 - 1. Task 1.1 – "Two cars committed the same violation. Why might the officer have stopped this one?"
 - a. They logistically can't stop both vehicles.
 - b. It was a valid traffic stop based on the driver running the stop sign.
 - c. Were any other factors involved based on the driver's characteristics?

2. Task 1.2 – “Describe the 14th Amendment.”
 - a. Don’t treat people differently based on protected characteristics.
 - b. If the reason for the stop is because of the driver’s membership in a protected class, this is a 14th Amendment violation.
 3. Task 1.3 – “Describe *Whren v. United States*.”
 - a. Describes situations when a law enforcement action is legal under the 4th Amendment but constitutes a violation of the 14th Amendment.
 - b. *Whren* calls for officers to be introspective and ask themselves why they are taking a specific action, i.e. a pretext stop.
 4. Talking points for this segment:
 - a. Asking for consent to search is ok.
 - b. Pretext stops are ok... sometimes.
 - c. Officers should be able to finish this sentence using an objective, legal standard, “I have a hunch because...”
 - d. The officer must be able to show a nexus between the behavior and criminal activity.
- D. Part 2 – “Biases” Introduction segment
1. Everyone has biases; be mindful of yours.
 2. A stereotype is a fixed thought.
 3. A prejudice involves making an assumption or generalization about a group of people based on a stereotype.
- E. **Scenario 2 – Traffic Collision**
- F. Discussion Points
1. Task 2.1 – “How would you ensure that the drivers knew your investigation would not be impacted by any bias?”
 - a. Should the officers have addressed the Caucasian woman’s negative comments about the Asian woman?
 - b. What are the risks of doing so?
 - c. What are the risks of doing nothing?
 2. Task 2.2 – “Describe additional ways to address this situation. What are some other things you might say to the drivers?”
 - a. What could the officers have said if they decided to speak to the Asian driver who was the target of the negative comments?
 - b. Can there be a positive, or at least neutral, outcome to this incident?
 3. Task 2.3 – “Do you think the officers should address the driver’s personal bias? Why or why not?”
 - a. What could the officers have said if they decided to address the Caucasian woman’s comments?
 - b. Is there an opportunity to use this incident as an educational or community policing opportunity either right then or at a later time?
- G. Part 3 – “Decision Making” Introduction segment
- H. **Scenario 3 – Suspicious Persons Call**
- I. Discussion Points
1. Task 3.1 – “How would you handle this call?”
 - a. Do you have reasonable suspicion for a detention?
 - b. Should you do a consensual encounter?
 - c. Would you mention the reporting party? Why or why not?
 2. Task 3.2 – “Would you have made contact with the individuals? Why or why not?”
 - a. Again, do you have legally-sufficient reasonable suspicion to detain them?

- b. If you believe you do, and the clothing description is part of it, has the partner officer provided a reasonable explanation for the men's clothing?
 - c. Do you think the primary officer is operating on a stereotype/prejudice?
 - 3. Would your answer regarding contacting the men have changed if the R/P wanted contact?
 - 4. Task 3.3 – "What steps could be taken to educate both sides of the community on issues like this?"
 - a. Interact with people from different groups when there is not a call for service.
 - b. Walk through the area occasionally/frequently so your presence does not generate concern or resentment.
- J. Part 4 – "The Community" Introduction segment
 - 1. Community-police relations can take years to build but one bad incident to break down.
 - 2. Be mindful of the perceptions of others; their perception is their reality.
- K. **Scenario 4 – Pedestrian Stop**
- L. Discussion Points
 - 1. Task 4.1 – "How would you resolve this situation?"
 - a. Was there reasonable suspicion to stop him at all?
 - b. What were the possible perceptions of other persons at the scene?
 - 2. Task 4.2 – "What actions should the partner officer take?"
 - a. Did the partner officer seem to know the neighbors had pre-existing concerns about interactions with law enforcement?
 - b. Could any prior proactive work with this community have been erased by this one incident?
 - c. Could/should the partner officer have followed up with the neighbors?
 - d. How do partner dynamics and officer safety fit into this scenario?
 - 3. Task 4.3 – "What actions can officers take to help build community trust?"

M. Part 5 – "Resources" Introduction segment

N. **Scenario 5 – Roundtable Discussion with Community Members**

O. Discussion Points

- 1. Potential resources include: Churches, residents, community groups....
- 2. Benefits of building relationships: Increased trust, safety, cooperation in investigations and problem-solving; breaks "us v. them" mentality
- 3. Meet frequently, not just when something bad happens.
- 4. Tips for officers:
 - a. Get out of your car, "walk the beat", and talk to people.
 - b. Take your sunglasses off and make eye contact.
- 5. Task 5.1 – "Describe effective community partnerships in your area. What makes them successful?"
- 6. Task 5.2 – "As an individual, what can you do to build and maintain community trust?"
- 7. Task 5.3 – "What community resources are available in your area? How do you maintain and improve agency interaction with those resources?"
- 8. Are there any potential community partnerships we should be working to build?

III. Answer any final questions and collect Student Study Guides

IV. Evaluations

V. Instructor reviews Student Study Guides and certifies completion for POST credit