

---

## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

---

**Bill No:** AB 243                      **Hearing Date:** June 25, 2019  
**Author:** Kamlager-Dove  
**Version:** April 22, 2019  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** JK

**Subject:** *Implicit Bias Training: Peace Officers*

### HISTORY

**Source:** Author

**Prior Legislation:** AB 572 (Quirk-Silva), 2018, moved to inactive file on concurrence  
AB 2626 (Jones-Sawyer), 2016, failed passage in Assembly  
Appropriations  
AB 2524 (Irwin), Ch. 418, Stats. 2016  
AB 953 (Weber), Ch. 466, Stats. 2015  
AB 1234 (Kuehl), Ch. 700, Stats. 2004

**Support:** Alliance for Children's Rights; Association of Regional Center Agencies;  
California Attorneys for Criminal Justice; California Public Defenders  
Association; Children's Defense Fund-California; Disability Rights  
California; Equal Justice Society; Fathers & Families of San Joaquin;  
Friends Committee on Legislation of California; Legal Aid at Work;  
National Center for Lesbian Rights; San Mateo Adult School Federation  
of Teachers-CFT Local 4681; UDW/AFSCME Local 3930

**Opposition:** California Police Chiefs

**Assembly Floor Vote:** 60 - 8

### PURPOSE

*The purpose of this bill is to require specified peace officers to complete refresher training on racial and identity profiling, including implicit bias, at least every two years rather than the current five years.*

*Existing law* requires the Commission on Peace Officer Standards and Training to develop and disseminate guidelines and training for all peace officers in California on the racial and cultural differences. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment. (Pen. Code, § 13519.4 (a).)

*Existing law* establishes the course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity. (Pen. Code, § 13519.4 (b).)

*Existing law* states that every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training. (Pen. Code, § 13519.4 (g).)

*Existing law* establishes that the curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidence-based patterns, practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board. The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

- 1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.
- 2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.
- 3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.
- 4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.
- 5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.
- 6) The prohibition against racial or identity profiling. (Pen. Code, § 13519.4 (h)(1)-(6).)

*Existing law* provides that once the initial basic peace officer training is completed, specified peace officers who adhere to the standards approved by the Commission on Peace Officer Standards and Training (POST) shall be required to complete a refresher course on racial and identity profiling, including implicit bias, every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends. (Pen. Code, § 13519.4 (i).)

*Existing law* establishes the Racial and Identity Profiling Advisory Board (RIPA) for the purposes of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement. Every year RIPA shall analyze law enforcement training and issue a report that provides RIPA's analysis. (Pen. Code, § 13519.4 (j)(3)(B)(E).)

*This bill* states that once the initial peace officer basic training is completed, each peace officer shall be required to complete training on racial and identity profiling, including implicit bias, every two years thereafter, or on a more frequent basis if deemed necessary.

*This bill* provides that the training shall include the understanding of implicit bias and the promotion of bias-reducing strategies to address how unintended biases in decision may shape behavior and produce differences in treatment along lines of race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics.

*This bill* states that the training shall also include implicit association training before and after the training, the results are for self-understanding only and shall be disclosed only to the person taking the test. The above training shall apply to peace officers employed by all of the following:

- 1) Each peace officer in California that adheres to standards approved by POST;
- 2) The Department of the California Highway Patrol;
- 3) The University of California Police Department;
- 4) The California State University Police Department;
- 5) A California Community College police department;
- 6) A police department of a school district, as specified;
- 7) A school district that includes kindergarten, and any of grades 1 to 12, inclusive, or California Community College district, if the peace officer meets specified requirements;
- 8) The Office of Correctional Safety of the Department of Corrections and Rehabilitation;
- 9) The Investigation Division of the Employment Development Department;
- 10) The Office of Protective Services of the State Department of Hospitals;
- 11) The Office of Law Enforcement Support of the California Health and Human Services;  
and,
- 12) The San Francisco Bay Area Rapid Transit District Police Department.

## COMMENTS

### 1. Need for This Bill

According to the author:

While a refresher course every five years is a great step forward. The current policy is insufficient to address the day-to-day contacts with the general public. Requiring routine implicit bias training every two years will strengthen the trust between peace officers and the communities they serve.

Implicit biases are grounded in a basic human tendency to separate and categorize people into groups. The most common biases are based on a person's or group's

race, gender, age, ethnicity, social class, disability, weight or other identity factors. Addressing and eliminating the many biases is daunting.

Implicit bias involves unconscious attitudes or stereotypes that affect our understanding, actions and decisions. Bias is part of human nature, therefore implicit bias affects everyone. Even the most well-intentioned people have biases that negatively can influence important decisions in their personal and professional lives.

People can embrace ideas of fairness and equality yet they tend to be subject to stereotypes regarding people they don't know.

Implicit bias presents unique challenges to law enforcement. Eliminating bias entirely may be impossible, yet awareness and proper training can make substantial differences. Trust in law enforcement relies upon people believing that police officers act with fairness and equity.

## **2. Commission on Peace Officer Standards and Training (POST)**

The Commission on Peace Officers Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. POST develops and implements various courses to train peace officers, including both basic and continuing professional training. Peace officer basic training includes a minimum of 664 hours of POST-developed training and testing in 42 separate areas of instruction. According to POST's website, most POST-certified basic training academies exceed the 664 minimum hours by 200 or more hours.

## **3. Racial Profiling and Bias Training by POST**

According to Section 13519.4 (f) of the California Penal Code, "A peace officer shall not engage in racial or identity profiling." Peace officers are encouraged to not engage in racial or identity profiling through various POST courses but this has not resulted in less racial profiling. The LA Times reported, "California's attorney general says 157 people died during encounters with police in the state last year [2016]...Forty-two percent of the civilians involved were Latino. Although black people make up just 6% of the state's population, according to the most recent Census data, they represented nearly 20% of the use-of-force and shooting cases last year. More than half of the officers involved were white."<sup>1</sup> In the 2019 Racial and Identity Profiling Advisory Board (RIPA) report, in 2017 there were 741 civilians involved in use of force incidents with Latino civilians comprising of 43.9% and Black civilians comprising of 19.3%.<sup>2</sup>

The 2019 RIPA report had also found that in 2018 several of the trainings did not meet all of the curriculum requirements. The Board is currently working with POST to recreate this training to better meet the requirements. RIPA's recommendations strongly emulate AB 243. For example, RIPA also recommends more frequent trainings and inclusion of implicit bias training.<sup>3</sup>

---

<sup>1</sup> <https://www.latimes.com/local/lanow/la-me-ln-report-california-fatal-police-encounters-20170817-story.html>

<sup>2</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf>

<sup>3</sup> Ibid

This bill requires retraining every two years, implicit biases training, and clearly identifies what types of peace officers should receive this training.

#### 4. Related Legislation

SB 230 (Caballero), currently referred to Assembly Public Safety, requires the California Commission on Peace Officers Standards and Training (POST) to develop and implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force.

This bill specifies that the POST course or courses of basic training for law enforcement officers and the guidelines shall include all of the following:

- 1) Legal standards for use of force.
- 2) Duty to intercede.
- 3) The reasonable force doctrine.
- 4) Supervisory responsibilities.
- 5) Use of force review and analysis.
- 6) Guidelines for the use of deadly force.
- 7) State required reporting.
- 8) De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
- 9) **Implicit and explicit bias and cultural competency.**
- 10) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
- 11) Use of force scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making.
- 12) Alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where reasonably practical, part of the decision making process leading up to the consideration of deadly force.
- 13) Mental health and policing, including bias and stigma.
- 14) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

**5. Argument in Support**

According to UDW/AFSME:

UDW urges your support for Assembly Bill 243, which would require biennial implicit bias Peace Officer Standards and Training (POST) after completion of the basic law enforcement training academy. This bill would also require peace officers who are currently subject to refresher courses every five years, to complete training on racial and identity profiling every two years.

Implicit bias involves unconscious attitudes or stereotypes that affect our understanding, actions and decisions. These biases are grounded in a basic human tendency to separate and categorize people based on race, gender, age, ethnicity, or social class, among many other factors. Biases develop over the course of a lifetime, beginning at an early age and continuing throughout adulthood. Although it is a formidable task, research shows individuals can reduce the negative impact of their implicit biases by acknowledging personal biases and taking affirmative steps to alter their behavioral responses.

**-- END --**